



## Legislation Details (With Text)

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<b>Type:</b>	Request	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	6/7/2021	<b>In control:</b>		City Commission	
<b>On agenda:</b>	7/6/2021	<b>Final action:</b>			
<b>Title:</b>	APPROVAL OF RESOLUTION NO. 100-21 TO APPROVE AN AGREEMENT WITH E & M EQUIPMENT CORPORATION FOR CONSTRUCTION SERVICES FOR LOWSON BOULEVARD/SW 10th STREET FROM DOVER ROAD TO US-1/FEDERAL HIGHWAY PURSUANT TO ITBC NO. 2020-040 (PROJECT NO. 17-009) - \$6,146,437				
<b>Sponsors:</b>	Public Works Department, Purchasing Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Agenda Cover Report, 2. Signed Agreement - Lowson Rebid - E M Corp. rev. KWB. 6.4.21, 3. Price Schedule, 4. EME Resolution 100-21, 5. Legal Review Checklist Construction Services for Lowson Blvd. to Dover Road, 6. Lowson_ReBid_EnM_BaseBidEvaluation_FINAL_2021-02-01, 7. Tabulation_Packet_for_ITBC_2020-040				

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Missie Barletto, Public Works Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** July 6, 2021

APPROVAL OF RESOLUTION NO. 100-21 TO APPROVE AN AGREEMENT WITH E & M EQUIPMENT CORPORATION FOR CONSTRUCTION SERVICES FOR LOWSON BOULEVARD/SW 10th STREET FROM DOVER ROAD TO US-1/FEDERAL HIGHWAY PURSUANT TO ITBC NO. 2020-040 (PROJECT NO. 17-009) - \$6,146,437

### **Recommended Action:**

Motion to Approve Resolution No. 100-21 to award an Agreement with E & M Equipment Corporation for construction services for Lowson Boulevard/SW 10th Street from Dover Road to US-1/Federal Highway pursuant to ITBC No. 2020-040 (Project No. 17-009) - \$6,146,437.

### **Background:**

The Palm Beach Transportation Planning Agency (TPA) administers competitive grant application processes annually for the funding of projects located within Palm Beach County. The grant application process typically commences in January, when the TPA posts online application materials. The Long-Range Transportation Plan Directions 2040 carved out future allocations of TPA Surface Transportation funds to be used at the TPA's discretion. As a result, the Local Initiatives (LI) program was created as an annual application process to identify and evaluate potential funding for lower-cost, non-regionally significant transportation projects identified by local communities. Approximately \$18 million was then allocated annually to fund projects under the Local Initiatives (LI) Program. This is a federally funded cost reimbursement program where projects are selected by the

TPA but administered by the Florida Department of Transportation (FDOT).

The program funds on and off-road pedestrian and bicycle facilities; infrastructure for improving non-driver access to public transportation for enhanced mobility; community improvement activities; environmental mitigation; recreational trail projects; safe routes to school projects; and projects for planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former divided highways.

The City identified a need to improve Lowson Boulevard/SW 10th Street between Military Trail and US-1/SE 6th Avenue and submitted a Local Initiatives grant application to the TPA in 2014 for its Fiscal Year 2016 to 2020 priorities list. The project proposed bicycle lanes, shared use paths, sidewalk and roadway milling and resurfacing improvements along the 3.5 miles of roadway. Subsequent to a grant award from the TPA, through the public involvement process and coordination with the FDOT, the project limits were reduced to Dover Road to US-1/SE 5th Street. The project is partially funded through federal funds administered by the FDOT under the Local Agency Program (LAP), as well as local agency funds provided by the City.

The City issued Invitation to Bid Construction (ITBC) No. 2020-040 to acquire a firm which will provide all labor, materials, tools, equipment and services related to the construction of Lowson Boulevard/SW10th Street from Dover Road to US-1/Federal Highway.

On January 5, 2021, the City received eight (8) submittals pursuant to ITBC No. 2020-040. The low bid submitted by Continental Construction USA was deemed non-responsible and ineligible for award, with concurrence from the FDOT. The second low bid submitted by E & M Equipment Corporation was deemed responsive and responsible to the bid requirements.

Therefore, staff recommends award of the bid to E & M Equipment Corporation in the estimated amount of \$6,146,437. The construction project has an initial contract time of 530 calendar days after the Notice to Proceed. Additional contract time may be awarded to the contractor during the course of the project for unforeseen conditions and inclement weather. The city will employ full-time construction engineering and inspection staff to provide project oversight.

This motion is in accordance with Code of Ordinances Section 36.02 Commission Approval Required.

**Attachments:**

1. 2020-040 Agreement
2. Resolution No. 100-21
3. Legal Review Checklist
4. 2020-040 Bid Tabulation

**City Attorney Review:**

The City Attorney has reviewed and approved as to form and legal sufficiency.

**Funding Source:**

Funding is available from account number 334-41-340-541.68-39 (Capital Outlay, Local Initiative, Lowson Boulevard/SW 10th Street between Dover Road and US-1/Federal Highway).

**Timing of Request:**

Approving this agreement is time sensitive to maintain the budget and schedule commitments made to the Florida Department of Transportation under our Local Agency Program Agreement dated March 10, 2020.