



## Legislation Text

File #: 19-307, Version: 1

**TO: Mayor and Commissioners**  
**FROM: Missie Barletto, Assistant Director Public Works**  
**THROUGH: Neal de Jesus, Interim City Manager**  
**DATE: May 21, 2019**

APPROVAL OF RESOLUTION NO. 72-19 TO AWARD AN AGREEMENT WITH B&M MARINE CONSTRUCTION, INC. FOR CONSTRUCTION OF THE CITY MARINA IMPROVEMENTS (PROJECT NO. 16-098) PURSUANT TO ITBC. NO. 2019-022 - \$3,800,000

### **Recommended Action:**

Motion to approve Resolution No. 72-19 to award an Agreement with B&M Marine Construction, Inc. for construction of the City Marina Improvements (Project No. 16-098) pursuant to ITBC No. 2019-022 in an estimated amount of \$3,800,000.

### **Background:**

The City Marina is a revenue generator for the City of Delray Beach (City) by providing a residency for boaters. As a result of a many years of seasonal high tide events, the City Marina has experienced structural damage to the existing boat docks along with structural damage to the existing seawall. Furthermore, continual wave action from boat wakes through this stretch of the Intracoastal Waterway exacerbates the structural damage to the existing docks. Finally, during high tides and King Tides, the water levels in the Intracoastal Waterway has overtopped the seawalls resulting in damage to the immediate grounds and infrastructure.

On February 19, 2019, the City advertised Invitation to Bid Construction (ITBC) No. 2019-022 to secure a contractor to provide all labor, equipment, materials, and other incidentals to fix structural damage to the existing seawall, add new floating docks, enhance the surrounding walkways and sidewalks to accommodate for Americans with Disabilities Act (ADA) compliance, and provide improvements to the electrical, water/sewer, lighting, landscaping and irrigation, security, and stormwater components. On April 2, 2019, nine responses were received from the Bidders listed below. The top three bids were all from the same company, despite being submitted under subcontractor names on [www.BidSync.com](http://www.BidSync.com) <<http://www.BidSync.com>> (the City's online portal to submit electronic bids).

<u>Bidder</u>	<u>Construction Cost</u>
1. Urbanvix Group USA, LLC (a/k/a Innova Firm)	\$3,135,850.98
2. Urbanvix Group USA, LLC (a/k/a ML Works)	\$3,135,953.10
3. Urbanvix Group USA, LLC	\$3,136,203.10
4. Pac Comm	\$3,885,867.90
5. B&M Marine Construction, Inc.	\$3,955,937.77

6. Ferreira Construction Southern Division Co., Inc.	\$3,961,872.42
7. Cone & Graham, Inc.	\$4,140,206.97
8. Lambert Bros Inc	\$4,159,156.00
9. West Construction, Inc.	\$4,450,684.72

The lowest responsive and responsible Bidder Urbanvix Group USA, LLC declined to sign the City's Agreement and withdrew from the solicitation process. The second low Bidder, Pac Comm, was deemed non-responsive for failure to submit Addenda Nos. 7 and 8 to the Bid. The third low Bidder, B&M Marine Construction, Inc. (Contractor), is responsive and responsible to the Bid. The initial bid submitted by B&M Marine Construction, Inc. was \$3,955,937.76; the Contractor offered a Voluntary Price Reduction resulting in a savings of \$155,937.76 and a revised total estimated amount of \$3,800,000. This is in full accordance with the City's Purchasing Policies and Procedures Manual which allows for negotiations on price only with the responsive and responsible bidder offering the lowest price. Therefore, staff recommends award of the Agreement to Contractor in an estimated amount of \$3,800,00. Construction is expected to be completed within 360 days of Contractor's Notice to Proceed from the City, barring typical construction delays, such as those forced by inclement weather. Additionally, should the awarded Bidder reach final completion with acceptance by the City before the stated number of total project days, the City is offering an incentive in the amount of 0.014% of the total contract value for each and every calendar day meeting these criteria.

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

**Attachments:**

1. Agreement
2. Legal Review Checklist
3. Resolution 72-19
4. ITBC No. 2019-022
5. Addendum No. 1
6. Addendum No. 2
7. Addendum No. 3
8. Addendum No. 4
9. Addendum No. 5
10. Addendum No. 6
11. Addendum No. 7
12. Addendum No. 8
13. B&M Marine Construction Response

**City Attorney Review:**

Approved as to form for legal sufficiency.

**Finance Department Review:**

**Funding Source:**

Funding is available from account number 377-41-340-541.69-41 (Infrastructure Surtax Fund).