

PROPOSED RESOLUTION NO. 2023-R-46

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, APPROVING THE UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT BETWEEN THE CITY AND FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), ATTACHED HERETO AS EXHIBIT “A” AND INCORPORATED HEREIN; PROVIDING FOR UTILITY IMPROVEMENTS ALONG PINES BOULEVARD FROM I-75 TO EAST OF NORTHWEST 118TH AVENUE; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY AND ALL ACTION NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO FDOT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, §337.403(1)(b) Florida Statutes provides for the City and Florida Department of Transportation ("FDOT") to enter into a contract to allow for utility work to be included as a part of a contract for the construction of a transportation facility; and

WHEREAS, the FDOT and the City desire to enter into a Utility Work by Highway Contract Agreement, attached hereto and incorporated herein as **Exhibit A**,” pursuant to Section 337.403(1)(b), Florida Statutes for certain utility work to be accomplished by the FDOT’s contractor as part of the construction roadway improvements along Pines Boulevard between I-75 and Northwest 118th Avenue (the “Project”); and,

WHEREAS, the City shall be responsible for the cost of the engineering design, plans, and technical specifications for the utility improvements in its bid package for the transportation utility improvements; and

WHEREAS, FDOT estimates that the cost of the utility work is \$30,430.40;

WHEREAS, the utility work included in the estimate is for manhole and valve box adjustments and valve boxes;

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WHEREAS, if the final bid for the utility work exceeds 10% of the estimated cost, the City can elect to proceed with the work or remove the utility work from the FDOT improvement project to Pines Boulevard between I-75 and Northwest 118th Avenue; and

WHEREAS, the City must provide FDOT an amount equal to the FDOT's official estimate; plus 2% for mobilization of equipment for the Utility Work, additional maintenance of traffic costs for the Utility Work, administrative costs of field work, tabulation of quantities, Final Estimate processing and Project accounting; plus 10% of the official estimate for a contingency fund no later than forty-five (45) days before FDOT advertises the Project changes to the Utility Work during the construction of the Project (the Contingency Fund). If the contingency fund is depleted, the City agrees to pay FDOT an additional 10% of the total obligation for the cost of the Utility Work within fourteen (days) of notification.

WHEREAS, the City staff reviewed the Utility Work by Highway Contract Agreement agrees that is in the best interests of the City include the utility work in the FDOT's Project bid;

WHEREAS, City Commission of Pembroke Pines, Florida finds it to be in the best interests of the citizens and residents of the City to enter into a Utility Work by Highway Contract Agreement, attached hereto and incorporated herein as **Exhibit A**," pursuant to Section 337.403(1)(b), Florida Statutes for certain utility work to be accomplished by the FDOT's contractor as part of the construction roadways improvements along Pines Boulevard between I-75 and Northwest 118th Avenue.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA THAT:

Section 1. The foregoing "WHEREAS" clauses are ratified and confirmed to be true and correct and are made a part of this Resolution.

Section 2. That the City Commission hereby approves the Utility Work by Highway Contract Agreement, attached hereto and incorporated herein as **Exhibit A,**" pursuant to Section 337.403(1)(b), Florida Statutes for certain utility work to be accomplished by the FDOT's contractor as part of the construction roadway improvements along Pines Boulevard between I-75 and Northwest 118th Avenue (the "Project.")

Section 3. The appropriate City Officials are hereby authorized and directed to take any and all action necessary to effectuate the intent of this resolution including execution of the Utility Work by Highway Contract Agreement.

Section 4. The City Commission directs the City Clerk to send a copy of this Resolution and executed Utility Work by Highway Contract Agreement to FDOT.

Section 5. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

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Section 7. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THIS ____ DAY OF _____, 2023.

CITY OF PEMBROKE PINES, FLORIDA

By: _____

ATTEST:

MAYOR FRANK C. ORTIS

ORTIS _____

MARLENE GRAHAM, CITY CLERK

CASTILLO _____

GOOD _____

SCHWARTZ _____

APPROVED AS TO FORM:

SIPLE _____

OFFICE OF THE CITY ATTORNEY