



## Legislation Text

File #: 20-0044, Version: 1

MOTION TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PEMBROKE PINES AND R.J. BEHAR & COMPANY, INC., FOR THE DESIGN, PERMITTING, AND CONSTRUCTION SERVICES FOR THE TRAFFIC SIGNAL ON PALM AVENUE AT SW 7<sup>TH</sup> STREET FOR AN AMOUNT NOT TO EXCEED \$34,922 PURSUANT TO SECTION 35.18(C)(2) OF THE CITY'S PROCUREMENT CODE.

### PROCUREMENT PROCESS TAKEN:

- *Chapter 35 of the City's Code of Ordinance is titled "PROCUREMENT PROCEDURES, PUBLIC FUNDS."*
- *Section 35.18 of the City's Code of Ordinances is titled "COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED; EXCEPTIONS."*
- *Section 35.18(C) states that "Only the following situations are exempt from the competitive bid and competitive proposal requirements of this section:"*
- *Section 35.18(C)(2) states "Contracts for professional services involving peculiar skill, ability, experience or expertise, which are in their nature unique and not subject to competitive bidding, or competitive proposals, are exempt from this section; however, state laws, such as the Consultants' Competitive Negotiation Act of the state statutes, as may be amended from time to time to the extent applicable, shall be followed."*
- *Florida Statute (F.S.) 287.055 is known as the "Consultant's Competitive Negotiation Act" (CCNA).*
- *F.S. Section 287.055(2)(a) defines Professional services as "those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice."*
- *F.S. Section 287.055(3)(a)(1) states "Each agency shall publicly announce, in a uniform and consistent manner, each occasion when professional services must be purchased for a project the basic construction cost of which is estimated by the agency to exceed the threshold amount provided in s.287.017 for CATEGORY FIVE (\$325,000) or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in s.287.017 for CATEGORY TWO (\$35,000), except in cases of valid public emergencies certified by the agency head. The public notice must include a general description of the*

***project and must indicate how interested consultants may apply for consideration."***

***- Section 35.21(A)(1) of the City's Code of Ordinance states, "An initial purchase of, or contract for, commodities or services, in excess of \$25,000, shall require the approval of the City Commission, regardless of whether the competitive bidding or competitive proposal procedures were followed."***

#### **SUMMARY EXPLANATION AND BACKGROUND:**

1. The Engineering Division is seeking to enter into a professional services agreement with R.J. Behar & Company, Inc. to provide Design, Permitting, and Construction Services for the Traffic Signal on Palm Avenue at SW 7th Street.
2. Due to traffic concerns a traffic signal warrant study was undertaken at this intersection. The study is currently under review by the Broward County Traffic Engineering Division.
3. During the December 4th, 2019 City Commission Meeting, City Staff was directed to prepare a design, permit and install a traffic signal at this intersection.
4. R.J. Behar & Company, Inc., has provided a proposal that will allow for the design and permitting of a traffic signal as well as provide construction management services.
5. City Staff has estimated that the basic construction cost of this project does not exceed the \$325,000 threshold outlined in the "Consultant's Competitive Negotiation Act" (CCNA). Therefore, the CCNA requirements do not apply to this Professional Services Contract.
6. Request City Commission to approve the Professional Services Agreement between the City of Pembroke Pines and R.J. Behar & Company, Inc., for the Design, Permitting, and Construction Services for the Traffic Signal on Palm Avenue at SW 7th Street for an amount not to exceed \$34,922 pursuant to Section 35.18(C)(2) of the City's Procurement Code.

#### **FINANCIAL IMPACT DETAIL:**

- a) **Initial Cost:** \$34,922
- b) **Amount budgeted for this item in Account No:** \$34,922 available in Account No. 100-541-6003 -31100 (Professional Services - Engineering)
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project:** Not Applicable. The construction phase of the project will be brought back to Commission for approval at a future meeting after conclusion of the design phase.
- e) **Detail of additional staff requirements:** Not Applicable.