

**RESOLUTION No. 17-160**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, PURSUANT TO SECTION 2-321 OF THE CITY CODE OF ORDINANCES, WAIVING THE COMPETITIVE BID PROCESS IN FAVOR OF E.R. BROWNELL AND ASSOCIATES; APPROVING AN AGREEMENT, IN SUBSTANTIALLY THE FORM PROVIDED, BETWEEN THE CITY AND E.R. BROWNELL AND ASSOCIATES, INC. FOR THE PROVISION OF SURVEYING SERVICES AT DORAL CENTRAL PARK, IN AN AMOUNT NOT TO EXCEED \$27,700.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT, SUBJECT TO APPROVAL BY THE CITY ATTORNEY AS TO FORM AND LEGAL SUFFICIENCY AND TO EXPEND BUDGETED FUNDS IN FURTHERANCE HEREOF; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, On May 4<sup>th</sup>, 2017, the City Council for the City of Doral (the "City") approved the conceptual master plan for Doral Central Park, which included, without limitation, the new location for the future Aquatic Facility; and

**WHEREAS**, as part of the design process for both the Aquatic Facility and the overall development of the Doral Central Park Master Plan, an updated boundary/topographic survey along with the location of underground utilities is needed to ensure that the design of the facilities factor in the current conditions of the site; and

**WHEREAS**, in researching possible procurement options, staff obtained several proposals for this scope of work from prequalified city vendors along with a proposal from E.R. Brownell & Associates ("ERBA") which had previously performed surveys for Doral Central Park; and

**WHEREAS**, because ERBA had previously performed surveys at Doral Central Park, it was able to offer the City a price that was significantly lower than all other provides solicited by the City; and

**WHEREAS**, section 2-321 of the City Code of Ordinances provides that the City Council may waive the City's competitive bidding procedures, upon the recommendation of the City Manager, when it is in the City's best interest to do so, to obtain goods and services which cannot be acquired through the normal purchasing process due to insufficient time, the nature of the goods or services or other factors; and

**WHEREAS**, the City Manager has recommended waiving the competitive bidding procedures in favor of ERBA because ERBA's history with the City and, specifically, Doral Central Park, allows ERBA to offer the City surveying services at drastically reduced prices compared to other surveyors; and

**WHEREAS**, Staff respectfully requests the approval to waive the competitive bid process pursuant to Section 2-321 of the City Code of Ordinances and authorize the City Manager to enter into an agreement and expend budgeted funds in an amount not to exceed \$27,700.00 with E.R. Brownell & Associates for the provision of providing surveying services at Doral Central Park.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

**Section 2. Waiver.** Pursuant to section 2-321 of the City Code of Ordinances, and upon the recommendation of the City Manager, the City's competitive bidding procedures are hereby waived in favor of E.R. Brownell & Associates for the purposes of surveying services at Doral Central Park. This waiver, absent an

agreement between the City and ERBA, does not vest ERBA with any contractual rights.

**Section 3. Approval of Services.** The procurement of surveying services for Doral Central Park by E.R. Brownell & Associates, in an amount not to exceed \$27,700.00, is hereby approved.

**Section 4. Authorization to Procure Services.** The City Manager is hereby authorized to enter into an agreement, subject to approval by the City Attorney as to form and legal sufficiency, and expend budgeted funds in furtherance hereof.

**Section 5. Implementation.** The City Manager and the City Attorney are hereby authorized to take such action as may be necessary to implement the provisions of this Resolution.

**Section 6. Effective Date.** This resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilmember Rodriguez who moved its adoption. The motion was seconded by Vice Mayor Cabrera and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Claudia Mariaca	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED this 27 day of September, 2017.

  
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 JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
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 CONNIE DIAZ, CMC  
 CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFIENCY FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

  
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 WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.  
 CITY ATTORNEY