

RESOLUTION No. 17-142

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, PURSUANT TO FLORIDA STATUTE §255.20(1)(c)(2) AND SECTION 2-321 OF THE CODE OF ORDINANCES, PARTIALLY WAIVING THE CITY'S COMPETITIVE BIDDING REQUIREMENTS; APPROVING AN AGREEMENT, IN SUBSTANTIALLY THE FORM PROVIDED, BETWEEN THE CITY AND MAGGOLC, INC., PROPOSER OF THE LOWEST, MOST RESPONSIBLE, AND RESPONSIVE QUOTE, FOR THE INSTALLATION AND CONSTRUCTION OF TEN (10) BUS SHELTERS CITYWIDE, IN A NOT TO EXCEED AMOUNT OF \$453,327.49; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH MAGGOLC INC.; AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH THE NEXT SUCCESSIVE PROPOSER IF AN AGREEMENT CAN NOT BE REACHED WITH THE TOP RANKED FIRM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND EXPEND BUDGETED FUNDS IN FURTHERANCE HEREOF; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the "City") advertised the Citywide Trolley Infrastructure Improvements ("Bus Stop Shelters") through the Invitation to Bid process twice as ITB #2017-14 and #2017-16 and for which no bids were received for either advertisement; and

WHEREAS, Section 255.20 requires that public construction works with costs in excess of \$300,000.00 be competitively awarded to appropriately licensed contractors, unless the government entity fails to receive any responsive bid after public notice; and

WHEREAS, and section 2-321 of the City Code of Ordinances, provides that the City may waive the competitive bidding procedures of the City Code 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 can not be acquired through normal purchasing process; and

WHEREAS, after not receiving any bid submissions, staff nevertheless attempted to request a minimum of three (3) quotes from interested and qualified contractors in order to award the project; and

WHEREAS, the staff communicated with thirteen (13) interested parties that attended either of the pre-bid meetings or have previously performed this type of work for the City or Miami-Dade County and requested quotes for the construction of citywide bus shelters by a deadline of July 17, 2017; and

WHEREAS, staff received three (3) quotes (Exhibit "A") and recommends award to Maggolc, Inc. as the lowest quote received in the amount of \$412,115.90; and

WHEREAS, because the City did not receive any responsive bids through the normal procurement procedures, the City Manager has recommended that it is in the City's best interest to partially waive the competitive bidding procedures the City and award the procurement based on the proposed quotes, as opposed to sealed bids; and

WHEREAS, the City Council finds that accepting the quote and entering into a contract with Maggolc, Inc. for the Citywide Trolley Infrastructure Improvements (Bus Stop Shelters) in a not to exceed amount of \$453,327.49, which includes a 10% contingency for any unforeseen conditions, is in the best interest of the City.

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 part hereof by this reference.

Section 2. Partial Waiver. Pursuant to Florida Statutes § 255.20(1)(c)(2) and Section 2-321 of the City Code, and upon the City Manager's recommendation, a partial waiver of the City's procurement code is hereby approved, permitting the

acceptance of quotes for the procurement of construction of the Bust Stop Shelters where sealed bid would have otherwise been required.

Section 3. Approval. The Contract between the City and Maggolc, Inc. for the Citywide Trolley Infrastructure Improvements (Bus Stop Shelters) in an amount of \$453,327.49 (which includes a 10% contingency for any unforeseen conditions), attached hereto in Exhibit "A", which is incorporated herein and made a part hereof by this reference, is hereby approved, together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney. Funding for this request is available from the Transportation Fund in Account # 101.80005.500633 from funds carried over from prior years (\$250,000), budgeted funds of \$175,000, and other savings.

Section 4. Authorization. The City Manager is authorized to execute the construction contract and expend budgeted funds on behalf of the City. The City manager is further authorized to negotiate and execute an agreement next lowest quote successively, if an agreement can not be reached with Maggolc.

Section 5. Implementation. The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and 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 Councilmember Mariaca 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 9 day of August, 2017.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, CMC
CITY CLERK

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



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