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**RESOLUTION NO. 09-100**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE DESIGN/BUILD OF A TRAFFIC CIRCLE AT THE INTERSECTION OF SW 168 ST/RICHMOND DRIVE AND SW 87 AVE/GALLOWAY ROAD AND PEDESTRIAN CROSSWALK IMPROVEMENTS AT SW 152 ST/CORAL REEF DRIVE AND OLD CUTLER ROAD; APPROVING THE SELECTION OF TENEX ENTERPRISES, INC., TO PROVIDE DESIGN/BUILD SERVICES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$550,000; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village of Palmetto Bay contracted with The Corradino Group, Inc to provide traffic engineering and transportation planning for the preparation of a traffic plan in accordance with the Village's Transportation Master Plan and with the established guidelines and procedures utilized by Miami-Dade County Public Works Department, and Florida Department of Transportation (FDOT); and,

**WHEREAS**, according to data collection findings and evaluation of existing sites detailed in the May 2009 summary report, The Corradino Group, Inc. has determined there is need for traffic calming improvements at the intersection of SW 87 Avenue/Galloway Road and SW 168 Street/Richmond Drive and pedestrian crosswalk improvements at the intersection of SW 152 Street/Coral Reef Drive and Old Cutler Road; and,

**WHEREAS**, the Village Council on June 1<sup>st</sup>, 2009, authorized Village staff to execute the Local Agency Program ("LAP") Agreement with the Florida Department of Transportation; and,

**WHEREAS**, The Corradino Group, Inc. has prepared conceptual plans and a design-build RFQ for engineering/contractor services consistent with the rules and regulations set forth in the LAP Agreement; and,

**WHEREAS**, on September 17, 2009 the Village of Palmetto Bay received authority from FDOT to proceed work with the terms of the LAP Agreement; and,

**WHEREAS**, as a result, a competitive bid process was followed for design-build services for traffic calming with the issuance of Request for Proposal No. 2009-PW-101-2 and for pedestrian crosswalk improvements with the issuance of Request for Proposals No. 2009-PW-102-2 on November 2, 2009; and,

**WHEREAS**, in response to the bid notice the Village received four (4) bid packages from potential contractors; and,

1           **WHEREAS**, after a thorough analysis of the responses, the Village's engineer of record  
2 recommended and the Village concurred that Tenex Enterprises, Inc. was the lowest, most inclusive  
3 and responsible bid in the amount of \$550,000; and,  
4

5           **WHEREAS**, the Department of Public Works recommends that it is in the best interest of  
6 the Village to establish a contract with Tenex Enterprises, Inc., which submitted the lowest, most  
7 inclusive and responsible bid to provide the requested traffic calming and pedestrian crosswalk  
8 improvement in accordance with Request for Proposals No. 2009-PW-101-2 and 2009-PW-102-2.  
9

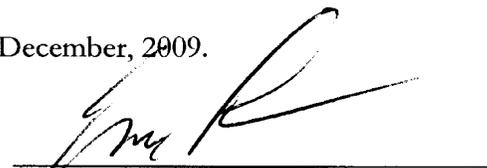
10           **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**  
11 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**  
12

13           Section 1: The Village Manager is authorized to enter into an agreement with Tenex  
14 Enterprises, Inc. to provide the requested traffic calming and pedestrian crosswalk improvement for  
15 the Village of Palmetto Bay in an amount not to exceed \$550,000.  
16

17           Section 2: This resolution shall take effect immediately upon approval.  
18

19           **PASSED and ADOPTED** this 14<sup>TH</sup> day of December, 2009.  
20

21  
22 ATTEST:   
23           Meighan Rader  
24           Village Clerk  
25

  
Eugene P. Flinn Jr.  
Mayor

26           **READ AND APPROVED AS TO FORM:**  
27

28  
29   
30 Eve Boutsis  
31 Village Attorney  
32

33           **FINAL VOTE AT ADOPTION:**  
34

- |                                    |            |
|------------------------------------|------------|
| 35 Council Member Ed Feller        | <u>YES</u> |
| 36 Council Member Howard Tendrich  | <u>YES</u> |
| 37 Council Member Shelley Stanczyk | <u>YES</u> |
| 38 Vice-Mayor Brian Pariser        | <u>YES</u> |
| 39 Mayor Eugene P. Flinn, Jr.      | <u>YES</u> |

SECTION 18

18.1 AGREEMENT

THIS AGREEMENT, made and entered into on this 23<sup>rd</sup> day of February, <sup>2010 HF JW</sup> 2009, by and between Terex Enterprise, Inc. Party of the First Part, and The Village of Palmetto Bay, Party of the Second Part:

WITNESSETH:

That, the First Party, for the consideration hereinafter fully set out, hereby agrees with the Second Party as follows:

1. That the First Party shall furnish all the materials, and perform all of the Work in manner and form as provided by the following enumerated Specifications and Documents, which are attached hereto and made a part hereof, as if fully contained in the table of contents.
2. That the First Party shall commence the Work to be performed under this Agreement on a date to be specified in a written order of the Second Party and shall complete all Work hereunder within the length of time stipulated in the Order.
3. That the Second Party hereby agrees to pay to the First Party for the faithful performance of this Agreement, subject to additions and deductions as provided in the Bid Form, in lawful money of the United States, the amount of:

One Hundred Sixty Thousand Five Hundred & 00/100

(Written Dollar Amount)

dollars (\$ 160,500.00 ).

4. That the Second Party shall make monthly payments to the First Party on the basis of a duly certified and approved estimate of Work performed during each calendar month by the First Party, Less the unfinished work, which is to be withheld by the Second Party until Work within a particular part has been performed in accordance with this Agreement and until such Work has been accepted by the Second Party.
5. No additional Work or extras shall be done unless the same shall be duly authorized by appropriate action (in writing) by the Party of the Second Part.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and date first above written, in five (5) counterparts, each of which shall, without proof or accounting for the other counterpart be deemed an original Contract.

WITNESSES:

*[Signature]*  
*[Signature]*

CONTRACTOR:

IGNEX ENT. INC.  
*[Signature]*

BY:

NAME:

HAMID FOULADI

TITLE:

PRESIDENT

OWNER: Village of Palmetto Bay

BY:

*[Signature]*

NAME:

RON E. WILLIAMS

TITLE:

Village Manager

AUTHENTICATION:

BY:

*[Signature]*

NAME:

Meridian Rader

TITLE:

VILLAGE

CLERK

APPROVED AS TO FORM:

BY:

*[Signature]*

NAME:

Eve A. Boutsis

TITLE:

VILLAGE ATTORNEY

END OF SECTION

**SECTION 19**

**19.1 NOTICE TO PROCEED**

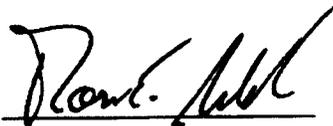
**TO: Tenex Enterprises, Inc.  
850 Southwest 14<sup>th</sup> Court  
Pompano Beach, FL 33060**

**DATE: February 22, 2010**

**PROJECT DESCRIPTION: Village of Palmetto Bay Pedestrian Crosswalk Improvements,  
in accordance with Contract Documents as prepared by The Village of Palmetto Bay.**

**You are hereby notified that the above referenced contract is awarded in accordance with the  
Agreement dated February 22, 2010, Village of Palmetto Bay**

**BY:**



**Ron E. Williams.**

**TITLE: VILLAGE MANAGER**

Village of Palmetto Bay, Florida  
Old Cutler Road and SW 152 St  
Bid. No. 2009-PW-102-2

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**SECTION 17**

**17.1 NOTICE OF AWARD**

TO: Tenex Enterprises, Inc.

850 Southwest 14<sup>TH</sup> Court

Pompano Beach, FL 33060

**PROJECT DESCRIPTION:** Village of Palmetto Bay Pedestrian Crosswalk Improvements, Project PWD- 2009-102-2 in accordance with Contract Documents as prepared by the Village

and

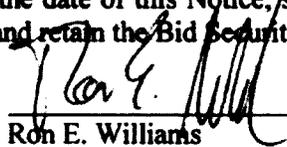
The VILLAGE has considered the Bid submitted by you for the above described WORK in response to its Advertisement for Bid and Instruction to BIDDERS.

You are hereby notified that your Bid has been accepted for the Pedestrian Crosswalk Improvements at Old Cutler Road and SW 152 St, Contract Bid PWD-2009-102-2.

You are required by the Instruction to PROPOSER's to execute the Agreement and furnish the required CONTRACTOR's Performance Bond, Payment Bond and Certificates of Insurance within ten (10) days from the date of this Notice to you.

If you fail to execute said Agreement and to furnish said Bonds and Insurance within ten (10) days from the date of this Notice, said VILLAGE will be entitled to disqualify the Bid, revoke the award and retain the Bid Security.

BY:

  
\_\_\_\_\_  
Ron E. Williams

TITLE: VILLAGE MANAGER

Dated this 11<sup>th</sup> day of January, 2010.

17.2 ACCEPTANCE OF NOTICE

Receipt of the above Notice of Award is hereby acknowledged by

TENEX ENTERPRISES

this the 15 day of JANUARY, ~~2009~~ 2010

BY:

  
HAMID FOULAD

TITLE:

Pres. W.

You are required to return an acknowledged copy of this Notice of Award to the VILLAGE.

END OF SECTION

**RESOLUTION NO. 09-100**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE**

**AND PEDESTRIAN CROSSWALK IMPROVEMENTS AT SW 152 ST/CORAL REEF DRIVE AND OLD CUTLER ROAD; APPROVING THE SELECTION OF TENEX ENTERPRISES, INC., TO PROVIDE DESIGN/BUILD SERVICES; AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$550,000; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village of Palmetto Bay contracted with The Corradino Group, Inc to provide traffic engineering and transportation planning for the preparation of a traffic plan in accordance with the Village's Transportation Master Plan and with the established guidelines and procedures utilized by Miami-Dade County Public Works Department, and Florida Department of Transportation (FDOT); and,

**WHEREAS**, according to data collection findings and evaluation of existing sites detailed in the May 2009 summary report, The Corradino Group, Inc. has determined there is need for traffic calming improvements at the intersection of SW 87 Avenue/Galloway Road and SW 168 Street/Richmond Drive and pedestrian crosswalk improvements at the intersection of SW 152 Street/Coral Reef Drive and Old Cutler Road; and,

**WHEREAS**, the Village Council on June 1<sup>st</sup>, 2009, authorized Village staff to execute the Local Agency Program ("LAP") Agreement with the Florida Department of Transportation; and,

**WHEREAS**, The Corradino Group, Inc. has prepared conceptual plans and a design-build RFQ for engineering/contractor services consistent with the rules and regulations set forth in the LAP Agreement; and,

**WHEREAS**, on September 17, 2009 the Village of Palmetto Bay received authority from FDOT to proceed work with the terms of the LAP Agreement; and,

**WHEREAS**, as a result, a competitive bid process was followed for design-build services for traffic calming with the issuance of Request for Proposal No. 2009-PW-101-2 and for pedestrian crosswalk improvements with the issuance of Request for Proposals No. 2009-PW-102-2 on November 2, 2009; and,

**WHEREAS**, in response to the bid notice the Village received four (4) bid packages from potential contractors; and,



SECTION 18

18.1 AGREEMENT

THIS AGREEMENT, made and entered into on this 23<sup>rd</sup> day of February, <sup>2010 HE</sup> 2009, by Tenex Enterprise, Inc. Party of the First Part, and The Village of Palmetto Bay, Party of the Second Part:

WITNESSETH:

That, the First Party, for the consideration hereinafter fully set out, hereby agrees with the Second Party as follows:

1. That the First Party shall furnish all the materials, and perform all of the Work in manner and form as provided by the following enumerated Specifications and Documents, which are attached hereto and made a part hereof, as if fully contained in the table of contents.
2. That the First Party shall commence the Work to be performed under this Agreement on a date to be specified in a written order of the Second Party and shall complete all Work hereunder within the length of time stipulated in the Order.
3. That the Second Party hereby agrees to pay to the First Party for the faithful performance of this Agreement, subject to additions and deductions as provided in the Bid Form, in lawful money of the United States, the amount of:

Three Hundred Eighty Nine Thousand Five Hundred 00/100  
(Written Dollar Amount)

dollars (\$ 389,500.00 ).

4. That the Second Party shall make monthly payments to the First Party on the basis of a duly certified and approved estimate of Work performed during each calendar month by the First Party, Less the unfinished work, which is to be withheld by the Second Party until Work within a particular part has been performed in accordance with this Agreement and until such Work has been accepted by the Second Party.
5. No additional Work or extras shall be done unless the same shall be duly authorized by appropriate action (in writing) by the Party of the Second Part.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and date first above written, in five (5) counterparts, each of which shall, without proof or accounting for the other counterpart be deemed an original Contract.

Village of Palmetto Bay, Florida  
Permanent Traffic Calming Devices  
Bid. No. 2009-PW-101-2

---

WITNESSES:

Mita Mahapatra  
[Signature]

CONTRACTOR:

TENEX ENT. INC.

BY:

[Signature]

NAME:

HAMID FOVLADZ

TITLE:

PRES.

OWNER: Village of Palmetto Bay

BY:

[Signature]

NAME:

RON E. WILLIAMS

TITLE:

Village Manager

AUTHENTICATION:

BY:

[Signature]

NAME:

MEIGHAN J. RADER

TITLE:

VILLAGE

CLERK

APPROVED AS TO FORM:

BY:

[Signature]

NAME:

EVE A. BOUTSIS

TITLE:

VILLAGE ATTORNEY

END OF SECTION

**SECTION 19**

**19.1 NOTICE TO PROCEED**

**TO: Tenex Enterprises, Inc.**

**DATE: February 22, 2010**

**850 Southwest 14<sup>th</sup> Court**

**Pompano Beach, FL 33060**

**PROJECT DESCRIPTION: Village of Palmetto Bay Traffic Circle Construction, in accordance with Contract Documents as prepared by The Village of Palmetto Bay.**

**You are hereby notified that the above referenced contract is awarded in accordance with the Agreement dated February 22, 2010, Village of Palmetto Bay**

**BY:**



**Ron E. Williams.**

**TITLE: VILLAGE MANAGER**

**SECTION 17**

**17.1 NOTICE OF AWARD**

TO: Tenex Enterprises, Inc.

850 Southwest 14<sup>TH</sup> Court

Pompano Beach, FL 33060

**PROJECT DESCRIPTION:** Village of Palmetto Bay Traffic Circle Construction, Project PWD-2009-101-2 in accordance with Contract Documents as prepared by the Village

and

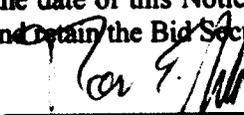
The VILLAGE has considered the Bid submitted by you for the above described WORK in response to its Advertisement for Bid and Instruction to BIDDERS.

You are hereby notified that your Bid has been accepted for the Traffic Circle Construction @ SW 168<sup>th</sup> St and SW 87<sup>th</sup> Ave, Contract Bid PWD-2009-101-2.

You are required by the Instruction to PROPOSER's to execute the Agreement and furnish the required CONTRACTOR's Performance Bond, Payment Bond and Certificates of Insurance within ten (10) days from the date of this Notice to you.

If you fail to execute said Agreement and to furnish said Bonds and Insurance within ten (10) days from the date of this Notice, said VILLAGE will be entitled to disqualify the Bid, revoke the award and retain the Bid Security.

BY:

  
\_\_\_\_\_  
Ron E. Williams

TITLE: VILLAGE MANAGER

Dated this 11<sup>th</sup> day of January, 2010.

**17.2 ACCEPTANCE OF NOTICE**

Receipt of the above Notice of Award is hereby acknowledged by

TENEX ENTERPRISES

this the 15 day of JANUARY, ~~2009~~ 2010

BY:

  
HANIO FOULAOU

TITLE:

President

You are required to return an acknowledged copy of this Notice of Award to the VILLAGE.

END OF SECTION