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**RESOLUTION NO. 2012-49**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LOCALIZED DRAINAGE IMPROVEMENTS PHASE IV; RESCINDING THE PREVIOUSLY AUTHORIZED CONSTRUCTION SERVICES FOR DRAINAGE IMPROVEMENTS IN THE AREAS OF SW 81 AVENUE AT SW 144 STREET, SW 86 AVENUE AT SW 150 TERRACE AND SW 149 TERRACE; SW 159 TERRACE FROM SW 89 AVENUE TO END; SW 85 AVENUE AT SW 144 STREET BY QUALITY PAVING CORPORATION VIA RESOLUTION 2011-12, DATED MARCH 7, 2011; AND FURTHER, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT WITH MAGGOLC, INC. TO PROVIDE CONSTRUCTION SERVICES FOR DRAINAGE IMPROVEMENTS; CONTRACTING WITH THE SECOND LOWEST RESPONSIVE/RESPONSIBLE BIDDER ON INVITATION TO BID 2011-PW-101; AND AUTHORIZING THE VILLAGE MANAGER TO ISSUE A PURCHASE ORDER AND APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$157,195.00; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village of Palmetto Bay Council approved Resolution No. 2011-12, dated March 7, 2011, authorizing Quality Paving Corp. to provide construction services for drainage improvements in the areas of SW 75 Avenue from SW 147 Street to end; SW 175 Street from SW 79 Place to SW 79 Court; SW 81 Avenue at SW 144 Street, SW 86 Avenue at SW 150 Terrace and SW 149 Terrace; SW 159 Terrace from SW 89 Avenue to end; SW 83 Place from SW 182 Terrace to SW 183 Terrace including SW 182 Terrace and SW 183 Terrace from SW 83 Avenue to SW 83 Place; and SW 85 Avenue at SW 144 Street, Phase IV Drainage Improvements; and,

**WHEREAS**, Quality Paving Corp. was selected through a competitive bid process for construction services of Phase IV drainage improvements with the issuance of Invitation to Bid No. 2011-PW-101; and,

**WHEREAS**, Quality Paving Corp. was issued a Notice to Proceed on April 18, 2011 for Contract No. 2011-PW-101; and,

**WHEREAS**, however, Village administration determined it was in the best interest of the Village to terminate the contract pursuant to Section 0700 Standard General Conditions of the Construction Contract, and Article 15.02(A) (B) and (C) of the construction contract, entitled "Owner may Terminate for Cause"; and,

**WHEREAS**, the contract with Quality Paving Corp, Inc. approved for drainage construction was terminated as of August 12, 2011; and,

**WHEREAS**, Quality Paving Corp. completed three (3) of the seven (7) locations for drainage construction; and,

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2       **WHEREAS**, the Department of Public Works commenced to seek an alternate contractor  
3 to complete the remaining four (4) locations pending drainage construction under the scope of  
4 Phase IV drainage improvements; and,  
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6       **WHEREAS**, a thorough analysis of the responses received in accordance with Invitation to  
7 Bid No. 2011-PW-101 were re-evaluated to determine the second lowest, most inclusive and  
8 responsible bid received and publicly opened by the Village on February 4, 2011; and,  
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10       **WHEREAS**, it was determined that the bid provided by Maggoc, Inc. was the second  
11 lowest, most inclusive and responsible bid, immediately preceding Quality Paving Corp; and,  
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13       **WHEREAS**, Maggoc, Inc. provided a base bid in the sum of \$157,195.00 to complete the  
14 four (4) locations pending drainage construction under the scope of Phase IV drainage  
15 improvements; and,  
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17       **WHEREAS**, Maggoc, Inc. has agreed to provide all necessary services and resources to the  
18 Village for the completion of Phase IV Drainage Improvements utilizing the same pricing, terms  
19 and conditions set forth in their response to Invitation to Bid No. 2011-PW-101 submitted and  
20 opened on February 4, 2011 in an amount not to exceed the bid amount of \$157,195.00 for the four  
21 (4) remaining locations; and,  
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23       **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**  
24 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**  
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26       **Section 1:** The Village Manager is authorized to execute an agreement with Maggoc, Inc. to  
27 provide construction services for the completion of Phase IV drainage improvements.  
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29       **Section 2:** This resolution shall take effect immediately upon approval.  
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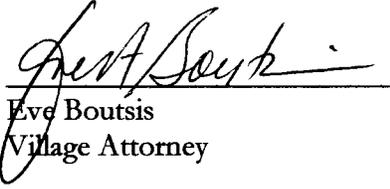
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32       **PASSED and ADOPTED** this 4<sup>th</sup> day of June, 2012.  
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35 ATTEST:

36         
37       Meighan Alexander  
38       Village Clerk  
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40         
41       Shelley Stanczyk  
42       Mayor  
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44       **READ AND APPROVED AS TO FORM:**  
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46         
47       Eve Boutsis  
48       Village Attorney

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FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	<u>YES</u>
Council Member Howard J. Tendrich	<u>YES</u>
Council Member Joan Lindsay	<u>YES</u>
Vice-Mayor Brian W. Pariser	<u>YES</u>
Mayor Shelley Stanczyk	<u>YES</u>