



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**CONFERENCE MEETING**

**#13-0398**

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**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee Feldman, ICMA-CM, City Manager

**DATE:** March 5, 2013

**TITLE:** Conference Report – Fire Station 54 Construction Agreement & Land  
Swap Update

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The purpose of this memorandum is to provide the City Commission with an update regarding the Land Swap Agreement and potential Construction Agreement with LM Development Group, Inc. in connection with the construction of Fire Station 54 at a new location site (Galt Shops Area).

At the City Commission Conference Meeting on August 21, 2012, the City Commission came to a consensus and gave approval for staff to move forward with negotiating a Land Swap Agreement to provide for a new location for the construction of Fire Station 54. The Agreement provides for the City to obtain ownership of two parcels (3100 NE 32 Ave/ID #494319010690 & NE 33 Ave/ID #494319010700) in exchange for City owned property currently occupying Fire Station 54 (3200 NE 32 Street, ID #494319010160).

Due to the fact that LM Development Group, Inc. is under contract to perform work that is affiliated with the construction of the new Fire Station 54 and that the time involved to competitively award the project could materially increase the cost, the City Commission directed staff and the City Attorney's office to explore options to allow the same contractor to build both projects. To ensure that the City is getting the best possible price, the City will obtain an estimate from an independent third-party cost estimator to determine the Guaranteed Maximum Price prior to entering into the construction contract.

City staff is requesting direction from the City Commission on awarding the construction contract without competitive bid pursuant to Florida Statute 255.20(1)(c)(10). The statute provides for an exemption to the competitive selection process if the local government determines, upon specific substantive criteria provided below, that it is in the best interest of the local government to award the project pursuant to administrative procedures established and expressly set forth in a charter, ordinance, or resolution of the local government adopted before July 1, 1994.

The City's administrative procedure, in conformity with the above statute, is set forth in our Code of Ordinances, Section 2-189, Proprietary Purchases. This ordinance was enacted prior to 1994 and provides for the purchase of proprietary items or service without the necessity of public bids. Proprietary items or service are defined in Section 2-173 of the Code as any item of service essential to the day-to-day operation of the city government and when time is of the essence. Per the definition, Proprietary may, when so determined by the city manager, be applied to any other material and services that are in their nature unique and/or not readily subject to competition or...when time is of the essence.

The substantive criteria provided for in Fla. Stat. 255.20(1)(c)(10)(b) provides that the governing board must find evidence that one of the below conditions is met:

- There is one appropriately licensed contractor who is uniquely qualified to undertake the project because that contractor is currently under contract to perform work that is affiliated with the project; **or**
- The time to competitively award the project will jeopardize the funding for the project, materially increase the cost of the project, or create and undue hardship on the public health, safety, or welfare.

Staff has determined that there is sufficient evidence that the Fire Station 54 Construction Project meets **both** of the above conditions based on the following reasons:

- LM Development Group, Inc. is in final preparation to start construction on a commercial restaurant project. The commercial project is on a site adjacent to the current Fire Station 54. The roadway improvements required for the commercial restaurant project are affiliated and similar to the construction and roadway improvements planned for the construction of the new Fire Station 54 Project.
- The coordination of the property swap logistics, demolition of the existing fire station, necessity for roadway improvements to NE 32 Street and NE 32 Avenue and utility relocation and connections associated with the two projects makes LM Development Group, Inc. uniquely positioned and qualified to undertake the construction project.
- The coordination required between both projects will materially decrease the costs to the City for the construction of the new Fire Station 54 Project by eliminating construction contractor conflicts and reducing construction and mobility costs by having only one contractor out on site with the required equipment and materials. This will expedite the Fire Station 54 Project and required roadway improvements, thus materially decreasing the cost of the project to the City.

- Additionally, if the City waited for the completion of the restaurant project to competitively bid the Fire Station 54 Project, the City would need to acquire additional property for an extended time period to house a temporary station and would possibly have to acquire additional property for a new station which would materially increase the cost of the project.

The statute also requires that for the project to be awarded by a method other than a competitive selection process the architect or engineer of record has to provide a written recommendation that the project be awarded to the private sector contractor without competitive selection, and the consideration by, and the justification of, the government body are documented, in writing, in the project file and are presented to the governing board prior to the approval required in this paragraph. The City Engineer has provided the documentation stating such which is attached as Exhibit A.

A status of upcoming action items is outlined below:

<b>Item</b>	<b>Action</b>
Resolution approving construction contract for Fire Station 54	Scheduled for the April 16, 2013 Commission Meeting
Land Swap Agreement between City and Developer	Scheduled for the April 16, 2013 Commission Meeting
Abandonment of the Alley at current FS 54 location	Scheduled for the April 16, 2013 Commission Meeting
Lease for land for Temp. Fire Station 54	Scheduled for the April 16, 2013 Commission Meeting
Procurement for Temp. Fire Station 54 facilities	Scheduled for the April 16, 2013 Commission Meeting
DRC Review	Submittal by Feb 27, 2013
Building Plan Review	Submittal by Feb 27, 2013
Cost Estimate	Estimate pending initial Building Department review comments are received

Staff is currently negotiating a land lease purchase agreement to provide for the placement of a temporary fire station while the demolition and construction of the new Fire Station 54 project is underway. The subject property is a vacant parcel located just south of Oakland Park Boulevard, approximately 2 blocks from the current station. The need for the temporary station is due to the concurrent project construction schedule on the fire station project conflicting with the private development construction.

Attachment: Exhibit 1 – Construction Recommendation

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Prepared by: Albert J. Carbon, P.E., Public Works Director

Department Director: Albert J. Carbon, P.E.