



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

#24-0721

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

FROM: Susan Grant, Acting City Manager

DATE: August 20, 2024

TITLE: Motion Approving a Retroactive Agreement for Las Olas Isles
Undergrounding of Overhead Utilities – Ferreira Construction Southern
Division Co. Inc. - **(Commission District 2)**

Recommendation

Staff recommends the City Commission approve a Retroactive Agreement with Ferreira Construction Southern Division Co. Inc, (Ferreira) for the Las Olas Undergrounding of Overhead Utilities, to April 18, 2024.

Background

On December 21, 2021, the City Commission approved an agreement with Ferreira for the Las Olas Isles Undergrounding of Overhead Utilities project (Project) in an amount not to exceed \$4,733,400 (CAM #21-0262). The Project's scope was to convert existing overhead electric and communication utilities to underground in the area known as Las Olas Isles, which required significant coordination with Florida Power and Light (FPL), AT&T, and Comcast. The original expiration date was September 16, 2022.

On February 7, 2023, a new agreement was retroactively approved, as the original agreement expired. Said agreement extended the final completion contract time to May 15, 2023. (CAM #23-0228).

On February 21, 2023, Change Order 1 was approved with an increase of \$1,228,141.50, and adding 180 calendar days (CAM #23-0241). The new expiration date was November 11, 2023.

On November 9, 2023, Change Order 2 was approved, adding 60 calendar days. The new expiration date was January 10, 2024.

On December 19, 2023, Change Order 3 was approved with an increase of \$591,306.49 and adding 90 calendar days (CAM #23-1167). The new expiration date was April 9, 2024.

On March 13, 2024, Change Order 4 was approved removing the paving and milling services, reducing the agreement by \$619,655.14, and adding nine calendar days. The new expiration date was April 18, 2024. The milling and paving work was removed from the agreement and assigned to M&M Asphalt Maintenance, Inc, dba All County Paving, under its annual contract to expedite the restoration of the streets.

As a result of major adjustments to the Project, several miscalculations and omissions to the original project scope, and delays in coordination and delivery of material from FPL, AT&T, and Comcast, Ferreira has been unable to complete the Project by the contractual substantial completion date through no fault of its own. All undergrounding for FPL and AT&T is complete. Comcast decided to upgrade its customers to 5G fiber as part of the Project, which created additional delays as it had to schedule in-home appointments with all 268 customers to upgrade their equipment. The City and Comcast have conducted extensive outreach with flyers, door hangers, knocking on doors, and calling customers providing opportunities to schedule the appointment at their convenience. It is expected that most of the residences will be completed by September 30, 2024. Any residence not completed by September 30, 2024, will contact Comcast directly to schedule their in-home appointment.

Ferreira has been operating at its own risk to complete the Project since April 18, 2024. This new Agreement, retroactive to the expiration date from Change Order 4, will enable the Project to move forward and be completed. The same terms and conditions of the original Agreement will apply. The new Agreement also includes a final completion contract time from the original Construction Agreement of 924 days after the date commences to run as provided in the Notice to Proceed. The Final Completion date will be September 30, 2024.

Resource Impact

There is no fiscal impact to the City for this new Agreement.

Strategic Connections

This item is a FY 2024 Commission Priority, advancing the Infrastructure and Resilience initiative.

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Infrastructure Focus Area, Goal 3: Be a sustainable and resilient community

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We Are Ready

This item supports the Advance Fort Lauderdale 2040 Comprehensive Plan specifically advancing:

- The Infrastructure Focus Area
- The Sanitary Sewer, Water & Stormwater Element
- Goal 6: Ensure that all areas of the City are reasonably protected from flooding, giving due consideration to the City's natural and built environment.

Attachment

Exhibit 1 – Agreement

Prepared by: Ingrid Kindbom, Program Manager, Public Works

Department Director: Alan Dodd, P.E. Public Works