



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

FROM: Susan Grant, Acting City Manager

DATE: March 18, 2025

TITLE: Motion Approving a Retroactive Agreement for the Las Olas Isles Undergrounding of Overhead Utilities – Ferreira Construction Southern Division Co. Inc., - 243 Calendar Day Extension and Change Order No. 5 – \$86,096.48 – **(Commission District 2)**

Recommendation

Staff recommends that the City Commission approve a Retroactive Agreement with a 243 calendar day extension for the Las Olas Undergrounding of Overhead Utilities, with Ferreira Construction Southern Division Co Inc. (Ferreira). Staff also recommends the City Commission approve Change Order No. 5, in substantially the form attached, in the amount of \$86,096.48.

Background

On December 21, 2021, the City Commission approved an Agreement with Ferreira for the Las Olas Isles Undergrounding of Overhead Utilities 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, the Agreement was extended until May 15, 2023 (CAM #23-0228).

On February 21, 2023, Change Order No. 1 was approved with an increase of \$1,228,141.50, and adding 180 calendar days extending the expiration date to November 11, 2023 (CAM #23-0241).

On November 9, 2023, Change Order No. 2 was approved, adding 60 calendar days, extending the expiration date to January 10, 2024.

On December 19, 2023, Change Order No. 3 was approved with an increase of \$591,306.49 and adding 90 calendar days, extending the expiration date to April 9, 2024 (CAM #23-1167).

On March 13, 2024, Change Order No. 4 was approved removing the paving and milling services, reducing the Agreement by \$619,655.14, and adding nine (9) calendar days, extending the expiration date to April 18, 2024. To expedite the restoration of the streets, the milling and paving work was removed from the Agreement and assigned to M&M Asphalt Maintenance, Inc, d/b/a All County Paving, using the City's existing annual agreement.

On August 20, 2024, the Agreement was extended until September 30, 2024. (CAM #24-0721)

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 upgraded its customers to 5G fiber as part of the Project, which created additional delays of six (6) months as it had to schedule in-home appointments with all 268 customers to upgrade its equipment. This prevented Ferreira from finishing the Project by the April 18, 2024, completion date.

In addition to the Comcast delay, Ferreira had to install an additional transformer to power the streetlights along Las Olas Blvd, as the light transformer was on the wood pole at the end of Bontona Avenue and was removed by FPL when it disconnected all overhead power. The light transformer was 480 volts while all the residential transformers installed were for 240 volts. The bulk of the change order expense is for agreed upon general and administrative costs incurred by Ferreira during this delay. The retroactive agreement provides for a new completion date of May 31, 2025, allowing the City to process payment for Change Order No. 5.

Resource Impact

There is a fiscal impact to the City in the amount of \$86,096.48 for this change order. Funds for this change order in the total amount of \$86,096.48 are available in the FY 2025 Community Investment Plan in the account listed below.

| Funds available as of March 4, 2025 | | | | | |
|--|---|-------------------------------|-----------------------------------|--------------------------------------|--------------------|
| ACCOUNT NUMBER | COST CENTER NAME (Program) | CHARACTER/ACCOUNT NAME | AMENDED BUDGET (Character) | AVAILABLE BALANCE (Character) | AMOUNT |
| 10-354-9100-554-60-6599-P11715 | Las Olas Isles Undergrounding Utilities | Capital Outlay/ Construction | \$9,075,277 | \$118,955 | \$86,096.48 |
| TOTAL AMOUNT ► | | | | | \$86,096.48 |

Strategic Connections

This item is a FY 2025 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 Neighborhood Enhancement Area
- The Urban Design Element
- Goal 2: Encourage urban design which responds to the climate and character of Fort Lauderdale, is pedestrian friendly, human-scaled and contains the infrastructure and amenities to create a vibrant public realm

Attachments

Exhibit 1 – Change Order No. 5

Exhibit 2 – Agreement

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