

DOCUMENT ROUTING FORM

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6/11/13

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NAME OF DOCUMENT: First Amendment to Contract – NW 24 Ave Sidewalk Project – *Straightline*
Approved Comm. Mtg. on **April 2, 2013** **CAM #13-0445**
Item: ☒ **M-4** ☐ PH- ☐ O - ☐ CR- ☐ R- *Engineering Group, LLC*

Routing Origin: **PUBLIC WORKS DEPARTMENT/ENGINEERING**

ATTACHED: ☒ Copy of CAM ☐ ACM Form ☒ 3 originals

1.) Approved as to Content: *Handy Hand*
(Public Works Director)

Capital Improvements defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, fixtures) that add value and/or extend useful life, inc. major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, real.

Please Check the proper box: CIP FUNDED ☐ YES ☒ NO

2.) Approved as to Procurement: by _____ Date: _____
(Deputy Finance Director or designee)

Approved as to Funds Available: by *N/A* Date: _____
(Finance Director or designee)

Funding Source:
Amount Required by Contract/Agreement \$ *0* Dept./Div: **PW/ENG**

Index/Sub-object _____ Project # _____

3.) City Attorney's Office: Approved as to Form: # 3 Originals to City Mgr. By: CARRIE SARVER

Harry A. Stewart	_____	Paul G. Bangel	_____	Robert B. Dunckel	_____
Ginger Wald	_____	D'Wayne Spence	_____	Cole J. Copertino	_____
Carrie Sarver	<i>CS</i>	DJ Williams-Persad	_____		_____

RECEIVED
FILED
CITY ATTORNEY'S OFFICE
2013 JUN - 11 AM 10:53

4.) Approved as to content: Assistant City Manager:

By: _____ By: _____
Stanley Hawthorne, Assistant City Manager Susanne Torriente, Assistant City Manager

5.) Acting City Manager: Please sign as indicated and forward : 3 originals to City Clerk

6.) To City Clerk for attestation and City seal. 3 originals to Clerk.

INSTRUCTIONS TO CLERK'S OFFICE

7.) City Clerk: Date first page with last date signed, and forward **3** original documents with routing form to **Gina Correa-Chase x5659**

8.) Copy of executed signature page to CAO

C: Project File

13 JUN 5 PM 2:25

6/10

FIRST AMENDMENT TO CONTRACT

THIS IS THE FIRST AMENDMENT TO CONTRACT made and entered into this 2nd day of April, 2013 by and between:

CITY OF FORT LAUDERDALE, a municipal Corporation
of the State of Florida, (hereinafter referred to as "City")

and

STRAIGHTLINE ENGINEERING GROUP, LLC, a Florida Limited Liability
Company (hereinafter referred to as "Contractor").

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida at its meeting of November 20, 2012 authorized the proper city officials by motion to execute an Agreement between Contractor and City for the performance of services in connection with the NW 24th Avenue (Dillard Elementary and High School) Sidewalk Project (hereinafter referred to as "Contract"); and

WHEREAS, this Contract was entered into pursuant to certain terms contained in a Local Agency Program (LAP) Agreement that the City has with the Florida Department of Transportation (FDOT); and

WHEREAS, FDOT has notified the City that the Contractor shall comply with FDOT's Disadvantaged Business Enterprise (DBE) Program Plan approved by the United States Department of Transportation; and

WHEREAS, City and Contractor desire to amend the Contract to provide for such DBE Program goal updates;

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants, agreements, terms, and conditions contained herein, do agree as to the following:

Section 1: The foregoing recitals are true and correct and are made a part of this First Amendment to Contract between the City and Contractor.

Section 2: That Addendum # 1, Invitation to Bid, page ITB-1 and ITB-2, #7 of the Contract is hereby replaced and amended to read as follows:

Bidders must comply with the goals for minority participation in the construction industry (41 CFR Part 60-4) which establishes goals for the use of minorities by Contractors on this and all other construction work in the Fort Lauderdale area (both Federal and non-Federal). The Contractor commits itself and all sub-contractors to these goals by submitting a properly signed bid and the appropriate information from Part III of Appendix One (Labor Provisions for Contracts).

It is the policy of the City of Fort Lauderdale that Disadvantaged Business Enterprises (DBEs) as defined in 49 CFR Part 26, shall have the maximum opportunity to participate in the performance of contracts and sub-contracts financed in whole or in part by deferral fund. In this regard, Contractor and sub-contracts financed in whole or in part by federal fund. In this regard,

Contractor and consultants shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that Disadvantaged Business Enterprises have the maximum opportunity to compete for and perform contracts. Contractors/consultants and their subcontractors/subconsultants shall not discriminate on the basis of race, color, national, origin, or sex in the award and performance of City of Fort Lauderdale contracts.

The Disadvantaged Business Enterprise Program is required under the Department of Transportation (DOT) DBE Rule 49 CFR Part 26. The City of Fort Lauderdale's overall Disadvantaged Business Enterprise (DBE) Program Goal is eight point six percent (8.6%) for this project. The 8.6% overall goal is recommended through race neutral measures.

Section 3: That page DBE-1, Disadvantaged Business Enterprise, Regulations: 49 CFR Part 26, of the Contract is hereby amended to read as follows:

The City of Fort Lauderdale's overall DBE goal for this project is 8.6%. The bidder shall exercise a good faith effort towards attainment of the overall goal. The bidder's performance towards attainment of the overall goal is to be measured as a percentage of the total dollar value of the contract. Contractors or subcontractors proposed for meeting the overall DBE goal MUST BE CERTIFIED as a DBE by one of the following public agencies: Palm Beach County, Broward County, Miami Dade County, Florida Department of Transportation, or other public agency whose requirement for DBE certification are functionally equivalent to or more stringent than any of the above-listed agencies. The bidder must submit evidence of such CERTIFICATION with the bid. Previous or current REGISTRATION as a DBE contractor with the City of Fort Lauderdale, by itself, DOES NOT meet the above requirements nor does completing the "Prime Contractor Identification form(s) provided herein. Those forms are intended for purposes of identification and registration only, and DO NOT meet the certification requirements for this project. Bidder must also submit evidence of current CERTIFICATION for proposed DBE contractors under other qualifying program(s) as identified above, with the bid proposal. This is in addition to the Disadvantaged Business Enterprise, Minority and Women's Business Enterprise (MBE/WBE/DBE) registration certificates to be submitted by the prime contractor.

...

Section 4: That page DBE-1, Disadvantaged Business Enterprise, #7 of the Contract is hereby amended and replaced in its entirety to read as follows:

7. **DBE Participation Goal.** The City of Fort Lauderdale shall meet the maximum feasible portion of its overall goal of 8.6% through race-neutral measures.

Section 5: In all other respects, the original Contract between the parties approved by the City Commission on April 2, 2013, is hereby ratified, reaffirmed and shall remain in full force and effect.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
[SIGNATURE PAGES FOLLOW]**

IN WITNESS OF THE FOREGOING, the parties have set their hands and IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as follows:

CONTRACTOR:

Straightline Engineering Group, LLC, a Florida Limited Liability Company

WITNESSES:

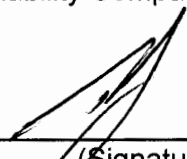


(Signature)
Daniel Vincent

(Witness print/type name)


(Signature)
Khant Myat

(Witness print/type name)


By: 

(Signature)
Raymond A. Diaz President Manager

(Print Name and Title)

CITY:

City of Fort Lauderdale, a municipal corporation of the State of Florida


By: _____
LEE R. FELDMAN, CITY MANAGER

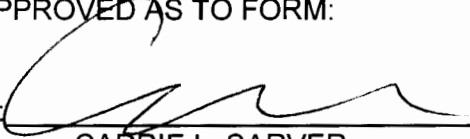
(Corporate Seal)

ATTEST:

By: 

JONDA K. JOSEPH, City Clerk

APPROVED AS TO FORM:

By: 

CARRIE L. SARVER
Assistant City Attorney

ACKNOWLEDGEMENT OF CONTRACTOR

STATE OF: Florida

COUNTY OF: Broward

The foregoing instrument was acknowledged before me this 28th day of may,
2013, by Ricardo Diaz and _____,

as President and manager, respectively,
of Straightline Engineering Group, a LLC

corporation, on behalf of the corporation, who is ☐ personally known to me or ☒ has produced

Drivers License as identification.

(SEAL)

Shannon M. Graham
Notary Public, State of Florida
(Signature of Notary taking Acknowledgement)

Shannon M. Graham
Name of Notary Typed, Printed or Stamped

My Commission Expires: 8/8/2013



Commission Number