



**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 an 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 an Agreement with Ferreira Construction Southern Division Co. Inc, (Ferreira) for the Las Olas Undergrounding of Overhead Utilities, retroactive 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, the contract was extended until 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 contract by \$619,655.14, and adding 9 (nine) calendar days. The new expiration date was April 18, 2024. The milling and paving work was removed from the contract and assigned to M&M Asphalt Maintenance, Inc, dba All County Paving, under the 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 their customers to 5G fiber as part of the project, which created additional delays as they had to schedule in-home appointments with all of their 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

CITY OF FORT LAUDERDALE CONSTRUCTION AGREEMENT

THIS Agreement made and entered into this 20th day of August, 2024, by and between the City of Fort Lauderdale, a Florida municipal corporation ("City") and Ferreira Construction Southern Division Co. Inc., a Florida corporation ("Contractor") ("Party" or collectively "Parties")

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida at its meeting of December 21, 2021, authorized the proper officials by motion to execute an Agreement between Contractor and City authorizing the performance of services in connection with the Las Olas Isles Undergrounding of Overhead Utilities Project in an amount not to exceed \$4,733,400 (ITB 12453-613 Project 11715) ("Original Agreement"); and

WHEREAS, due to miscalculations and omissions in the original Project scope and due to delays in coordination and materials delivery, the Agreement expired on April 18, 2024; and

WHEREAS, the City and Contractor are desirous of completing the Project.

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

1.1 The recitations set forth above are true and correct and are incorporated herein. Initial capitalized terms or other such terms used herein shall have the same meaning given such terms in the Original Agreement, unless otherwise defined herein or unless the context otherwise indicates.

1.2 The Original Agreement and all terms and conditions of the Original Agreement except as modified herein, are incorporated into and made part of this agreement and are attached hereto as Exhibit A.

1.3 This Agreement will be retroactive to April 18, 2024.

1.4 The Contract Time as defined in the Original Agreement shall be understood to also include the period of time from the termination of the Original Agreement to the time of execution of this Agreement.

1.5 Section 5.2 of the Original Agreement is hereby deleted and replaced with: "The Work shall be Substantially Completed within 861 calendar days after the date of the Notice to Proceed is issued, which is July 29, 2024."

1.6 Section 5.3 of the Original Agreement is hereby deleted and replaced with: "The Work shall be finally completed on the Final Completion Date within 924 Calendar Days

after the date when the Contract Time commences to run as provided in the Notice to Proceed. The date of Final Completion is September 30, 2024.”

1.7 The City’s Project Manager is Gary Foster, whose address is 101 NE 3rd Avenue, Suite 2100, Fort Lauderdale, FL 33301, telephone number 954-828-6233 and email address is gfoster@fortlauderdale.gov.

[REMAINING SPACE INTENTIONALLY LEFT BLANK]

IN WITNESS OF THE FOREGOING, the Parties have set their hands and seals the day and year first written above.


CITY

CITY OF FORT LAUDERDALE, a Florida
municipal

By: 
SUSAN GRANT
Acting City Manager

Date: 10/2/24

ATTEST:

By: 
DAVID R. SOLOMAN
City Clerk



Approved as to Legal Form:
THOMAS J. ANSBRO, City Attorney

By: 
RHONDA MONTOYA HASAN
Senior Assistant City Attorney

CONTRACTOR

FERREIRA CONSTRUCTION SOUTHERN DIVISION CO. INC., a Florida corporation

WITNESSES:

[Signature]

By: [Signature]
Danny Garcia, Vice-President

Douglas Conley

Print Name

[Signature]

David de la Pena

Print Name

ATTEST:

By: [Signature]
Secretary

(CORPORATE SEAL)

STATE OF Florida:

COUNTY OF Miami-Dade:

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 20th day of August, 2024, by Danny Garcia, as Vice-President for Ferreira Construction Southern Division Co. Inc., a Florida corporation.



[Signature]
(Signature of Notary Public - State of Florida)

Cindy Hernandez
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification
Type of Identification Produced: _____



ANTI-HUMAN TRAFFICKING AFFIDAVIT

Rev: 1 | Date: 08/06/2024

The undersigned, on behalf of SOLID Consulting Engineers, Inc, a Florida (State) Corporation (Type of Entity), ("Nongovernmental Entity"), under penalty of perjury, hereby deposes and says:

1. My name is Oswaldo Larrazabal.
2. I am an officer or authorized representative of the Nongovernmental Entity.
3. I attest that the Nongovernmental Entity does not use coercion for labor or services as defined in Section 787.06, Florida Statutes (2024), as may be amended or revised.

Under penalties of perjury, I declare that I have read the foregoing Anti-Human Trafficking Affidavit and that the facts stated in it are true.

Signature of Officer or Representative:

Name of Officer or Representative: Oswaldo Larrazabal Title: President

Office Address: 14400 Pedigree Lane, Southwest Ranches, FL, 33330.

Email Address: ossie@solidcei.com

Main Phone Number: (786) 255-2869 FEIN No.: 46-4593876

STATE OF Florida
COUNTY OF Broward County

Sworn to and subscribed before me by means of physical presence or online notarization, this 23 day of September 2024, by Oswaldo Larrazabal.



(SEAL)

MARIA FEIJOO DE MARTIN
Commission # HH 127999
Expires May 10, 2025
Banded Thru Budget Notary Services

(Signature of Notary Public – State of Florida)

Maria Feijoo De Martin
Print, Type or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification Florida Driver License
Type of Identification Produced L621-650-77-449-0





DOCUMENT ROUTING FORM

Rev: 5 | Revision Date: 7/30/2024

Routing Start Date: 9/16/2024

1) ORIGINATING OFFICE

Document Title: City of Fort Lauderdale Construction Agreement with Ferreira Construction Southern Division Co. Inc.

Commission Mtg. Date: 8/20/2024 CAM #: 24-0721 Item #: CM-5

CAM attached: YES NO Routing Origin: PBS Engineering

Router Name: Shaelyn Mack /Ext: 7809 Action Summary attached: YES NO

CIP FUNDED: YES NO

Capital Investment / Community Improvement Projects 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, or fixtures) that add value and/or extend useful life, including major repairs such as roof replacement, etc. Term "Real Property" include land, real estate, realty or real.

2) CITY ATTORNEY'S OFFICE:

Documents to be signed/routed? YES NO # of originals attached: 1

Is attached Granicus document Final? YES NO Approved as to Form: YES NO

Date to CCO: 9/30/24 Attorney's Name: Rhonda Montoya Initials: HM

3) CITY CLERK'S OFFICE:

of originals: 1 Routed to: SWAY/CCO Date: 09/30/24

4) CITY MANAGER'S OFFICE:

CMO LOG #: _____ Document received from: _____

Assigned to: SUSAN GRANT

ANTHONY FAJARD BEN ROGERS CHRIS COOPER LAURA REECE

ACTING CRA EXECUTIVE DIRECTOR

APPROVED FOR S. GRANT'S SIGNATURE N/A S. GRANT TO SIGN

PER ACM (Initial): _____ A. FAJARDO B. ROGERS C. COOPER L. REECE

PENDING APPROVAL (See comments below)

Comments/Questions: _____

Forward originals to: Mayor CCO Date: _____

5) MAYOR/CRA CHAIRMAN:

Please sign as indicated.

Forward originals to CCO for attestation/City seal (as applicable) Date: _____

6) INSTRUCTIONS TO CITY CLERK'S OFFICE

Please retain scan record copy and forward originals to: Name: Gary Foster

Dept: PBS Engineering Ext: 6233

Attach certified Resolution # YES NO

Original Route form to CAO

TM#24-0480