



## Memorandum

**Date:** September 4, 2014  
**To:** Lee R. Feldman, ICMA-CM, City Manager  
**From:** Hardeep Anand, P.E., Public Works Director  
**Re:** P10911 Fire Station #46 Cash Bond Form

TSA/K

### Purpose

The purpose of this memorandum is to request the execution of the Cash Bond Form by the City to comply with Broward County Right of Way (ROW) permit/bond requirements for work performed by Weekley Asphalt Paving, Inc. (Weekley) at the Fire Station #46 project.

### Background

Weekley performed milling and placement of a final lift of asphalt in the County ROW on Northwest 19<sup>th</sup> Street in front of Fire Station #46 in an effort to complete corrective punch list items identified by the County to close this project out under the City's annual paving contract. This additional work was not included in the original scope of the project because the city did not anticipate performing a full width repair to this area. The County inspector said that the entire area had to be milled and repaved, resulting in additional work. MVP Contractors, Inc., who was hired to construct Fire Station #46, provided a price for the additional work that was excessively high, so the City decided to utilize Weekley to execute this portion of work on as a task order to the annual contract. (Exhibit 1).

Typically, work performed under an annual contract within the City's ROW does not require permitting or bonding. Staff did not take this into consideration when awarding the task order to Weekley because it is not in the contract. Because of this oversight, Weekley performed the work without a county permit or bond. The County requires a bond in the amount of \$2,901.00 and a security release fee of \$830.00 to satisfy the original permit issued to MVP that includes the work performed by Weekley in order for the County to sign off on the completion of the work in the County ROW.

In order to receive final sign-off on the permit from the County, and to complete corrective punch list items identified by the County, the attached Cash Bond Form (Exhibit 2) needs to be signed (by the City Manager), witnessed, notarized, and provided to the County along with the checks. Check requests (Exhibit 3) have been executed and the checks are ready to be issued.

**CASH BOND FORM**

*(Installation, Construction and Completion of Improvements)*

KNOWN BY ALL PRESENT: That The City of Fort Lauderdale, hereafter DEVELOPER/CONTRACTOR, tenders unto Broward County, a political subdivision of the state of Florida, hereafter COUNTY, the full and just sum of **Two Thousand Nine Hundred and One Dollars (\$2,901.00)**, lawful money of the United States of America, to which payment well and truly made bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, DEVELOPER/CONTRACTOR requested a permit (hereafter "PERMIT" from the COUNTY to install, construct and complete certain road improvements (hereafter "Improvements"); and

WHEREAS, said PERMIT requires DEVELOPER/CONTRACTOR to install, construct and complete said Improvements at DEVELOPER/CONTRACTOR's sole cost and expense and at no cost or expense to COUNTY, as well as maintain said Improvements for a period of one (1) year from the date of acceptance of said Improvements by the applicable local government; and

WHEREAS, as a condition of the issuance of a PERMIT by COUNTY to DEVELOPER/CONTRACTOR, said DEVELOPER/CONTRACTOR is required to furnish to COUNTY satisfactory security, securing the costs for the installation, construction, completion and maintenance of the Improvements;

NOW, THEREFORE, the conditions of this obligation are such that if the above bound DEVELOPER/CONTRACTOR shall in all respects comply or cause others to comply with the terms and conditions of said PERMIT, within the time specified, and shall in every respect fulfill the obligations herein, then this obligation shall be void; otherwise, to be and remain in full force and effect:

1. DEVELOPER/CONTRACTOR unconditionally covenants and agrees to install, construct and complete all Improvements, more specifically described in Exhibit "A," attached hereto and made a part hereof; required by the PERMIT and, to maintain such Improvements for a period of one (1) year from the date of written acceptance of the Improvements by the applicable local government.
2. The estimated costs of the Improvements are **Two Thousand Nine Hundred and One Dollars (\$2,901.00)**, which shall be secured by cash, check or money order made payable to the Broward County Highway Construction and Engineering Division ("Engineering Division").
3. Upon completion of the Improvements and acceptance by the applicable local government, DEVELOPER/CONTRACTOR shall notify the Engineering Division of such completion and acceptance. Upon a determination by the Engineering

Division that the Improvements have been installed, constructed, completed and accepted, and following the completion of DEVELOPER/CONTRACTOR's one (1) year maintenance obligation, the COUNTY shall have ninety (90) days from the date of such determination to remit the security herein to DEVELOPER/ CONTRACTOR.

4. In the event DEVELOPER/CONTRACTOR fails to install, construct, complete or maintain the Improvements for the required one (1) year period, COUNTY or its authorized agent shall provide thirty (30) days written notice to DEVELOPER/CONTRACTOR or its authorized agent or officer, of said failure to install, construct, complete or maintain said Improvements. If DEVELOPER/ CONTRACTOR fails or refuses to comply with the requirements herein and as contained in the PERMIT, COUNTY shall, at its option, have the right to complete DEVELOPER/CONTRACTOR's obligations, or cause to be completed the aforesaid installation, construction, completion or maintenance of the Improvements.
5. In the event COUNTY exercises the right to install, construct, complete or maintain said Improvements, DEVELOPER/CONTRACTOR shall be liable for all costs incurred by COUNTY and the monies tendered hereby shall be used to reimburse COUNTY for the total cost of such installation, construction, completion, or maintenance, including, but not limited to, engineering, legal, and contingent costs, together with any damages either direct or consequential, which may be sustained on account of the failure of DEVELOPER/ CONTRACTOR to carry out and execute the required maintenance for the aforesaid one (1) year period.

IN WITNESS WHEREOF, DEVELOPER/CONTRACTOR has executed this Cash Bond this 26<sup>th</sup> day of September, 2014.

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


CITY OF FORT LAUDERDALE, a municipal corporation of the State of Florida:

By   
JOHN P. "JACK" SEILER, Mayor

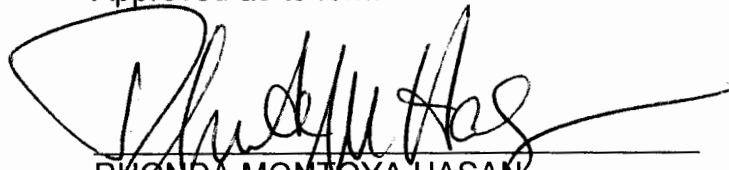
By   
LEE R. FELDMAN, City Manager

(CORPORATE SEAL)

ATTEST:

  
~~JONDA K. JOSEPH~~ <sup>1551</sup> City Clerk  
JEFFREY MODARELLI

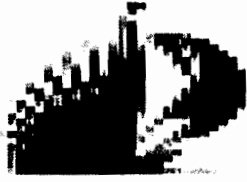
Approved as to form:

  
RHONDA MONTOYA HASAN  
Assistant City Attorney

**EXHIBIT "A"**

**IMPROVEMENTS**

Installation of improvements in accordance with the Fire Station 46 plan approved by the Broward County Highway Construction & Engineering Division on March 21, 2013 under project reference #100621001



## City of Fort Lauderdale · Public Works/Engineering Division

### Check Request Form

---

To: Accounts Payable

Request Date: May 2, 2014

From: Scott A. Teschky

Signature:

A handwritten signature in black ink, appearing to read "Scott A. Teschky", written over a horizontal line.

---

Project No/Funding Index Code: P10911\_

Reason for payment: (permit/fee/etc.) Bond for Broward County ROW Permit

Request Amount: \$2,901.00

---

Payable to: Broward County Highway Construction & Engineering Division

Address of Payee: 1N. University Drive  
Box B300  
Plantation, FL 33324

Request Contact Person: Scott A. Teschky

Staff member Phone No: 954-828-6195

E-Mail: steschky@fortlauderdale.gov

---

Date check is needed: ASAP

---

**\*\*INCLUDE A COPY OF THE PERMIT APPLICATION (OR SUPPORTING DOCUMENTATION) WITH FEE HIGHLIGHTED\*\***



## City of Fort Lauderdale · Public Works/Engineering Division

### Check Request Form

---

To: Accounts Payable

Request Date: May 2, 2014

From: Scott A. Teschky

Signature:

A handwritten signature in black ink, appearing to read "Scott A. Teschky", written over a horizontal line.

---

Project No/Funding Index Code: P10911\_

Reason for payment: (permit/fee/etc.) Security Release Fee for Broward County ROW Bond

Request Amount: \$830.00

---

Payable to: Broward County Highway Construction & Engineering Division

Address of Payee: 1N. University Drive  
Box B300  
Plantation, FL 33324

Request Contact Person: Scott A. Teschky

Staff member Phone No: 954-828-6195

E-Mail:

steschky@fortlauderdale.gov

---

Date check is needed: ASAP

---

**\*\*INCLUDE A COPY OF THE PERMIT APPLICATION (OR SUPPORTING DOCUMENTATION)) WITH FEE HIGHLIGHTED\*\***