



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#24-0038

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

FROM: Greg Chavarria, City Manager

DATE: January 9, 2024

TITLE: Resolution Waiving the Competitive Solicitation and Selection Processes
Contained in the City of Fort Lauderdale Procurement Ordinance and
Approving a Development Agreement for Seawall Improvements
Associated with the Las Olas Marina Project with Las Olas SMI, LLC. -
\$2,872,583 - **(Commission District 2)**

Recommendation

Staff recommends the City Commission adopt a resolution waiving the competitive solicitation and selection process in the Procurement Ordinance and approving, in the substantially the form attached, a development agreement, with Las Olas SMI, LLC (Suntex) for the replacement of an existing seawall.

Background

On July 11, 2017, the City Commission adopted Resolution 17-154 approving a Ground Lease Agreement with Suntex for a 50-year term plus such a length of time, not to exceed five years, to complete construction of Lessee improvements. On April 2, 2019, the City Commission adopted Resolution 19-69 authorizing the execution of the First Amendment to the Ground Lease Agreement extending the Pre-Development Period from May 3, 2019 to December 31, 2019. The City Commission approved the Second Amendment on July 9, 2019, accepting the site plan via Resolution 19-141. On December 3, 2019 with Resolution 19-246, the City Commission extended the Pre-Development Period from December 31, 2019 to April 1, 2020 in the Third Amendment.

The Las Olas Marina project has a seawall that is being replaced as part of the development. The developer, Suntex, is responsible for the seawall within the demised premises and the City is responsible for the seawall section outside of the demised premises. Suntex notified the City that the seawall conditions were worse than anticipated and recommended that the City consider replacing its portion at the same time. City staff recommend waiving the City's procurement rules and entering into a development agreement with Suntex for it to manage the Project on behalf of the City. This will ensure a cohesive and timely implementation and incorporate these two projects into the larger development effort. Suntex has completed the seawall design, worked with multiple regulatory agencies for permitting, and anticipates that the seawall construction

will be completed by July 2024.

The cost for the City’s portion of the seawall replacement is estimated at \$2,872,583.57 which includes a 7.5% administrative fee for Suntex to manage the Project. The proposed development agreement identifies that Suntex will fund the Project and the City will reimburse Suntex before January 1, 2026.

Resource Impact

There will be a fiscal impact associated with this Development Agreement in the amount of \$2,872,583. Funding is contingent upon the approval of the Consolidated Budget Amendment CAM # 24-0013.

Source:

<i>Funds available as of December 13, 2023</i>					
ACCOUNT NUMBER	COST CENTER NAME	CHARACTER CODE/ ACCOUNT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
10-331-9100-538-60-6599-P12330	CITY OWNED SEAWALL RESTORATION/REPLCMNT	CAPITAL OUTLAY/ CONSTRUCTION	\$2,359,763	\$2,359,763	\$2,872,583.57
TOTAL AMOUNT →					\$2,872,583.57

Strategic Connections

This item is a *2024 Commission Priority*, advancing the infrastructure initiative.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Infrastructure Focus Area
- Goal 1: Build a sustainable and resilient community.
- Objective: Proactively maintain our water, wastewater, stormwater, road, and bridge infrastructure

This item advances the *Fast-Forward Fort Lauderdale Vision Plan 2035: We are Ready*.

Related CAM

24-0013 Budget Amendment

Attachments

- Exhibit 1 – Seawall Development Agreement
- Exhibit 2 – Seawall Conditions
- Exhibit 3 – Location Map
- Exhibit 4 - Resolution

Prepared by: Ben Rogers, Director, Transportation and Mobility

Department Director: Ben Rogers, Transportation and Mobility