



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#23-0781

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

FROM: Greg Chavarria, City Manager

DATE: September 5, 2023

TITLE: Motion Approving a First Amendment to the Agreement for Construction of the DC Alexander Park Improvement Project, Contract No. 12616-423 – Shiff Construction and Development, Inc. – **(Commission District 2)**

Recommendation

Staff recommends the City Commission approve a first amendment to the construction agreement (Bid Contract No. 12616-423, Project No. P12373), in substantially the form attached, between the City of Fort Lauderdale (“City”) and Shiff Construction & Development, Inc. (“Shiff”) for the DC Alexander Park Improvement Project; and authorize the City Manager to execute said amendment.

Background.

On July 5, 2022, the City Commission approved a construction agreement between the City and Shiff for the DC Alexander Park Improvement Project for a total contract amount of \$9,098,926.87 (CAM 22-0684) (“Agreement”).

On October 31, 2022, the City executed the Agreement with Shiff for the DC Alexander Park Improvement Project and issued the first Notice to Proceed to Shiff on December 23, 2022, for permitting and soft mobilization.

On May 16, 2023, the City issued the second Notice to Proceed for construction of the park improvements.

Section 2-177(a) of the City Code of Ordinances provides that the City Manager or the City Manager's designee is authorized to issue a change order or multiple change orders increasing the adjusted contract price of any contract awarded by the City Commission up to a cumulative maximum amount of ten percent (10%) of the adjusted contract value.

Section 14.6 of the Agreement currently requires submittal of any extra work in an amount up to \$25,000 to the Public Works Director for approval by the City Manager, and said term is inconsistent with Section 2-177(a) of the City's Code.

Staff recommends amending Section 14.6 of the Agreement to be consistent with Section 2-177(a) of the City's Code, authorizing the City Manager or the City Manager's designee to issue a change order or multiple change orders increasing the adjusted contract price up to a cumulative maximum amount of ten percent (10%) of the adjusted contract value, with the exception that any amendment or change order that exceeds the 10% threshold, or conflicts with the City's Code, shall require City Commission approval.

Additionally, this project is managed by the Parks and Recreation Department, not the Public Works Department. Therefore, any change orders should be subject to approval by the Parks and Recreation Director instead.

Currently, the project is scheduled to be completed by the Spring of 2024.

Resource Impact

There is no fiscal impact to the City associated with this action.

Strategic Connections

This item is a *2022 Top Commission Priority*, advancing the Parks and Public Places initiative.

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

- The Public Places Focus Area
- Goal 3: Build a healthy and engaging community.
- Objective: Improve access to and enjoyment of our beach, waterways, parks, and open spaces for everyone.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Here*.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Public Places Focus Area
- The Parks, Recreation & Open Space Element
- Goal 2: Be a community with high quality parks and recreational facilities that highlight the character of our City.

Attachments

Exhibit 1 – Contract No. 12616-423

Exhibit 2 – First Amendment to Agreement

Prepared by: Marc Isaac, Project Manager II, Parks and Recreation

Department Director: Phil Thornburg, Parks and Recreation
Linda Short, Finance