



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

#22-1000

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

FROM: Greg Chavarria, City Manager

DATE: November 1, 2022

TITLE: Motion Approving After the Fact Purchase Request – Weekley Asphalt
Paving, Inc. - \$118,910 - (**Commission District 4**)

Recommendation

Staff recommends the City Commission approve a request for an after the fact purchase with Weekley Asphalt Paving (Weekley) in the total amount of \$118,910 for work done without receiving a City Purchase Order to proceed.

Background

For FDOT projects, the City is responsible for adjusting City owned utilities within FDOT right of ways. The standard procedure is that FDOT and the City enter into a Utility Work by Highway Contractor Agreement (UWHCA) which details the agreed upon scope and cost of the work. Once the UWHCA is fully executed, the City issues a check to FDOT for the cost of the work and FDOT directs the contractor to perform the utility adjustments.

This standard procedure was not applied to the Riverland Road FDOT Project TIGER Grant 440746-5-52-01. FDOT maintains that because this was a design-build project, the contractor had responsibility for entering into an agreement directly with the City to perform utility adjustments. The UWHCA does not apply and FDOT has no involvement with paying the contractor for the utility adjustments.

When FDOT first engaged to coordinate this project, City staff proceeded to adhere to the standard procedure. On March 11, 2021, a Utility Work Schedule (UWS), which details the scope of work, was signed by the City and the FDOT consultant. This is standard procedure for all FDOT projects. On May 11, 2021, Operations Staff agreed to the estimated cost of \$58,730 from FDOT for the cost of the work. This also is standard procedure for all FDOT projects. At no point did FDOT indicate that they were using a design-build project and that the UWHCA process would not be used.

The next step would be for FDOT to send the City a UWHCA to authorize and receive payment for the contractor to perform utility adjustments, however the City never received the UWHCA or any request from the FDOT contractor, Weekly, requesting to enter into an agreement to authorize the utility adjustments. The City was also not notified when FDOT

issued Notice-To-Proceed (NTP) to begin work on the project. Weekly then proceeded to perform utility adjustments as part of the project without an agreement in place or a purchase order issued by the City to authorize the work.

As Weekley proceeded with the project, they determined that there were errors in the initial quantity estimate provided by FDOT and the actual quantify of utility adjustments was higher. They did not inform the City or request authorization for additional work beyond what was identified in the initial FDOT estimate. This resulted in the total cost for utility adjustment work completed by Weekly increasing from \$58,730 to \$118,910. The City was not made aware that the work was completed until Weekley contacted the City requesting payment. In a subsequent meeting with Weekly and FDOT representatives, FDOT stated that it was the responsibility of Weekly to work out and resolve reimbursement with the City for utility adjustments. City staff has verified that quantities of utility adjustments that were made and accepted the work as done properly.

Due to the cost of the work exceeding \$100,000, and no agreement or purchase order in place, Commission approval is required to pay this invoice.

Resource Impact

There will be a fiscal impact to the City in the amount of \$118,910.

<i>Funds available as of October 1, 2022</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB- OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
10-450-7301-536-30-3199	Distributions and Collections Operations	Services and Materials/ Other Professional Services	\$1,074,877	\$1,074,877	\$118,910
TOTAL AMOUNT ►					\$118,910

Strategic Connections

This item is a *2022 Top Commission Priority*, advancing the Infrastructure and Resiliency 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 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 7: Ensure coordination of infrastructure improvements.

Attachments

Exhibit 1 – Weekley Asphalt Paving, Inc. Invoice

Exhibit 2 – Utility Work Schedule

Exhibit 3 – Email of Cost Approval

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