

RESOLUTION NO. 15-1274

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AUTHORIZING THE TOWN MANAGER TO APPROVE CHANGE ORDER NO. 1, TO THE CONTRACT FOR PORTABLE TOILET RENTAL SERVICES BETWEEN FRIENDLY JOHN, INC. AND THE TOWN OF MIAMI LAKES FOR A NEW CONTRACT VALUE OF \$60,000; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CHANGE ORDER; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE CHANGE ORDER NO. 1; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 4(a)(1) of Town of Miami Lakes Ordinance 12-142 (“the Town’s Procurement Ordinance”) authorizes the Town Manager to award contracts for goods and services, excluding professional services, up to \$25,000 procured in accordance with the small purchase provisions of the Town’s Procurement Ordinance; and

WHEREAS, Section 7 of the Town’s Procurement Ordinance authorizes the purchase of goods and services from current contracts of other public, governmental, state/federal funded or non-profit entities, where the contracts have resulted from a formal competitive procurement process; and

WHEREAS, the City of Hollywood, as the lead agency on behalf of itself and other governmental agencies in The Southeast Florida Governmental Purchasing Cooperative Group (“Cooperative Group”), issued Bid I-4373-13-IS for the purchase of portable toilet rentals, and on July 17, 2013 an award of Bid I-4373-13-IS was made to Friendly John, Inc. (hereinafter, “the Cooperative Group Portable Toilet Rental Contract”); and

WHEREAS, the Town is a member of the Cooperative Group and wishes to benefit from the Cooperative Group Portable Toilet Rental Contract, a copy of which is attached hereto as Exhibit “A”;

WHEREAS, in accordance with Section 7 of the Town’s Procurement Ordinance, the Procurement Manager conducted a market analysis to determine whether the pricing under the Cooperative Group Portable Toilet Rental Contract is the most advantageous procurement method available to the Town; and

WHEREAS, in accordance with Section 7 of the Town's Procurement Ordinance, the Procurement Manager found that the best source for the purchase of portable toilet rentals that meets the needs of the Town is from Friendly John under the Cooperative Group Portable Toilet Rental Contract;

WHEREAS, in October 2013, the Town of Miami Lakes (the "Town") issued Purchase Order No. 20140012 for Portable Toilet Rental Services with Friendly John, Inc. ("Friendly John"); and

WHEREAS, the Town piggybacked the Cooperative Group Portable Toilet Rental Contract with Friendly John to test their services for an amount not to exceed \$25,000 and Friendly John provided satisfactory results in the prescribed timeframe allotted for the work; and

WHEREAS, the Town's needs for portable toilet rentals has increased due to construction throughout the Town; and

WHEREAS, the Town Council finds that approval of Change Order No. 1 to Purchase Order No. 20140012 between Friendly John and the Town for an additional \$35,000 increasing the contract total to \$60,000 for the continuation of the contract for portable toilet rental services, a copy of which is attached hereto as Exhibit "B," is necessary and appropriate; and

WHEREAS, in accordance with Section 7 of the Town's Procurement Ordinance, the Town Council hereby approves the Town Manager's ability to purchase goods and services from other public, governmental, state/federal funded or non-profit entities and increase the contract total between Friendly John and the Town to \$60,000.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Approval of the Change Order. The Council approves Change Order No. 1 to Purchase Order No. 20140012 between Friendly John, Inc. and the Town, which is attached hereto as Exhibit "B," to provide additional funds for the continuation of the contract for portable toilet rental services, together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney.

Section 3. Authorization of Town Officials. The Town Manager and/or his designee and the Town Attorney are authorized to take all steps necessary to implement the terms and conditions of Change Order No. 1 to Purchase Order No. 20140012.

Section 4. Execution of the Contract. The Town Manager is authorized to execute Change Order No. 1 to Purchase Order No. 20140012 with Friendly John, Inc. on behalf of the Town, and to execute any required agreements and/or documents to implement the terms and conditions of Change Order No. 1, subject to approval as to form and legality by the Town Attorney.

Section 5. Authorization of Fund Expenditure. Notwithstanding the limitations imposed upon the Town Manager by the Town's Purchasing Procedures Ordinance, the Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the Change Order No. 1 to Purchase Order No. 20140012.

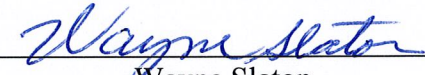
Section 6. Effective Date. This Resolution shall be effective immediately upon adoption.

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Passed and adopted this 13th day of January, 2015.

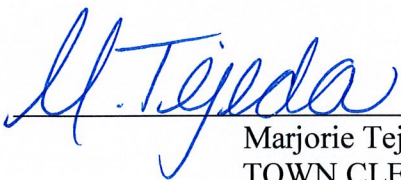
The foregoing resolution was offered by Councilman Rodriguez who moved its adoption. The motion was seconded by Councilman Mestre and upon being put to a vote, the vote was as follows:

- Mayor Wayne Slaton Yes
- Vice Mayor Manny Cid Yes
- Councilmember Tim Daubert Yes
- Councilmember Tony Lama Yes
- Councilmember Ceasar Mestre Yes
- Councilmember Frank Mingo Yes
- Councilmember Nelson Rodriguez Yes



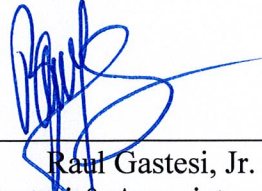
Wayne Slaton
MAYOR

Attest:



Marjorie Tejeda
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT “A”



Contract Change Order

| | |
|---|--|
| Contract Title: Portable Toilet Rental Services | Contract No.: 2014-04 Purchase Order No.: |
| Vendor: Friendly John, Inc. | Change Order No.: 1 |
| Contract Award Date: 10/1/13 | Completion Date: 10/18/15 |
| Revised Completion Date (prior to this change): 10/18/15 | Extension(s) of Time Previously Approved: 0 days |
| Revised Completion Date (including this change): 10/18/15 | |

Vendor and the Town hereby agree to modify the Contract as follows: (Attach additional pages as necessary)

| Item No. | Description of Change | Contract Price | | Contract Tme | |
|----------|--|----------------|----------|--------------|----------|
| | | Increase | Decrease | Increase | Decrease |
| 1 | Continuing Portable Toilet Rental Services | \$35,000 | \$ | | |
| | | | | | |
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| | | | | | |

Reason for Change: The \$35,000 Change Order is projected to last through the end of the year.

| Summary of Contract Amount | |
|---|----------|
| Original Contract Amount | \$25,000 |
| Change Orders Previously Approved | \$0 |
| Adjusted Contract Value Prior to this Change Order | \$0 |
| Cost of Changes in this Change Order | \$35,000 |
| <i>Adjusted Contract Amount Including this Change</i> | \$60,000 |
| Percentage Increase this Change Order | 140% |
| Total Percent Increase to Date | 140% |
| Extension of Time Allowed by this Change - | 0 days |

This change order is hereby incorporated into and becomes a part of the Contract in accordance with (reference resolution or section of Procurement Ordinance).

Accepted By Contractor: _____ Date: _____

Name (print name of (signatory): _____ Title: _____

Accepted By Town Manager _____ Date: _____

Alex Rey, Town Manager

Form ML-CO