

**RESOLUTION NO. 05-36/**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE AGREEMENT BETWEEN PIOS AND SONS ENTERPRISES, INC. AND THE TOWN OF MIAMI LAKES TO REMOVE AND REPLACE DAMAGED CONCRETE SIDEWALKS IN AREA 3; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on October 24, 2005 Hurricane Wilma passed through the South Florida area and caused damage to much of the landscaping within the Town of Miami Lakes (the "Town"); and

**WHEREAS**, the high winds of Hurricane Wilma toppled many trees that were located in the swale areas by the Town's streets and adjacent to the Town's sidewalks and as a result, the roots and bases of the toppled trees caused the Town's sidewalks to be severely damaged; and

**WHEREAS**, on November 7, 2005 the Town issued a Request for Proposals ("RFP") to Remove and Replace Damaged Concrete Sidewalks in Area 3; and

**WHEREAS**, the RFP provided that the award of contract would be to the lowest Responsive and Responsible Bidder; and

**WHEREAS**, on November 23, 2005 the Town received four (4) bids which were reviewed by the Town Engineer; and

**WHEREAS**, the Town Engineer determined Pios and Sons Enterprises, Inc. (“Pios”) to be the lowest Responsive and Responsible Bidder and the Town Manager accepted the determination; and

**WHEREAS**, the Town Council accepts the recommendation of the Town Manager; and

**WHEREAS**, the Town desires to employ Pios to remove and replace damaged concrete sidewalks in Area 3 of the Town in accordance with the agreement attached as Exhibit “A” (the “Agreement”); and

**WHEREAS**, the Town Council finds that approval of the Agreement between Pios and the Town to remove and replace damaged concrete sidewalks in Area 3 is in the best interest of the Town.

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

**Section 1. Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2. Approval of Agreement.** The Agreement between Pios and the Town to, to remove and replace damaged concrete sidewalks in Area 3, a copy of which is attached as Exhibit “A,” 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, is approved. The Town Manager is authorized to negotiate the final compensation to Pios provided that the compensation shall not exceed the amount specified in Pios’s proposal.

**Section 3. Authorization of Town Officials.** The Town Manager and/or his

designee and the Town Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement.

**Section 4. Authorization of Fund Expenditure.** Notwithstanding the limitations imposed upon the Town Manager pursuant to the Town's Purchasing Procedures Ordinance, the Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the Agreement.

**Section 5. Execution of Agreement.** The Town Manager is authorized to execute the Agreement on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the Agreement and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Town Attorney.

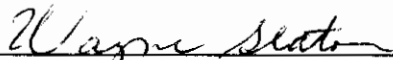
**Section 6. Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 13 day of December 2005.

Motion to adopt by Mary Collins, second by Nancy Simon.

FINAL VOTE AT ADOPTION


Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Robert Meador	<u>yes</u>
Councilmember Roberto Alonso	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>
Councilmember Peter Thomson	<u>yes</u>

  
Wayne Slaton  
MAYOR

ATTEST:

  
Debra Eastman, MMC  
TOWN CLERK

Approved as to form and legality for the use  
and benefit of the Town of Miami Lakes only:

  
Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, P.A.  
TOWN ATTORNEY