

**RESOLUTION NO. 13-1115B**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO APPROVE AWARD OF A CONTRACT FOR SERVICES AS OUTLINED IN ITB NO. 2013-39, TO ACOSTA TRACTORS, INC, FOR IMPROVEMENTS TO NW 154TH STREET ROADWAY & DRAINAGE SYSTEM, IN THE BASE AMOUNT OF \$1,027,893; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; ADJUSTING LINE ITEMS WITHIN THE 2013 154<sup>TH</sup> NOTE FUND; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Town of Miami Lakes (the "Town") issued an Invitation to Bid ("ITB") No. 2013-39 on May 29, 2013, for NW 154th Street Roadway & Drainage Improvements; and

**WHEREAS**, pursuant to Resolution No. 1115A, all bids received pursuant to ITB No. 2013-39 were rejected by the Town of Miami Lakes; and

**WHEREAS**, it has been determined that it would be in the best interest of the Town to award a Contract for services as outlined in ITB No. 2013-39 to Acosta Tractors, Inc. ("Acosta"), in compliance with and satisfying all required bid specifications, in that it is not practical to comply with the normal procurement process, for reasons stated, and as outlined herein, as provided for in Section 5.d. of the Procurement Code; and

**WHEREAS**, the contract with Acosta for the NW 154th Street Roadway & Drainage Improvements will be for \$1,027,893, which was the base contract price contemplated; and

**WHEREAS**, Acosta agrees to perform the work and will do so at the stipulated price; and

**WHEREAS**, Acosta is already mobilized, as it is the contractor selected by Miami-Dade County to provide the same services for NW 87 Avenue, and it has a temporary agreement with the property owner (Dunn), thereby eliminating the cost and time required for negotiation with another firm; and

**WHEREAS**, Acosta is already mobilized, with the resources to begin construction without delay, eliminating potential conflicts at the intersection of NW 154th Street and 87th Avenue, and eliminating any potential coordination problems which might result from utilizing two different firms for the project; and

**WHEREAS**, Acosta will furnish all labor, materials, machinery, tools, means of transportation, supplies, equipment, and services necessary for drainage improvements, roadway resurfacing, striping and the installation of new lighting, and all other appurtenances along 154th Street from NW 89th Avenue to NW 83 Avenue; and

**WHEREAS**, the Town Council authorizes the Town Manager to enter into contract with Acosta, for Award of services as outlined in ITB No. 2013-39, for NW 154th Street Roadway & Drainage Improvements, in an amount not to exceed \$1,027,893, as a base price.

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

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

**Section 2. Approval of the Contract.** The Town Council hereby approves the award of a contract for services as outlined in ITB No. 2013-39, to Acosta Tractors, Inc.,

in an amount not to exceed \$1,027,893, as a base price, for NW 154th Street Roadway & Drainage Improvements.

**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 the Contract with Acosta Tractors, Inc., for NW 154th Street Roadway & Drainage Improvements.

**Section 4. Line Item Modification.** The Budget for FY 2013 adopted in Sec.2 of Ord. 13-154, is hereby modified as reflected in Exhibit "A" attached hereto, as amended.

**Section 5. Authorization of Fund Expenditure.** The Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the Contract from the bank loan proceeds based on the Development Agreement for the Dunwoody Lake and Forest; the Development Agreement states that the Developer will reimburse the Town for all of the costs related to this project, including design, construction, management costs, and interest costs.

**Section 6. Execution of the Contract.** The Town Manager is authorized to execute the Contract with Acosta Tractors, Inc., for NW 154th Street Roadway & Drainage Improvements on behalf of the Town in an amount not to exceed \$1,027,893, as a base price.

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**Section 7. Effective Date.** This Resolution shall be effective immediately upon adoption.

**PASSED AND ADOPTED** this 9 day of July, 2013.

Motion to adopt by Michael Pizzi, second by Cesar Mestre.

**FINAL VOTE AT ADOPTION**

Mayor Michael Pizzi	<u>YES</u>
Vice Mayor Cesar Mestre	<u>YES</u>
Councilmember Manny Cid	<u>YES</u>
Councilmember Tim Daubert	<u>YES</u>
Councilmember Nelson Hernandez	<u>YES</u>
Councilmember Tony Lama	<u>YES</u>
Councilmember Nelson Rodriguez	<u>YES</u>

Filed w/ Clerk Dec. 2013

Michael Pizzi  
MAYOR

Attest:

Marjorie Tejada  
Marjorie Tejada  
TOWN CLERK

Approved as to Form and Legal Sufficiency

Joseph S. Geller  
Joseph S. Geller  
Greenspoon Marder PA