

RESOLUTION NO. 2017-318

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY AND SEXTON ENGINEERING ASSOCIATES, INC. AS AN EXPERT ENGINEERING CONSULTANT IN RELATION TO FLORIDA'S TURNPIKE EXPANSION IN AN AMOUNT NOT TO EXCEED \$60,000 WITHOUT ADDITIONAL AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Transportation (FDOT) is proposing to widen Florida's Turnpike from six (6) lanes to ten (10) lanes between West Atlantic Boulevard and Wiles Road, and this expansion may negatively affect Coconut Creek residents; and

WHEREAS, staff has determined the need to hire an Engineering Consultant to help analyze the engineering documents associated with the proposed Project Development & Environment (PD&E) study in order to provide expert testimony; and

WHEREAS, the search for an Engineering Consultant was exhaustive due to the lack of expertise in project development, environmental studies, the NEPA process, and due to conflicts of interest; and

WHEREAS, staff reviewed several Engineering firms on the City's Consultant list procured through RFQ No. 11-19-14-10, who did not have the combined required expertise and ability to represent the City's interest in a controversial issue, and the companies on the list are known to have existing contracts with the FDOT, which constitutes a conflict of interest; and

WHEREAS, staff contacted two additional companies, Rhon Ernest Jones Group and Sexton Engineering Associates, Inc. Rhon Ernest Jones declined due to a lack of expertise and referred us to Sexton Engineering Associates, Inc. of which is the only firm he was aware of with the expertise to do the work; and

WHEREAS, Sexton Engineering Associates, Inc. is a Florida-based consulting firm that provides professional engineering and analysis services. Sexton Engineering has extensive experience in project development, environmental studies, and the NEPA process, has worked with governmental entities, and has no conflict of interest. Michael Sexton, owner of Sexton Engineering, is qualified as an expert witness in these matters, specific to South Florida region including, Broward County; and

WHEREAS, the City proceeded with a sole-source agreement with Sexton Engineering Associates, Inc. on October 5, 2017, through Purchase Order Number 170011, not to exceed \$24,000 for the purposes of preparing for and attending initial meetings with the public and the Turnpike Enterprise; and

WHEREAS, the City expects that the work with Florida's Turnpike will require an extended commitment of time; and

WHEREAS, based on the results of the qualification statement and the evaluation performed, staff is recommending that the City Commission approve Amendment No. 1 to the Agreement with Sexton Engineering Associates, Inc., to provide for continued and expanded expert engineering consultant services for the City related to Florida's Turnpike expansion.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution. All Exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

Section 2: That the City Commission has reviewed and hereby approves Amendment No. 1 to the Agreement between the City and Sexton Engineering Associates, Inc., in excess of \$25,000 as necessary for expert engineering consulting, however not to exceed \$60,000 without additional authorization.

Section 3: That the City Manager, or designee, is hereby authorized to execute Amendment No. 1 to the Agreement between the City and Sexton Engineering Associates, Inc. for expert engineering consulting related to Florida's Turnpike expansion.

Section 4: That if any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this Resolution.

Section 5: That this Resolution shall be in full force and effect immediately upon its adoption.

Adopted this 14th day of December, 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

Tooley	<u>Aye</u>
Rydell	<u>Aye</u>
Sarbone	<u>Aye</u>
Belvedere	<u>Aye</u>
Welch	<u>Aye</u>