

RESOLUTION NO. 2016-118

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN THE CITY OF COCONUT CREEK, KAUFMAN LYNN CONSTRUCTION, INC., AND AA ADVANCE AIR, INC. PROVIDING FOR A SCHEDULE FOR REPLACEMENT OF THE EXISTING LG GENERATION 3 MODEL AIR HANDLERS AND COMPRESSORS WITH LG GENERATION 4 MODEL AIR HANDLERS AND COMPRESSORS IN THE CITY'S PUBLIC WORKS BUILDING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 12, 2012, the City Commission approved an Agreement (hereinafter "Original Agreement") between the City and Kaufman Lynn Construction, Inc. ("Kaufman") pursuant to the competitive selection process under City Bid Number 11-16-11-11 for the construction of the City's LEED certified building located at 4900 West Copans Road, Coconut Creek, Florida; and

WHEREAS, the building has been functioning as the City's Public Works Department Building and the Broward Sheriff's Office Northwest Regional E911 Center since its Certificate of Occupancy given on August 1, 2013; and

WHEREAS, since that time, the City has had ongoing issues with the High-Voltage Alternating Current ("HVAC") system installed by Kaufman's subcontractor, AA Advance Air, Inc., which is designed to provide air conditioning to the entire building; and

WHEREAS, throughout the years the City, Kaufman, and AA Advance Air, Inc. have engaged in numerous discussions regarding solutions to the interrupted performance of the machines, such as changes or replacement of specific machines, repairs to existing machine parts, updating software and hardware, etc.; however, the issues have continued; and

WHEREAS, the City, Kaufman, and AA Advance Air, Inc. agree that the replacement of the existing LG Generation 3 model Air Handlers and Compressors throughout the Public Works Building with new LG Generation 4 model Air Handlers and Compressors (“LG replacement”) is required; and

WHEREAS, AA Advance Air, Inc. agrees to provide the LG replacement at no cost to the City; and

WHEREAS, the proposed Settlement Agreement, attached hereto and incorporated herein as “Exhibit 1,” sets forth a schedule for the LG replacement; and

WHEREAS, the LG replacement system will come with a new Manufacturer’s Warranty after the completion of the installation; and

WHEREAS, the proposed Settlement Agreement provides that upon the City’s acceptance of the work, the City will release Kaufman and AA Advanced Air, Inc. from any and all associated claims; and

WHEREAS, the City believes the proposed Settlement Agreement is in the best interest of the City in order to mitigate its damages and fix the problems that currently exist.

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.

Section 2: That the City Commission of the City of Coconut Creek hereby approves the Settlement Agreement between the City of Coconut Creek and Kaufman Lynn Construction, Inc., and AA Advance Air, Inc., attached hereto and incorporated herein as “Exhibit 1.”

Section 3: That the appropriate City Officials are hereby authorized to execute the Settlement Agreement between the City of Coconut Creek and Kaufman Lynn Construction, Inc., and AA Advance Air, Inc.

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 become effective immediately upon its adoption.

Adopted this 27th day of October, 2016.

Mikkie Belvedere, Mayor

Attest:

Leslie Wallace May, City Clerk

Belvedere	<u>Aye</u> ___
Rydell	<u>Aye</u> ___
Sarbone	<u>Aye</u> ___
Tooley	<u>Aye</u> ___
Welch	<u>Absent</u> __