

RESOLUTION NO. 2023-065

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF COCONUT CREEK FOR SURTAX-FUNDED MUNICIPAL TRANSPORTATION PROJECT: MILLING, PAVING, AND RESURFACING OF PUBLIC ROADS, BC-CCREEK-FY2020-00001, FOR THE CONSTRUCTION OF THE COMPREHENSIVE STREET IMPROVEMENT PROGRAM PHASE II; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's roadway infrastructure has aged and requires rehabilitation;
and

WHEREAS, the City of Coconut Creek adopted a four (4) phase Comprehensive Street Improvement Program in 2015 to be spread over the course of several years pending funding; and

WHEREAS, the City has successfully completed Phase I of the Comprehensive Street Improvement Program; and

WHEREAS, the Comprehensive Street Improvement Program Phase II (CSI PH II) design was completed in Fiscal Year 2019; and

WHEREAS, the City submitted an application for funding from the Mobility Advancement Program (funded by the Transportation Surtax) for construction of the CSI PH II project; and

WHEREAS, said application for the CSI PH II, Surtax Project Number BC-CCREEK-FY2020-00001, was approved for Cycle 1 Municipal Capital Projects eligibility for funding with surtax proceeds in the amount of \$3,000,000; and

WHEREAS, exceedance of surtax funding will be borne by the City; and

WHEREAS, the City entered into an agreement with Weekley Asphalt Paving, Inc. for the construction of the CSI PH II project in the amount of \$3,667,567.00 pursuant to Bid No. 04-05-22-11; and

WHEREAS, the construction project experienced cost escalations due to market factors, and Broward County (County) was agreeable to review the City's request for inflation adjustments; and

WHEREAS, the County validated that the cost escalation rate of up to 11.9% could be granted for qualified projects; and

WHEREAS, on August 1, 2022, the City requested a consideration for a construction cost escalation inflation adjustment of 11.9% be added to the Interlocal Agreement (ILA) to provide the City additional compensation to complete the work under the agreement as a reimbursement; and

WHEREAS, the County reviewed and approved the City's request for additional surtax funding not to exceed \$357,000,000, or 11.9% of the original cost. This amount is reflected in the First Amendment to the ILA, adjusting the total maximum funding amount to \$3,357,000 and readjusting the project phasing to three (3) phases instead of four (4) phases to match the project Plan of Record (POR) submitted by the contractor; and

WHEREAS, during the construction phase of the project, the contractor experienced delays due to material shortage/availability and required field changes thus the City is requesting a time extension of hundred and twenty (120) days from the County; and

WHEREAS, the City Commission deems it to be in the best interest of the City and its residents to amend the ILA to provide for a time extension of one hundred and twenty (120) days to ensure the project is completed and payment applications are submitted on

time for reimbursement.

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 the attached Second Amendment to the Interlocal Agreement between Broward County and the City for the CSI PH II project.

Section 3: That the City supports the CSI PH II project and commits to funding the maintenance of the improvements to be constructed within Coconut Creek’s right-of-way.

Section 4: That the Mayor and the City Manager, or designee, are hereby authorized to execute the Second Amendment to the Interlocal Agreement between Broward County and the City for the CSI PH II project.

Section 5: That if any clause, section, or 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 6: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 13th day of April, 2023.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Rydell	<u>Aye</u>
Welch	<u>Aye</u>
Railey	<u>Aye</u>
Brodie	<u>Aye</u>
Wasserman	<u>Aye</u>