

To: The Honorable Mayor and Council Members

From: Alberto Destrade, Purchasing Director 

Date: November 22, 2016

RE: **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO ASPHALT LAID-IN-PLACE SERVICES AGREEMENT, BETWEEN THE CITY OF NORTH MIAMI AND H & R PAVING, INC., TO FURNISH ADDITIONAL MATERIALS, EQUIPMENT, TOOLS, MACHINERY, SUPERVISION, EXPERTISE, AND SERVICES NECESSARY FOR THE PROVISION AND PLACEMENT OF HOT-MIXED ASPHALT FOR RESURFACING STREETS, ALLEYWAYS AND OTHER PUBLIC RIGHTS-OF-WAY, IN ACCORDANCE WITH THE TERMS, CONDITIONS, AND SPECIFICATIONS CONTAINED IN THE INVITATION FOR BID ASPHALT LAID- IN- PLACE IFB NO. 35-15-16; FURTHER AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS TO H & R PAVING, INC., ON AN AS-NEEDED, WHEN NEEDED BASIS, FOR APPROXIMATELY TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

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**RECOMMENDATION**

Staff is requesting that the Mayor and City Council authorize the approval of an amendment to the Agreement with H&R Paving, Inc. (H&R), to provide additional resurfacing work for streets, alleyways and other public rights-of-way citywide and to further authorize the City Manager to issue purchase orders to H&R on an as-needed, when-needed basis for approximately \$250,000.

**SCOPE OF WORK**

The scope of work for this contract includes, but is not limited to furnishing all labor, materials, and equipment necessary for the removal of millings, discarding of all deleterious material produced by the Contractor's work, hauling of all material, and placing plant mix asphaltic concrete in City streets, alleyways, rights-of-way and City owned properties.

**BACKGROUND**

On May 25, 2016, the City advertised IFB No. 35-15-16 "Asphalt Laid-in-Place" to solicit Bids from qualified and experienced contractors and establish a contract to provide the necessary labor, equipment, materials, and expertise as required to complete asphalt resurfacing work at various locations throughout the City in accordance with the terms, conditions, and specifications contained in the Solicitation.

In response to this Solicitation, Metro submitted a Bid and was subsequently approved for award (along with Metro Express, Inc.) by City Council on July 12, 2016 through Resolution No.

2016-R-77. Since entering this contract, staff has identified numerous additional areas throughout the City which are in need of repair due to wear and tear and is requesting approval of an additional \$500,000 for this contract (approximately \$250,000 each to H&R and Metro Express, Inc.) in order to resurface streets, including millage where required throughout the City. This additional expenditure shall serve to address most, if not all, of those needs.

**FUNDING SOURCE**

Funding for this project will be provided by the Gas Tax Fund and ½ Cent Tax Fund.

**ATTACHMENTS**

Resolution  
Resolution 2016-R-77

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE ASPHALT LAID-IN-PLACE SERVICES AGREEMENT, BETWEEN THE CITY OF NORTH MIAMI AND H & R PAVING, INC., TO FURNISH ADDITIONAL MATERIALS, EQUIPMENT, TOOLS, MACHINERY, SUPERVISION, EXPERTISE AND SERVICES NECESSARY FOR THE PROVISION AND PLACEMENT OF HOT-MIXED ASPHALT FOR RESURFACING STREETS, ALLEYWAYS AND OTHER PUBLIC RIGHTS-OF-WAY, IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS CONTAINED IN THE INVITATION FOR BID ASPHALT LAID-IN-PLACE IFB NO. 35-15-16; FURTHER AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS TO H & R PAVING, INC., ON AN AS-NEEDED, WHEN NEEDED BASIS, FOR APPROXIMATELY TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, on May 25, 2016, the City of North Miami (“City”) advertised *Invitation for Bid Asphalt Laid-in-Place IFB No. 35-15-16* (“IFB”), seeking competitive sealed bids from qualified licensed contractors to furnish all materials, equipment, tools, machinery, supervision, expertise and services necessary for the provision and placement of hot-mixed asphalt for resurfacing streets, alleyways and other public rights-of-way throughout the City on an as needed, when needed basis (collectively referred to herein as “Services”), in accordance with the terms, conditions, and specifications contained in the IFB; and

**WHEREAS**, H & R Paving, Inc. was one of two Contractors competitively selected by City administration based on certain criteria including cost, qualifications and references demonstrating to be advantageous to the City in the provision of Services; and

**WHEREAS**, on July 12, 2016, the Mayor and City Council passed and adopted Resolution No. 2016-R-77, approving the City administration’s competitive selection of H & R Paving, Inc. and Metro Express, Inc., further authorizing the City Manager to issue purchase orders to both contractors on an as-needed, when needed basis, for a combined annual amount not to exceed Three Hundred Thousand Dollars (\$300,000.00); and

**WHEREAS**, on August 17, 2016, the City executed an agreement with H & R Paving, Inc. (“Contractor”) for the provision of Services, as authorized by the Mayor and City Council under Resolution No. 2016-R-77 (“Agreement”); and

**WHEREAS**, City administration has identified the need for additional Services as part of the ongoing effort to resurface an increasing number of streets and alleyways throughout the City; and

**WHEREAS**, pursuant to Section 28.4, the Agreement may be modified or amended in writing and signed by both parties; and

**WHEREAS**, responding to the increased demand for additional Services, City administration respectfully requests that the Mayor and City Council authorize a first amendment to the Agreement with Contractor and authorizing the City Manager to issue purchase orders on an as needed, when needed basis, for approximately Two Hundred Fifty Thousand Dollars (\$250,000.00); and

**WHEREAS**, the Mayor and City Council find the expeditious provision of additional Services pursuant to the Agreement, as amended, will directly benefit the public health, safety, and welfare.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1.**      **Authorizing First Amendment.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to execute a First Amendment to Asphalt Laid-in-Place Services Agreement, between the City of North Miami and H & R Paving, Inc., to furnish additional materials, equipment, tools, machinery, supervision, expertise and services necessary for the provision and placement of hot-mixed asphalt for resurfacing streets, alleyways and other public rights-of-way, in accordance with the terms, conditions and specifications contained in the *Invitation For Bid Asphalt Laid-in-Place IFB No. 35-15-16*.

**Section 2.**      **Authority of City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to issue purchase orders to H & R Paving, Inc., on an as-needed, when needed basis, for approximately Two Hundred Fifty Thousand Dollars (\$250,000.00).

**Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.  
Vice Mayor Alix Desulme  
Councilman Scott Galvin  
Councilwoman Carol Keys, Esq.  
Councilman Philippe Bien-Aime

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

RESOLUTION NO. 2016-R-77

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE CITY ADMINISTRATION'S COMPETITIVE SELECTION OF METRO EXPRESS, INC. AND H & R PAVING, INC., AS THE LOWEST RESPONSIVE-RESPONSIBLE CONTRACTORS TO FURNISH ALL MATERIALS, EQUIPMENT, TOOLS, MACHINERY, SUPERVISION, EXPERTISE, AND SERVICES NECESSARY FOR THE PROVISION AND PLACEMENT OF HOT-MIXED ASPHALT FOR RESURFACING STREETS, ALLEYWAYS AND OTHER PUBLIC RIGHTS-OF-WAY, IN ACCORDANCE WITH THE TERMS, CONDITIONS, AND SPECIFICATIONS CONTAINED IN THE INVITATION FOR BID ASPHALT LAID- IN-PLACE IFB NO. 35-15-16; FURTHER AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS TO SELECTED CONTRACTORS ON AN AS-NEEDED, WHEN NEEDED BASIS, FOR A COMBINED ANNUAL AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000.00); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, on May 25, 2016, the City of North Miami ("City") advertised *Invitation for Bid Asphalt Laid-in-Place IFB No. 35-15-16* ("IFB"), seeking competitive sealed bids from qualified licensed contractors to furnish all materials, equipment, tools, machinery, supervision, expertise, and services necessary for the provision and placement of hot-mixed asphalt for resurfacing streets, alleyways and other public rights-of-way throughout the City on an as needed, when needed basis (collectively referred to herein as "Services"), in accordance with the terms, conditions, and specifications contained in the IFB; and

**WHEREAS**, a total of four (4) contractors were found by City administration to have properly and timely submitted bids in response to the IFB; and

**WHEREAS**, two (2) contractors, Metro Express, Inc. and H & R Paving, Inc. (collectively referred herein as "Contractors") were competitively selected by City administration as the lowest, most responsive-responsible bidders, with qualifications and references demonstrating to be the most advantageous to the City in the provision of Services; and

**WHEREAS**, Contractors have manifested the capability and willingness of providing Services to the City, at the lowest unit price submitted in response to the IFB, for a combined

annual amount not to exceed Three Hundred Thousand Dollars (\$300,000.00) with two (2) additional options to renew on a year-by-year basis; and

**WHEREAS**, City administration respectfully requests that the Mayor and City Council approve the selection of Contractors and further authorize the issuance of purchase orders for the provision of Services on an as needed, when needed basis, up to the annual amount authorized herein; and

**WHEREAS**, the Mayor and City Council find the selection of Contractors to be in the best interest of the City, and that the expeditious provision of Services are designed to protect the public health, safety, and welfare of the public.

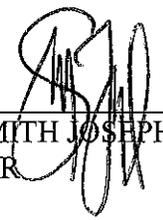
**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1.**     **Approving Selection of Contractors.** The Mayor and City Council of the City of North Miami, Florida, hereby approve the City Administration's competitive selection of Metro Express, Inc., and H & R Paving, Inc., as the lowest responsive-responsible contractors to furnish all materials, equipment, tools, machinery, supervision, expertise, and services necessary for the provision and placement of hot-mixed asphalt for resurfacing streets, alleyways and other public rights-of-way, in accordance with the terms, conditions, and specifications contained in the *Invitation For Bid Asphalt Laid-in-Place IFB No. 35-15-16.*

**Section 2.**     **Authority of City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to issue purchase orders to selected contractors on an as-needed, when needed basis, for a combined annual amount not to exceed Three Hundred Thousand Dollars (\$300,000.00).

**Section 3.**     **Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 12th day of July, 2016.

  
\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST: 

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin  
Seconded by: Keys

**Vote:**

- Mayor Smith Joseph, D.O., Pharm. D.
- Vice Mayor Alix Desulme
- Councilman Scott Galvin
- Councilwoman Carol Keys, Esq.
- Councilman Philippe Bien-Aime

<u>  X  </u>	(Yes)	<u>      </u>	(No)
<u>  X  </u>	(Yes)	<u>      </u>	(No)
<u>  X  </u>	(Yes)	<u>      </u>	(No)
<u>  X  </u>	(Yes)	<u>      </u>	(No)
<u>  X  </u>	(Yes)	<u>      </u>	(No)