

RESOLUTION NO. 12- 2117

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE CHANGE ORDERS FOR THE WATER SEWER STORMWATER DRAINAGE PROJECT (“WSSD”) FROM THE DATE OF THIS RESOLUTION TO THE COMPLETION AND RETURN TO THE TOWN COMMISSION FOR AFTER-THE-FACT APPROVALS SO LONG AS THE TOTAL AMOUNT OF CONSTRUCTION COSTS DOES NOT EXCEED \$23,635,381; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on July 12, 2011, the Town of Surfside passed Resolution 11-2028 approving the award of a competitive bid to Ric-Man International, Inc. (hereinafter “RIC-MAN”) as the lowest, most responsible, responsive bidder (RFQ Project Number 065355-15) for the Infrastructure Rehabilitation Project (a/k/a “WSSD Project”); and

**WHEREAS**, the Town Commission approved that the contract to be entered into between the Town and RIC-MAN, that the Town enter into a contract in substantially the same form as the contract contained in the RFQ, and authorized the Town Manager and Town Attorney to do whatever was necessary to complete the execution of said contract; and

**WHEREAS**, the Town entered into such contract as well as an Addendum Number One of the Standard Form Agreement on the basis of a stipulated price between the Town of Surfside and RIC-MAN and including authorized additives; and

**WHEREAS**, RIC-MAN and all of its subcontractors are continuously and progressively working in order to timely complete construction of the Water Sewer Stormwater Drainage Project (“WSSD”); and

**WHEREAS**, change orders (written orders to the contractor, issued after execution of the contract, that authorize a change in the construction work, contract amount or materials which are approved by the construction project manager and often the design professionals which become

necessary through the construction process for a variety of reasons are a normal and regular part of any construction process; and

**WHEREAS**, in order to keep RIC-MAN and all subcontractors working to timely complete the WSSD Project, the Town Manager must be given the authority and ability to approve necessary change orders as and when they occur; and

**WHEREAS**, such change orders would normally be approved before issuance by the Town Commission at regular monthly meetings but as these occur only once a month, to defer approvals until then will delay the construction of the WSSD Project and raise the cost of the project such that there can be no timely completion and the maximum available funds are at risk; and

**WHEREAS**, the Town Commission finds it is in the best interest of the Town of Surfside to grant the Town Manager such authority.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA,**

**Section 1.** **Recitals.** That the above and foregoing recitals are true and correct and are incorporated herein.

**Section 2.** **Authorization.** The Town Commission hereby authorizes the Town Manager to execute all necessary change orders for the construction cost of work or materials so long as the total amount of construction costs does not exceed \$23,635,381 for the completion of the WSSD Project from the date of this resolution to the completion of the project provided however \$618,049 of this amount will not be spent on additive alternatives without prior Commission approval. The Town Manager shall return to the Town Commission for after-the-fact approvals.

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

PASSED AND ADOPTED this 9 day of October, 2012

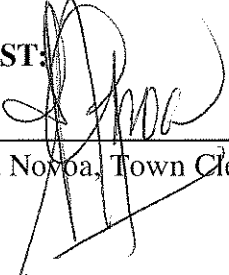
Motion by <sup>Vice Mayor</sup> Commissioner Karukin, Second by <sup>Mayor</sup> Commissioner Dietch

**FINAL VOTE ON ADOPTION:**

Commissioner Joseph Graubart	<u>YES</u>
Commissioner Michelle Kligman	<u>NO</u>
Commissioner Marta Olchyk	<u>NO</u>
Vice Mayor Michael Karukin	<u>YES</u>
Mayor Daniel Dietch	<u>YES</u>

  
\_\_\_\_\_  
Daniel Dietch, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra Novoa, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
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Lynn M. Dannheisser  
Town Attorney