



City Attorney's Communication #2022-756

May 25, 2022

TO: Fernand Thony, GO Bond Director

FROM: James E. Saunders III, Assistant City Attorney

RE: Ordinance – Second Amendment to CMAR / The Whiting-Turner Contracting Company

As requested in your memorandum dated May 23, 2022, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE SECOND AMENDMENT TO THE CONSTRUCTION MANAGER-AT-RISK AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE WHITING-TURNER CONTRACTING COMPANY FOR THE CONSTRUCTION OF SEGMENT 2 OF THE DIXIE HIGHWAY/ATLANTIC BOULEVARD STREETScape IMPROVEMENTS AT A GUARANTEED MAXIMUM PRICE OF \$45,632,432, TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR AN AMOUNT UP TO \$13,921,600 IN PROJECT FUNDING UNDER THE COUNTY TRANSPORTATION SURTAX PROGRAM, AND TO AUTHORIZE THE PROPER CITY OFFICIALS TO MAKE NONSUBSTANTIVE AMENDMENTS WITHOUT FURTHER COMMISSION APPROVAL AS MAY BE REQUIRED BY BROWARD COUNTY FOR PROGRAM FUNDING, NOT INCLUDING THE GUARANTEED MAXIMUM PRICE, AND TO PROVIDE COPIES OF SUCH AMENDMENTS TO THE CITY COMMISSION AND CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact us if we may be of further assistance.

/s/

JAMES E. SAUNDERS III

MEB/jrm
l:cor/citymgr/2022-756

Attachment