

MEMORANDUM

December 2, 2016

TO: City Commission

THRU: Dennis W. Beach, City Manager
Greg Harrison, Assistant City Manager
Mark E. Berman, City Attorney
Carrie L. Sarver, Assistant City Attorney

FROM: Horacio Danovich, CIP Manager

RE: Consent to Assignment and Second Amendment to Professional Design Services Agreement between City of Pompano Beach and Wantman Group, Inc. for the Pompano Beach Pier Replacement Project

Issue

Approval of a Consent to Assignment and Second Amendment to the Professional Design Services Agreement between City of Pompano Beach ("City") and Wantman Group, Inc. ("WGI") for the Pompano Beach Pier Replacement Project.

Recommendation

Staff recommends approval of Resolution.

Background

The City retained Bridge Design Associates, Inc. n/k/a BDA, Inc. ("BDA") to provide professional design services for the Fishing Pier Reconstruction project through a competitive solicitation process as required under the "Consultants Competitive Negotiation Act," more specifically provided for in Fla. Stat. 287.055. The parties entered into an Agreement pursuant to RLI No. H46-13 that was approved by the City Commission on January 23, 2015 by City Resolution No. 2015-144. The Agreement provided for a Contract Schedule to set the time period for completion of services with such services commencing on January 31, 2015 and continuing through December 31, 2015. At the time of City

Commission approval, this Contract Schedule seemed attainable and appropriate for BDA to complete the design services of the Pompano Beach Pier Reconstruction project provided for under the Agreement. However, delays of the design plans during the review process caused by the outside government permitting agencies caused the Contract Schedule time period to extend beyond the original one (1) year period as provided for in the Contract Schedule. This delay was beyond the reasonable control of BDA and is not considered by the City to be the fault or negligence of BDA. The Agreement provided that in the event of an excusable delay the Consultant may request that the City extend the Contract Schedule along with any other affected provision of the Agreement. Corresponding Agenda Item #17-148 is requesting City Commission action to reinstate and amend the Contract Schedule for an additional one (1) year period continuing through December 31, 2016 with BDA to allow for approval by the City of this excusable delay pursuant to the Agreement.

This Item

Effective November 30, 2016, BDA entered into an Amendment to Asset Purchase Agreement with Wantman Group, Inc. to transfer all remaining corporation assets, including the City of Pompano Beach's Pier Replacement Design Services Agreement, to WGI. BDA's sole shareholder and principal engineer of record on the City's Agreement for Professional Consultant Design Services for the Pompano Beach Pier is Brian C. Rheault. Mr. Rheault is now employed by WGI as an engineer as WGI purchased all corporation assets owned by BDA, of which Mr. Rheault was the sole shareholder. The design plans at this stage are 95% completed.

In an effort to keep the City in compliance with the Consultant's Competitive Negotiation Act, provide for the best sound engineering practices by having the current engineer of record complete the design plans and to ensure that the project design stays on budget, the City desires to maintain Mr. Rheault as the sole principal engineer of record. Therefore, the City is recommending approval of this Consent to Assignment with WGI and Second Amendment to extend the Contract Schedule an additional one (1) year period ending on December 31, 2017, or sooner, if services are completed prior to such date based on the excusable delay provision provided for in the Original Agreement.

Staff recommends approval.