

## 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: Bridge Design Associates, Inc. n/k/a BDA, Inc. Reinstatement and 1<sup>st</sup>  
Amendment to Professional Consultant Design Services Agreement for Pier  
Replacement Project

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### Issue

Approval of a Reinstatement and First Amendment to the Professional Consultant Design Services Agreement between the City of Pompano Beach ("City") and Bridge Design Associates, Inc. n/k/a BDA, Inc. ("BDA").

### Recommendation

Staff recommends approval of Resolution.

### Background

The City retained 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 approved by the City Commission on January 23, 2015 and approved 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



# CITY MANAGER'S OFFICE

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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 provides 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. This requested action to reinstate and amend the Contract Schedule for an additional one (1) year period continuing through December 31, 2016 is to allow for approval by the City of this excusable delay pursuant to the Agreement.

Staff recommends approval.