

RESOLUTION 19-11

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, PROVIDING FOR THE ACCEPTANCE OF A GUARANTEED MAXIMUM PRICE (GMP) PROPOSAL FOR THE PROGRESSIVE DESIGN-BUILD SERVICES CONTRACT WITH OVERLAND CONTRACTING, INC. FOR THE WATER TREATMENT PLANT REFURBISHMENT PROJECT CONDITIONED ON APPROVAL FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO ALLOW THE STATE REVOLVING FUND LOAN PROGRAM TO PROVIDE FINANCING FOR THE PROJECT; AUTHORIZING EXECUTION OF A GMP AMENDMENT TO THE CONTRACT UPON THE CITY'S CONFIRMATION OF SUCH APPROVAL; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Dunedin (the City) and Overland Contracting, Inc. (Overland) have, as a result of RFQ 17-1073, entered into a design-build contract (the Contract) for the refurbishment of the City's water treatment plant (the Project); and

WHEREAS, the City wishes to utilize funds from the State of Florida's Revolving Fund Loan Program (RFLP), administered by the Florida Department of Environmental Protection (FDEP), to assist in financing the Project; and

WHEREAS, the City has requested from the FDEP permission for the Project to participate in the RFLP as the Project will benefit the City's water system customers and otherwise meet the goals of the RFLP; and

WHEREAS, pursuant to § 6.5.2.1 of the Contract, Overland has presented a GMP Proposal (the Proposal) to the City; and

WHEREAS, pursuant to § 6.5.2.2 of the Contract, the City's staff have evaluated the Proposal and recommend acceptance of the Proposal in the amount of \$28,024,437, conditioned on the FDEP's approval of the City's requested RFLP funding; and

WHEREAS, pursuant to § 6.5.2.3 of the Contract, if the City accepts the Proposal, "the GMP and its basis shall be set forth in an amendment" to the Contract; and

WHEREAS, the City Commission finds that it is in the City's best interests to accept Overland's Proposal conditioned on the FDEP's approval of the City's RFLP funding request.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THAT:

SECTION 1. The City accepts the Proposal in the amount of \$28,024,437, conditioned on the FDEP's approval of the City's requested RFLP funding.

SECTION 2. The acceptance granted above shall only become effective with respect to all terms of the Contract on the date the City Manager or designee confirms to Overland in writing that the City has obtained approval for the RFLP funding it has requested from the FDEP.

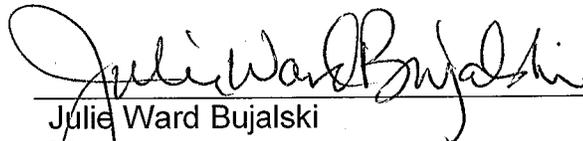
SECTION 3. Simultaneously with or at such other time the Parties thereafter agree, the City Manager is authorized without further Commission action to execute an Amendment to the Contract which sets forth the GMP and its basis, as provided for in § 6.5.2.3 of the Contract.

SECTION 4. The parts of this Resolution are severable from each other to the fullest extent allowed by law.

SECTION 5. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 7th day of March, 2019.

CITY OF DUNEDIN, FLORIDA



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk