

RESOLUTION NO. 17-__

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL
OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING
ACOSTA TRACTORS INC. FOR THE CONSTRUCTION OF
SAFE ROUTES TO SCHOOL CUTLER BAY MIDDLE
SCHOOL PROJECT; PROVIDING FOR RATIFICATION OF
INVITATION TO BID NO. 17-03; AUTHORIZING THE
TOWN MANAGER TO ENTER INTO AN AGREEMENT;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on July 21, 2015, the Town of Cutler Bay (the “Town”) was awarded a grant from the Florida Department of Transportation (“FDOT”) through the Transportation Alternatives Program (“TAP”) cycle to fund the Safe Routes to School (“SRTS”) Cutler Bay Middle School (formerly known as Cutler Bay Academy of Advanced Studies) Project; and

WHEREAS, pursuant to Resolution No. 15-55, the Town executed the Local Agency Program (LAP) Agreement with FDOT and authorized the Town Manager and/or his designee to execute all further documents and agreements necessary in order for the Town to receive the grant; and

WHEREAS, on March 13, 2017, the Town issued an Invitation to Bid (“ITB”) 17-03 for construction of Safe Routes to School Cutler Bay Middle School; and

WHEREAS, the ITB resulted in one (1) sealed bid being received prior to the May 2, 2017 deadline; and

WHEREAS, pursuant to the ITB competitive selection process utilized by the Town and the recommendation of the Town Manager, the Town Council desires to utilize the services of the “lowest and responsive” bidder, Acosta Tractors, Inc. (the “Contractor”), to construct the Safe Routes to School Cutler Bay Middle School Project (the “Project”); and

WHEREAS, Acosta Tractors, Inc. was the “lowest and responsive” bidder with a bid submittal totaling \$392,521.52; and

WHEREAS, funding for the Project is being provided from the FDOT TAP grant in the amount of \$352,521.52; and

WHEREAS, the allowance allocation of \$40,000.00 for the Project, if utilized, will be funded by the Town’s People’s Transportation Plan (“PTP”) Fund; and

WHEREAS, on May 9, 2017, FDOT reviewed Acosta Tractors, Inc. bid submittal and issued a Concurrence Letter for Construction Award; and

WHEREAS, the Town desires to expedite this Project, due to the proposed pedestrian safety enhancements and proximity to Cutler Bay Middle School; and

WHEREAS, the Town finds that this Resolution will promote the health, safety and welfare of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, THAT:

Section 1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

Section 2. **Selection.** The Town Council hereby selects the Contractor for the Project.

Section 3. **Ratification.** The Town Council hereby approves and ratifies Invitation to Bid #17-03 for the Safe Routes to School Cutler Bay Middle School Project issued by the Town Manager on March 13, 2017.

Section 4. **Authorization.** The Town Manager is hereby authorized to enter into an agreement in an amount not to exceed \$392,521.52, in substantially the form attached hereto as Exhibit "A," with the Contractor on behalf of the Town, subject to the Town Attorney's approval as to content, form, and legal sufficiency. In addition, the Town Manager is authorized to utilize \$40,000.00 of the Town's PTP Fund to fund the contingency portion of the Project, which is not reimbursable as part of the grant.

Section 5. **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this _____ day of May, 2017.

Attest:

PEGGY R. BELL
Mayor

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell	_____
Vice Mayor Sue Ellen Loyzelle	_____
Council Member Mary Ann Mixon	_____
Council Member Michael P. Callahan	_____
Council Member Roger Coriat	_____