

**RESOLUTION NO. 19-\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC. (F/K/A AMEC FOSTER WHEELER ENVIRONMENT & INFRASTRUCTURE, INC.) TO UPDATE THE FLOODPLAIN MITIGATION PLAN; WAIVING COMPETITIVE BIDDING DUE TO IMPRACTICABILITY; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay's (the "Town") Public Works Department is responsible for overseeing the implementation of the Town's Floodplain Management Program; and

**WHEREAS**, the Town is vulnerable to hurricane and other flood hazards that can cause loss of life and damages to public and private property; and

**WHEREAS**, the Town has been an active participant in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program's (NFIP) Community Rating System (CRS) Program, which encourages communities to voluntarily implement standards, policies, and programs that go above and beyond the minimum NFIP regulations in return for lower flood insurance premiums; and

**WHEREAS**, on October 17, 2012, the Town Council adopted Resolution No. 12-56 authorizing the issuance of Request for Qualifications (RFQ) No. 12-03: Floodplain Mitigation Plan, with the goal of improving the Town's overall CRS classification rating from a six (6) to a five (5) to provide a twenty-five percent (25%) savings on all flood insurance premiums within the Town; and

**WHEREAS**, on February 20, 2013, the Town adopted Resolution No. 13-14, authorizing the Town Manager to enter into a professional services agreement with AMEC Environment & Infrastructure, Inc. (the "Consultant") to develop the Town's Flood Mitigation Plan; and

**WHEREAS**, on June 20, 2013, the Town executed a Professional Services Agreement with the Consultant for the development of the Town's Flood Mitigation Plan; and

**WHEREAS**, on January 7, 2015, the Consultant registered its change of name with the Florida Department of State Division of Corporations to be known as "AMEC Foster Wheeler Environment & Infrastructure, Inc.;" and

**WHEREAS**, the Consultant, working closely with Town Staff and the Town's Floodplain Mitigation Committee, developed the Town's Floodplain Mitigation Plan; and

**WHEREAS**, on May 20, 2015, the Town Council adopted the Floodplain Mitigation Plan via Resolution No. 15-27 and accomplished the goal of lowering the Town's overall CRS classification rating from a six (6) to a five (5) which resulted in a twenty-five percent (25%) savings on all flood insurance premiums within the Town; and

**WHEREAS**, on April 16, 2018, the Consultant again registered its change of name with the Florida Department of State Division of Corporations and is now known as "Wood Environment & Infrastructure Solutions, Inc.;" and

**WHEREAS**, on January 16, 2019, the Town Council adopted the Watershed Master Plan via Resolution No. 19-04, thereby making the Town eligible for a CRS classification rating of four (4) and an annual flood insurance savings of thirty percent (30%); and

**WHEREAS**, on May 9, 2019, the Town's recent Community Rating System Verification Report presented a CRS rating of four (4), effective October 1, 2019, resulting in a thirty percent (30%) savings on all flood insurance premiums within the Town; and

**WHEREAS**, the Town must update its Floodplain Mitigation Plan to maintain its CRS classification rating of a four (4) and continue receiving a thirty percent (30%) discount for the Town's property owners; and

**WHEREAS**, Town staff has determined that the Consultant would be best suited to update the Floodplain Mitigation Plan (the "Services") due to the Consultant's familiarity and expertise with the National Flood Insurance Program, the current Flood Mitigation Plan, the Watershed Master Plan, and the Town; and

**WHEREAS**, Consultant has submitted a proposal, attached hereto as Exhibit "A," to provide the Services, in an amount not to exceed \$44,310.00 (the "Proposal"); and

**WHEREAS**, the Town Manager has provided a written recommendation to the Town Council that the competitive bidding requirements of Section 3.10 of the Town Charter be waived for the selection of Consultant to provide the Services due to impracticability; and

**WHEREAS**, pursuant to the written recommendation of the Town Manager, the Town Council hereby waives the competitive bidding requirements of Section 3.10 of the Town Charter due to impracticability, selects the Consultant to provide the Services, and authorizes the Town Manager to negotiate and execute a Professional Services Agreement with the Consultant for the Services, consistent with the Proposal attached hereto as Exhibit "A"; and

**WHEREAS**, the cost of the Consultant's Services for updating the Floodplain Mitigation Plan will be funded through the 2019-20 Stormwater Utility Fund; and

**WHEREAS**, the Consultant's Services for updating the Floodplain Mitigation Plan shall not include engineering services; and

**WHEREAS,** the Town Council finds that this Resolution is in the best interest and welfare of the residents 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 Consultant to perform the Services.

**Section 3. Waiver of Competitive Bidding.** In accordance with Section 3.10 of the Town Charter and Section 24-66 of the Town Code, the Town Council hereby waives competitive bidding based upon the Town Manager's recommendation to contract with the Consultant for the Services.

**Section 4. Authorization.** The Town Manager is hereby authorized to negotiate and execute a Professional Services Agreement with the Consultant for the Services in an amount not to exceed \$44,310.00, consistent with the Proposal attached hereto as Exhibit "A."

**Section 5. Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED on this \_\_\_\_ day of October, 2019.

\_\_\_\_\_  
TIM MEERBOTT  
Mayor

Attest:

\_\_\_\_\_  
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 Tim Meerbott \_\_\_\_\_

Vice Mayor Sue Ellen Loyzelle \_\_\_\_\_

Council Member Robert “BJ” Duncan \_\_\_\_\_

Council Member Michael P. Callahan \_\_\_\_\_

Council Member Roger Coriat \_\_\_\_\_