

RESOLUTION No. 2004-115-166

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REPEALING RESOLUTION NO. 2004-112-163; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES WITH M.C. HARRY & ASSOCIATES, INC., RELATED TO THE SCOTT PARK PROJECT, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR A WAIVER/EXEMPTION OF COMPETITIVE BIDDING; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 26, 2001, M.C. Harry & Associates, Inc. ("M.C. Harry") entered into an Agreement with Miami-Dade County for consulting and professional services pursuant to §287.055, Florida Statutes, ("Professional Services Agreement"), and

WHEREAS, pursuant to the Professional Services Agreement, M.C. Harry was to provide certain architectural and engineering services related to certain park projects within Miami-Dade County, and

WHEREAS, one of the parks for which M.C. Harry was providing consulting and professional services to Miami-Dade County, was Scott Park ("Scott Park Project"), and

WHEREAS, Miami-Dade County has transferred all of the parks that were previously located in the north unincorporated area to Miami-Gardens, and

WHEREAS, M.C. Harry has completed Phases I, II and III of the Scott Park Project and Miami-Dade County has paid M.C. Harry for its services for Phases I, II and III, and

WHEREAS, the Scott Park Project is ongoing, and Phases IV and V of that Project remain outstanding, and

WHEREAS, Phases IV and V of the Professional Services Agreement include the bid phase assistance element and the construction administration element, and

WHEREAS, in light of the fact that M.C. Harry provided the architectural and engineering services on the Project (Phases I, II and III), it would seem prudent for M.C. Harry to complete the final Phases of that Project, and

WHEREAS, City Staff has confirmed that Miami-Dade County complied with the competitive bid requirements of §287.055, Florida Statutes (CCNA), and

WHEREAS, pursuant to Article 5 of the City's Purchasing Ordinance, the City Council may authorize a waiver of competitive bidding procedures upon the recommendation of the City Manager that is in the City's best interest to do so, and

WHEREAS, pursuant to Article 6(c) of the City's Purchasing Ordinance, purchases made by other governmental contracts or competitive bids with other governmental agencies are exempt from competitive bidding requirements, and

WHEREAS, pursuant to Article 6(e) of the City's Purchasing Ordinance, under circumstances where time constraints do not permit the preparation of clearly drawn specifications, the City Council has the authority to provide an exemption from competitive bidding, and

WHEREAS, on October 27, 2004, the City Council approved Resolution No. 2004-112-163 , approving an assignment of the Agreement between M.C. Harry and Miami County, and

WHEREAS, in light of the fact that an Assignment must be approved by Miami-Dade County, and City staff has been informed that the proposed assignment can not be placed on the agenda for the Miami Dade County Board of County Commissioners agenda expeditiously, the City Manager recommends that instead of an assignment agreement being executed, that the City enter into a separate agreement with M.C. Harry for the completion of the Project, an

WHEREAS, the City Council believes that, based upon the recommendation of the City Manager, it is in the best interest of the City to provide a waiver/exemption from the competitive bid requirements, and to enter into an agreement with M.C. Harry to complete the remainder of the Professional Services Agreement,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas

paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. REPEAL: Resolution No. 2004-112-163 is hereby repealed.

Section 3. AUTHORITY: The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, that certain Agreement with M.C. Harry for professional consulting services related to the Scott Park Project, a copy of which is attached hereto as **Exhibit A**.

Section 4. INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby authorized to obtain three (3) fully executed copies of the subject Agreement, with one to be maintained by the City; with one to be delivered to M.C. Harry & Associates, Inc., and with one to be directed to the Office of City Attorney.

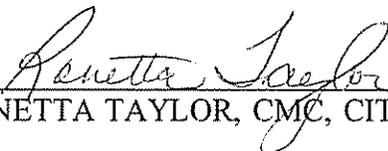
Section 5. WAIVER/EXEMPTION: City Council authorizes a waiver/exemption from the competitive bidding requirements of Ordinance No. 2004-17, the City's Purchasing Ordinance, based upon the recommendation of the City Manager.

Section 6. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON NOVEMBER 10, 2004.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA K. KNIGHTON, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Councilman Braynon

SECONDED BY: Councilwoman King

VOTE: 6-1

Mayor Gibson	<u> x </u> (Yes)	<u> </u> (No)
Vice Mayor Campbell	<u> x </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)
Councilman Oscar Braynon, II	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Audrey J. King	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> </u> (Yes)	<u> x </u> (No)
Councilwoman Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)

SKK/bfc

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