

RESOLUTION No. 2006-76-422

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST RESPECTIVELY THAT CERTAIN AGREEMENT WITH H & J ASPHALT, INC., FOR STREET RESURFACING ON AN AS-NEEDED BASIS, BY RELYING UPON THAT CERTAIN AGREEMENT BETWEEN MIAMI-DADE COUNTY AND H & J ASPHALT, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING A WAIVER TO THE COMPETITIVE PROCESS; AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN ACCORDANCE WITH THE AGREEMENT, NOT TO EXCEED BUDGETED FUNDS; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City previously entered into an agreement with H & J Asphalt, Inc. ("H &J"), for street resurfacing and repaving, and

WHEREAS, the City's prior agreement with H & J has expired, and

WHEREAS, Miami-Dade County competitively bid a street resurfacing and repaving Contract to H & J Asphalt, Inc., in June of 2005, which was amended on June of 2006 to increase the costs, due to the sharp rise in prices after the 2005 hurricane season, and

WHEREAS, the City Manager is recommending that the City Council contract with H & J Asphalt, by relying upon H&J's Contract with Miami-Dade County, as amended, on an as-needed basis, in accordance with funds budgeted for this purpose, and

WHEREAS, the City Manager is also recommending that the City Council waive the competitive bidding requirements of the City's Purchasing Ordinance in light of the fact that the services cannot be acquired through the normal purchasing process,

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. AUTHORIZATION: The Mayor and City Clerk are hereby authorized to execute and attest that Certain Agreement with H & J Asphalt, Inc., for Street Resurfacing and Repaving, a copy of which is attached hereto as Exhibit "A," by relying upon the Agreement between H & J Asphalt, Inc., and Miami Dade County dated June 17, 2005, as amended.

Section 3. AUTHORIZATION: Pursuant to Section 15(a) of the City's Purchasing ordinance, the City Council hereby authorizes a waiver of the competitive bidding requirements of the Purchasing Code.

Section 4. AUTHORIZATION: The City Manager is hereby authorized to expend funds in accordance with the Agreement between the City and H & J, on an as-needed basis, in an amount not to exceed the budgeted funds for this purpose.

Section 5. INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby authorized to obtain four (4) fully executed copies of the subject Agreement, with one to be maintained by the City; with one to be delivered to H & J Asphalt, Inc., and with one to be directed to the Office of City Attorney.

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 JULY 12, 2006.


SHIRLEY GIBSON, MAYOR

ATTEST:



RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Vice Mayor Braynon
SECONDED BY: Councilwoman Watson

VOTE: 7-0

Mayor Shirley Gibson	<u>x</u> (Yes)	___ (No)
Vice Mayor Oscar Braynon, II	<u>x</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	<u>x</u> (Yes)	___ (No)
Councilman Aaron Campbell	<u>x</u> (Yes)	___ (No)
Councilman Ulysses Harvard	<u>x</u> (Yes)	___ (No)
Councilwoman Sharon Pritchett	<u>x</u> (Yes)	___ (No)
Councilwoman Barbara Watson	<u>x</u> (Yes)	___ (No)

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