

RESOLUTION No. 25-

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, WAIVING THE COMPETITIVE BID PROCESS PURSUANT TO SECTION 2-231 OF THE CITY'S CODE OF ORDINANCES, RETROACTIVELY AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH GALLAGHER BASSETT, TO PROVIDE A PHASE II ENVIRONMENTAL SITE ASSESSMENT FOR THE DORAL 10 VACANT LOT IN A LUMP SUM BASIS OF TWENTY-NINE THOUSAND, NINE HUNDRED DOLLARS AND 00/100 (\$29,900.00); AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY IN FURTHERANCE HEREOF; APPROVING A BUDGET TRANSFER OF TWENTY-NINE THOUSAND, NINE HUNDRED DOLLARS AND 00/100 (\$29,900.00) FROM ACCOUNT No. 001.80005.500650 TO ACCOUNT No. 001.80005.500310 TO PROVIDE FOR SUFFICIENT FUNDING; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 2018-19 the City of Doral (the "City" expressed interest in the purchase of a 10-acre vacant, with Folio Numbers 35-3017-001-0210 and 35-3017-001-0208, located in the vicinity of NW 104th Avenue, NW 102nd Avenue, NW 66th Street, and NW 74th Street (the "Property"), owned by Doral 10, LLC ("Doral 10"); and

WHEREAS, as part of the due diligence for this land acquisition, an environmental assessment was conducted on the property by the environmental engineering firm EE&G; and

WHEREAS, due to various factors the acquisition of this land was never finalized; and

WHEREAS, due to an unrelated matter, involving allegations of contamination of the Property by the City and other defendants, Doral 10 filed a lawsuit seeking damages from the City; and

WHEREAS, after years of litigation, the City has entered into a tentative settlement agreement, which has been memorialized in a term sheet, with Doral 10 that includes the purchase of the Property; and

WHEREAS, part of the agreement provides that the City may conduct an additional Phase II Environmental Assessment to ensure that the original conditions found on the property same, as a condition to the settlement; and

WHEREAS, due to the terms agreed in the settlement, the assessment needed to be conducted within 45 days of the agreement; and

WHEREAS, in February of 2025 the City Manager authorized the firm Gallagher Bassett, whose staff conducted the original Environmental Assessment under EE&G, to perform the Phase II Environmental Assessment on the Property; and

WHEREAS, this decision was made due to the essence of time, since the consultant performing the work is familiar with the site and the fact that the consultant has all the back history to perform this assessment; and

WHEREAS, Gallagher Bassett provided a proposal for a lump sum amount of Twenty Nine Thousand Dollars and 00/100 (\$29,900.00), and will complete the assessment within 20 business days of Notice to Proceed; and

WHEREAS, the City staff respectfully requests that the Mayor and the City Councilmembers waive the City's formal bid process pursuant to Section 2-321 of the Code of Ordinances for the required services and approve the Professional Services Agreement (PSA) with Gallagher Bassett, for the Environmental Assessment in a lump sum amount of \$29,900.00; and

WHEREAS, in addition, the Public Works Department respectfully requests that the Mayor and the City Councilmembers authorize the transfer of \$29,900.00 from the Public Works General Fund Account Num. 001.80005.500650 to Account Num. 001.80005.500310 to provide sufficient funding for this request.

NOW, THEREFORE, BE RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made part hereof by this reference.

Section 2. Approval. The Professional Services Agreement between the City of Doral and Gallagher Bassett for the provision of a Phase II Environmental Assessment at the Doral 10 vacant lot and the transfer of \$29,900.00 from the Public Works General Fund Account Num. 001.80005.500650 to Account Num. 001.80005.500310 are hereby approved.

Section 3. Authorization. The City Manager is retroactively authorized to execute the Professional Services Agreement and expend budgeted funds on behalf of the City in furtherance hereof.

Section 4. Implementation. The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and the provisions of this Resolution.

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

The foregoing Resolution was offered by _____ who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

| | |
|-----------------------------|-------|
| Mayor Christi Fraga | _____ |
| Vice Mayor Maureen Porras | _____ |
| Councilwoman Digna Cabral | _____ |
| Councilman Rafael Pineyro | _____ |
| Councilwoman Nicole Reinoso | _____ |

PASSED AND ADOPTED this 12 day of February, 2025.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

LORENZO COBIELLA
GASTESI, LOPEZ, MESTRE & COBIELLA, PLLC
CITY ATTORNEY