



# Broward County

## Legislation Text

File #: 20-1416, Version: 1

### **Broward County Commission Regular Meeting**

**Director's Name:** George Tablack

**Department:** Finance and Administrative Services    **Division:** Purchasing

### Information

#### Requested Action

A. MOTION TO AWARD fixed contract to low responsive, responsible bidder, Shiff Construction & Development, Inc., for Septage Receiving Facility Operations Administration Building, Bid No. PNC2120945C1, for Water and Wastewater Services, in the amount of \$3,070,648, which includes allowances in the amount of \$135,000, to be substantially completed within 360 calendar days from the Project Initiation Date listed in the Second Notice to Proceed, contingent upon the receipt and approval of insurance/performance and payment guaranty, and authorize the Mayor and Clerk to execute same. **(Commission District 4)**

***ACTION: (T-10:45 AM) Approved.***

***VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.***

B. MOTION TO APPROVE increase of change order allowance by 5%, in addition to the allowable 5% administrative increase, for a total change order allowance of 10% to address unforeseen conditions that may be identified during construction.

***ACTION: (T-10:45 AM) Approved.***

***VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.***

#### Why Action is Necessary

Motion A. In accordance with the Broward County Procurement Code, Section 21.31.a.4, Award Authority, Board approval is required for awards exceeding \$500,000 that includes a single bidder, rejection of apparent low bidder, or protested award.

Motion B. In accordance with the Broward County Procurement Code, Section 21.73.c., the Board is required to approve any change order allowance increase exceeding 5% of the original contract amount.

#### What Action Accomplishes

Motion A. Provides all labor, materials, equipment, and services for the construction of a septage receiving operations administration building for Water and Wastewater Services.

Motion B. Provides an additional change order allowance for the contract administrator to approve

change orders over the standard 5% allowance to address unforeseen condition during renovations.

**Is this Action Goal Related**

No

**Previous Action Taken**

None.

**Summary Explanation/Background**

THE PURCHASING DIVISION AND THE PUBLIC WORKS DEPARTMENT/WATER AND WASTEWATER SERVICES RECOMMEND APPROVAL OF THE ABOVE MOTIONS.

The Office of Economic and Small Business Development (OESBD) established a County Business Enterprise (CBE) goal of 25% for this contract. Shiff Construction & Development, Inc. committed to 25.71% CBE participation, which has been reviewed and approved by the OESBD (Exhibit 2).

In accordance with the Broward County Workforce Investment Program, Broward County Administrative Code, Section 19.211, these services are subject to the Workforce Investment Program. Shiff Construction & Development, Inc. has agreed to be bound to the contractual obligations of the Workforce Investment Program.

The purpose of this procurement is for the construction of a Septage Receiving Facility Operations Administration Building; renovation of existing Control Building; backup power generator; replacement of existing wash water booster pump station with power, control, Variable Frequency Drive (VFD) pumps, and structural slab on-grade; rehabilitation of the dry retention pond east of the proposed Administration Building; new dry retention pond west of the Administration Building; and new concrete slab and dumpster enclosure.

This procurement carries a 100% performance and payment guaranty. The Purchasing Division confirmed with the surety company that Shiff Construction & Development, Inc. has the capacity to obtain the required guaranty.

The allowances incorporated into this contract in the amount of \$135,000 include: \$81,000 for permits fees, \$2,500 for Broward County permit fees, \$500 for Water and Wastewater/Broward Sheriff's Office identification badges, \$1,000 for Fire Watch fees and \$50,000 for Florida Power & Light fees. Expenditures under these allowance items must be approved by the contract administrator and will be reimbursed at the contractor's actual cost without mark-up (Exhibit 5).

The Director of Purchasing has determined the apparent low bidder, Vercetti Enterprises, to be non-responsive and non-responsible to the bid requirements. The bidder did not submit the bid bond as required by the solicitation document and did not meet CBE requirements. The CBE goal participation was set at 25%; Vercetti Enterprises did not commit to any CBE participation. The OESBD provided the three-day cure opportunity for Vercetti Enterprises to meet the goal requirements; the vendor provided documentation totaling 9.8% CBE participation. Vercetti Enterprises also submitted proof of good faith efforts. The OESBD determined that Vercetti

Enterprises did not meet the quality, quantity, and extent in its efforts to meet the goal. The cost difference between the apparent low bidder and the recommended bidder is \$450,351.

The Recommendation for Award was posted on the Purchasing Division website from September 14 - 18, 2020. On September 14, 2020, an unofficial protest was received from Vercetti Enterprises but did not include the required protest filing fees. On September 17, 2020, an email was received from Vercetti Enterprises withdrawing its objection. Vercetti Enterprises requested information on how the Recommendation for Award decision was reached for Shiff Construction & Development, Inc., and the OESBD participation goal of 25%. On October 19, 2020, although the protest was withdrawn, the Director of Purchasing responded to the protest addressing the issues raised and the Recommendation for Award remains as originally stipulated (Exhibit 6).

The Water and Wastewater Services Division reviewed the bid submitted by Shiff Construction & Development, Inc. and concurs with the recommendation for award (Exhibit 3). Twelve final vendor performance evaluations have been completed for Shiff Construction & Development, Inc. The firm has a rating of 3.99 out of a possible 5.0.

The prices submitted by the recommended bidder, Shiff Construction & Development, Inc., have been determined fair and reasonable by Water and Wastewater Services (Exhibit 4).

The amounts referenced in this agenda item were rounded to the nearest whole dollar. Vendor payments will be based on the actual total bid amount. The bid tabulation reflects the actual amount of the award.

The bid validity for this project will expire on November 5, 2020. Shiff Construction & Development, Inc. extended the bid validity through November 30, 2020.

This bid posted on May 13, 2020 and opened on July 8, 2020; five bids were received with one declination (Exhibit 1).

### **Source of Additional Information**

Brenda J. Billingsley, Director, Purchasing Division, (954) 357-6070

### **Fiscal Impact**

#### **Fiscal Impact/Cost Summary**

The source of funding for this project is the Water and Wastewater Construction Fund in the amount of \$3,070,648.

Requisition No: WWE0000866