



# Broward County

## Legislation Text

File #: 19-1408, 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 ADOPT budget Resolution No. 2020-031 transferring budgets within the Transit Non-Grant Capital Fund in the total amount of \$2,672,626 for the construction of the new Lauderhill Mall Transit Center project.

***ACTION: (T-10:33 AM) Approved.***

***VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.***

B. MOTION TO AWARD fixed contract to low responsive, responsible bidder, Emerald Construction Corporation for Lauderhill Mall Transit Center, Bid No. PNC2119699C1, for the Transit Division, in the amount of \$10,695,607, which includes allowances of \$440,000, to be substantially completed within 325 calendar days from the Project Initiation Date listed in the Second Notice to Proceed, contingent upon no protest and the receipt and approval of insurance/performance and payment guaranty; and authorize the Mayor and Clerk to execute the same. **(Commission District 9)**

***ACTION: (T-10:33 AM) Approved.***

***VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.***

C. MOTION TO APPROVE increase of Administrative Change Order allowances by an additional 5%, for a total change order allowance of 10%, to address unforeseen site conditions.

***ACTION: (T-10:33 AM) Approved.***

***VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.***

#### Why Action is Necessary

Motion A: Board approval is required to increase the total capital project budget by more than 5%.

Motion B: 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 include a single bidder, rejection of apparent low bidder, or protested award.

Motion C: 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 when the amount is greater than \$100,000.

### **What Action Accomplishes**

Motion A: Amends the budgets within the Fiscal Year 2020 Transit Non-Grant Capital Fund for transit construction projects.

Motion B: Provides all the labor, materials, equipment, services, and incidentals necessary to perform the development of a new transit center within the Lauderhill Mall, in the City of Lauderhill to serve over 8,000 transit passengers daily.

Motion C: Provides an additional change order allowance for the contract administrator to approve change orders over the standard 5% allowance to address unforeseen site conditions.

### **Is this Action Goal Related**

No

### **Previous Action Taken**

None.

### **Summary Explanation/Background**

THE PURCHASING DIVISION AND THE PUBLIC WORKS DEPARTMENT/CONSTRUCTION MANAGEMENT DIVISION AND HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION, AND THE TRANSPORTATION DEPARTMENT/TRANSIT DIVISION 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. Emerald Construction Corporation committed to 26.30% 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. Emerald Construction Corporation has agreed to be bound to the contractual obligations of the Workforce Investment Program.

The purpose of this contract is to furnish all labor, materials, equipment, services, and incidentals necessary for the construction of a new transit center in the City of Lauderhill to serve over 8,000 transit passengers daily. The new facility will accommodate a minimum of ten bus bays to be utilized by the 40-foot, 42-foot fixed and 60-foot articulated buses. The bus bays will also be shared by coach/community buses. The project also includes a new traffic signal on State Road 7/441 to ensure safe and timely Broward County transit bus circulation entering and exiting this new transit center.

This project introduces Broward County's first "Net-Positive Building." The project includes photovoltaic (PV) solar panel array, as well as electrical vehicle chargers and electrical transit bus

charging stations for Broward County Transit (BCT) Division.

This procurement carries a 100% performance and payment guaranty. The Purchasing Division confirmed with the surety company that Emerald Construction Corporation has the capacity to obtain the required guaranty.

The allowances incorporated into this contract in the amount of \$440,000 include: permits and fees City of Lauderhill for \$374,000, Florida Department of Transportation for \$12,000, Broward County Environmental Protection Growth Management Division for \$3,000, FP&L De-Energize power lines for \$16,000 and allowance items/parts on pass-thru for \$35,000. 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.

The Director of Purchasing determined that the apparent low bidder, Ms. Shineon LLC, to be non-responsive to the bid requirements; the bidder did not bid on all line items or submit a bid bond.

The Director of Purchasing also determined that the second bidder, Florida Clear Energy, LLC, to be non-responsive to the bid requirements; the bidder did not bid on all line items or submit a bid bond.

The Construction Management Division reviewed the bid submitted by Emerald Construction Corporation and concurs with the recommendation for award (Exhibit 3). There are no vendor performance evaluations for the bidder.

The prices submitted are fair and reasonable based on the engineer's project estimates.

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

The bid posted on September 26, 2019 and opened on November 5, 2019; six bids were received with no declinations.

### **Source of Additional Information**

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

### **Fiscal Impact**

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

The sources of funding for this project are the Transit Division's Non-Grant Capital Fund and Broward County Highway Construction and Engineering Constitutional Gas Capital Fund for the constructing of this new traffic signal and related roadway and safety improvements.