



# Broward County

## Legislation Text

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File #: 21-709, Version: 1

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### **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 the low responsive, responsible bidder, A. C. T. Services, Inc., for Government Center East Annex Re-Roof and HVAC Improvements, Bid No. PNC2120874C1, for the Construction Management Division, for \$1,623,844, which includes permit allowances of \$75,000, to be substantially completed in 330 calendar days from the Project Initiation Date listed in the Second Notice to Proceed, contingent upon receipt and approval of insurance/performance and payment guaranty, and authorize the Mayor and Clerk to execute same. (Commission District 7)

***ACTION: (T-11:24 AM) Approved.***

***VOTE: 9-0.***

B. 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-11:24 AM) Approved.***

***VOTE: 9-0.***

#### **Why Action is Necessary**

Motion A. In accordance with the Broward County Procurement Code, Section 21.47(a), Award and Execution 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 21.56, the Board is required to approve any change order allowance increase exceeding 5% of the original contract amount.

#### **What Action Accomplishes**

Motion A. Award of this contract provides construction of re-roof and HVAC improvements for the six-story, Broward County Government Center East, Annex Building, located at 115 South Andrews Avenue, Fort Lauderdale, Florida.

Motion B. Provides for additional Change Order allowance.

**Is this Action Goal Related**

No

**Previous Action Taken**

None.

**Summary Explanation/Background**

THE PURCHASING DIVISION AND THE PUBLIC WORKS DEPARTMENT/CONSTRUCTION MANAGEMENT DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTIONS.

The Office of Economic and Small Business Development (OESBD) established a County Business Enterprise (CBE) goal of 30% for this contract. A. C. T. Services, Inc. committed to 39.7% CBE participation, which has been reviewed and approved by 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. A. C. T. Services, Inc. has agreed to be bound to the contractual obligations of the Workforce Investment Program.

The allowances in this contract in the total amount of \$75,000 are for permit fees. Expenditures under this allowance must be approved by the Contract Administrator and will be reimbursed at the contractor's actual cost without mark-up.

This procurement carries a 100% performance and payment guaranty. The Purchasing Division confirmed with the surety company that A. C. T. Services, Inc. has the capacity to obtain the required guaranty.

The Director of Purchasing has determined the apparent low bidder, Innovative Builders, Inc., to be non-responsive to the solicitation as they did not submit a bid bond at time of submittal as detailed in the Special Instructions to Vendors, Section K., Bid Bond. There was no record of bid guaranty received and there was no copy included in electronic submittal. There is a \$436,844 difference between the bid amount of the apparent low bidder, Innovative Builders, Inc., versus the bid amount of the recommended bidder, A. C. T. Services, Inc.

Construction Management Division (CMD) reviewed the bid submitted by A. C. T. Services, Inc., and concurs with the recommendation for award (Exhibit 3). There are no Broward County performance evaluations for A. C. T. Services, Inc.

The prices submitted by the recommended bidder, A. C. T. Services, Inc., have been determined to be fair and reasonable by CMD (Exhibit 4).

Due to the age of the building, the approval of the additional change order allowance will allow for possible unforeseen conditions encountered during construction.

The bid was posted on December 17, 2020 and opened on February 10, 2021; five bids were received with no declinations (Exhibit 1).

The Recommendation for Award was posted on the Purchasing Division website from April 13 - 19, 2021, at which time any aggrieved vendor could have protested the results. There was no protest or appeal filed regarding this procurement.

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.

**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 Construction Management Division.

Requisition No. CMD0000493