



Broward County

Legislation Text

File #: 21-1534, Version: 1

Broward County Commission Regular Meeting

Director's Name: Trevor M. A. Fisher (Acting Director)

Department: Public Works **Division:** Facilities Management

Information

Requested Action

A. MOTION TO REAFFIRM AND MODIFY sole source standardization of Johnson Controls, Incorporated for Fire Alarm and Security Management System Maintenance of Johnson Controls, Incorporated proprietary equipment and systems at currently covered Broward County buildings, and to include all present and future Broward County buildings that have such equipment installed as their main control systems.

ACTION: (T-10:28 AM) Approved with Regular Meeting Additional Material, dated September 21, 2021, submitted at the request of Public Works Department.)

VOTE: 8-0. Commissioner Furr voted in the affirmative telephonically. Commissioner Ryan was not present.

ACTION: (T-10:49 AM) Through Mayor Geller, Commissioner Ryan requested being shown voting in the affirmative.

VOTE: 9-0.

B. MOTION TO APPROVE Agreement between Broward County and Johnson Controls, Incorporated for Fire Alarm and Security Management System Maintenance for the Facilities Management Division and Various County Agencies, Sole Source Agreement No. BLD2123500A1, in the maximum not-to-exceed amount of \$11,355,924, including optional services, for a three-year initial term with two one-year renewal periods, and authorize the Mayor and Clerk to execute same. The initial term of this Agreement begins on October 1, 2021.

ACTION: (T-10:28 AM) Approved with Additional Material, dated September 21, 2021, submitted at the request of Public Works Department.)

VOTE: 8-0. Commissioner Furr voted in the affirmative telephonically. Commissioner Ryan was not present.

ACTION: (T-10:49 AM) Through Mayor Geller, Commissioner Ryan requested being shown voting in the affirmative.

VOTE: 9-0.

Why Action is Necessary

A. In accordance with the Broward County Procurement Code, Section 21.19(a), the Board is required to approve all standardizations above the award authority of the Director of Purchasing.

B. In accordance with Section 21.47(a), Award and Execution Authority, Board approval is required for awards exceeding \$500,000.

What Action Accomplishes

A. and B. Provide continuation of maintenance, repairs, and component replacement from the only contractor capable of providing needed services for Johnson Controls equipment and systems for critical building systems in Broward County buildings and aligns the sole source reaffirmation with the new five-year Johnson Controls, Incorporated Agreement.

Is this Action Goal Related

No

Previous Action Taken

None.

Summary Explanation/Background

THE PUBLIC WORKS DEPARTMENT/FACILITIES MANAGEMENT DIVISION RECOMMENDS APPROVAL OF THE ABOVE MOTIONS.

Motion A.

On July 8, 2003 (Item Number 24), the Board approved sole source standardization for Johnson Controls, Incorporated. On November 7, 2017 (Item Number 30), the Board approved the subsequent reaffirmation of Johnson Controls, Incorporated per Exhibit 1 for five-years with a November 7, 2022, expiration date.

Pursuant to the Broward County Procurement Code Section 21.25, Sole Source Procurement, a Notice of Intent to Designate Sole Source shall be posted on the Purchasing Division's website to allow vendors to submit a written explanation contesting the proposed designation as a Sole Source. A Request for Information, RFI No. M2113151F1, was posted as the Notice of Intent on August 13, 2021, and opened on August 20, 2021, with no vendor responses received.

This action provides standardization for the next five years to coincide with a new five-year term agreement with Johnson Controls, Incorporated recently negotiated by the Facilities Management Division.

Reaffirming this standardization provides for continued sole source procurement of installation, repair and maintenance services for proprietary fire alarm and security management system maintenance, which are critical building security and life safety systems per Exhibit 2.

Motion B.

The Agreement provides support and maintenance for the proprietary covered equipment for the

Facilities Management Division and various County Agencies across 61 buildings. The covered equipment supported by Johnson Controls, Incorporated under this Agreement is identified in Exhibit 3.

On March 3, 2021, and May 5, 2021, County staff and Johnson Controls, Incorporated conducted preliminary negotiations for the equipment covered by the Agreement. This included confirming pricing for all existing equipment for the initial three-year term in the amount of \$5,133,232; for optional renewal term year four in the not-to-exceed amount of \$1,762,410; for optional renewal term year five in the not-to-exceed amount of \$1,815,282; and for optional services (years 1-5) in the not-to-exceed amount of \$2,645,000. Optional services allow for system upgrades for technology security, expansion within a building that has the system(s) installed, obsolescence of JCI equipment and repairs due to acts of God, electrical surges, or vandalism. This results in a five-year potential estimated amount of \$11,355,924.

This agreement limits the liability of the parties. Damages are capped at the largest of the following: (a) \$100,000, (b) twice the maximum compensation amount specified in the agreement, or (c) the amount of insurance Contractor is required to carry. The agreement also prevents either party from recovering special, indirect, punitive, or consequential damages. Claims related to disclosure of confidential information, infringement of intellectual property, or for indemnification are exempt from these limitations on liability.

The data and privacy requirements normally included by Broward County Enterprise Technology Services (ETS) prohibit County-owned data in a Contractor's system from being accessed, transmitted, or stored outside the United States. This agreement does not apply that restriction to the Contractor's back office functions, which may be performed outside the United States.

Work Authorizations for Optional Services shall be executed on behalf of the County as follows: (a) the Contract Administrator may execute Work Authorizations for which the total cost to the County of any Work Authorization is greater than \$7,500 but is less than \$50,000; (b) the Purchasing Director may execute Work Authorizations for which the total cost to the County is within the Purchasing Director's delegated authority; and (c) any Work Authorization above the Purchasing Director's delegated authority requires express approval by the Board. Contractor shall not commence work on any Work Authorization until after receipt of a purchase order and issuance of a Notice to Proceed by the Contract Administrator. For Optional Services, purchases in the amount of \$7,500 or less, the Contract Administrator may authorize such purchases through written methods other than a Work Authorization.

To ensure continuity of service and timely responses for this critical service, aggregate restrictions for work authorizations have been removed from both the Contract Administrator's approval authority (\$7,501 - \$49,999) and from the Director of Purchasing's approval authority (\$50,000 - \$500,000).

The Office of Economic and Small Business Development established a County Business Enterprise (CBE) participation goal of 30% (Optional Services Only) for this Sole Source Agreement. Johnson Controls, Incorporated has committed to 30% Certified Business Enterprise participation, which has been reviewed and approved by the Office of Economic and Small Business Development (Exhibit 4).

In accordance with the Broward County Workforce Investment Program, Administrative Code, Section 19.211, these services are subject to the Workforce Investment Program. Johnson Controls, Incorporated has agreed to be bound to the contractual obligations of the Workforce Investment Program.

This Agreement includes covered services in accordance with Broward County Living Wage Ordinance, Section 26-101(k). Johnson Controls, Incorporated has agreed to be bound to the contractual obligations.

The amounts referenced in this agenda item have been rounded up to the nearest whole dollar.

This Agreement has been reviewed and approved by the Office of the County Attorney.

Source of Additional Information

Trevor M.A. Fisher, P.E., MBA, Acting Director, Public Works Department, (954) 357-6410
Scott Campbell, Director, Facilities Management Division, (954) 357-5590

Fiscal Impact

Fiscal Impact/Cost Summary

Motion A: There is no fiscal impact for this action.

Motion B: Each requirement processed against this open-end contract will be funded by the appropriate source at the time of release.