



# Broward County

## Legislation Text

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File #: 22-1235, 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**

**MOTION TO AWARD** open-end contract to low responsive, responsible bidder, Kerner LLC DBA Kerner Environmental, for Exotic Plant Removal, Bid No. BLD2123988B1, for the Parks and Recreation Division, in the initial two-year estimated amount of \$798,410, which includes allowances in the amount of \$60,000; and authorize the Director of Purchasing to renew the contract for three one-year periods, for a five-year potential estimated amount of \$1,996,025.

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

In accordance with the Broward County Procurement Code, Section 21.47(a), Award and Execution Authority, the Board shall make all awards, and authorize the execution of the associated contracts, with a value of more than \$500,000, inclusive of the value of any renewals or extensions provided for in the contract.

#### **What Action Accomplishes**

Provides for the removal of invasive and exotic plant species for the Parks and Recreation Division.

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

No

#### **Previous Action Taken**

None.

#### **Summary Explanation/Background**

THE PURCHASING DIVISION AND THE PARKS AND RECREATION DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTION.

The Office of Economic and Small Business Development established a County Business Enterprise (CBE) goal of 10% for this contract. Kerner LLC DBA Kerner Environmental committed to 10% CBE participation (Exhibit 2).

The purpose of this contract is to provide the furnishing of all labor, material, equipment, services, and incidentals for the removal of invasive and exotic plant species for the Parks and Recreation Division.

All prices, terms, and conditions will remain fixed for the initial two-year contract period. Prior to completion of the initial two-year contract period, the contractor may make a timely request for a price

adjustment to the contract for each year thereafter prior to its anniversary date in accordance with the price escalation clause of the contract.

The allowances in this contract in the annual amount of \$30,000 includes disposal of vegetative debris and rental of specialized equipment. These allowance items must be approved by the contract administrator prior to purchase and will be reimbursed at the contractor's actual incurred cost, without mark-up.

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. Kerner LLC DBA Kerner Environmental has agreed to be bound to the contractual obligations of the Workforce Investment Program.

In accordance with the Broward County Living Wage Ordinance, Section 26-101 (i), these services are covered services. Kerner LLC DBA Kerner Environmental has agreed to be bound to the contractual obligations of the Living Wage Ordinance.

The apparent low bidder, Tenusa, Inc., does not have the required licenses as indicated in the solicitation. Pursuant to Section 2.2.1, Specifications and Requirements, the vendors are required to possess at the time of bid submittal, a current Florida Department of Agriculture and Consumer Services (FDACS) Commercial Pesticide Applicator License in the Natural Areas Weed Management category. Tenusa, Inc. possesses only lawn and ornament, and certified operator licenses. The Director of Purchasing deemed the apparent low bidder, Tenusa, Inc., to be non-responsive to the solicitation's license requirements.

The Director of Purchasing deemed the next apparent low bidder, Sherlock Tree Company, to be non-responsive to the solicitation's CBE goal participation requirements.

Parks and Recreation Division reviewed the bid submitted by Kerner LLC DBA Kerner Environmental and concurs with the recommendation for award (Exhibit 3). There are no performance evaluations for Kerner LLC DBA Kerner Environmental.

The Purchasing Division has researched the prices submitted by the recommended bidder, Kerner LLC DBA Kerner Environmental, and determined that the prices submitted are fair and reasonable in comparison to prices of competing firms (Exhibit 4). The bid submitted by Kerner LLC DBA Kerner Environmental is \$14,290 greater than apparent second low bidder, Sherlock Tree Company (did not meet CBE goal requirements). The bid submitted by Kerner LLC DBA Kerner Environmental is \$279,155 greater than the apparent low bidder, Tenusa, Inc. (did not meet licensing requirements).

There is no previous open-end contract for these services.

The Recommendation for Award was posted on the Purchasing Division website from September 13, 2022 through September 19, 2022. There was no protest or appeal filed against this procurement.

The bid was posted on April 19, 2022 and opened on May 25, 2022; four bids were received with one declination (Exhibit 1). Bid validity extension from Kerner LLC DBA Kerner Environmental was secured through December 31, 2022. The reason for the bid validity extension was due to extensive review of the bid responses.

The initial contract period shall begin upon award and will terminate two years from that date.

**Source of Additional Information**

Robert Gleason, Director, Purchasing Division, (954) 357-6070

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

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

Requisition No. PRA0006418