



## Legislation Text

File #: 20-0003, Version: 1

MOTION TO AWARD IFB # PSUT-19-02 "BACKFLOWS AND WATER METER PARTS & LIFT STATION REHAB MATERIALS" AND TO APPROVE THE AGREEMENTS BETWEEN THE CITY OF PEMBROKE PINES AND THE MOST RESPONSIVE/RESPONSIBLE BIDDERS SHOWN BELOW:

FORTILINE, INC. IN AN ANNUAL AMOUNT NOT TO EXCEED \$96,318  
FERGUSON ENTERPRISES, INC. IN AN AMOUNT NOT TO EXCEED \$537,539.30

### PROCUREMENT PROCESS TAKEN:

- **Chapter 35 of the City's Code of Ordinances is titled "PROCUREMENT PROCEDURES, PUBLIC FUNDS."**
- **Section 35.15 defines an Invitation for Bid as "A written solicitation for competitive sealed bids with the title, date and hour of the public bid opening designated therein and specifically defining the commodities or services for which bids are sought. The invitation for bid shall be used when the city is capable of specifically defining the scope of work for which a service is required or when the city is capable of establishing 15 precise specifications defining the actual commodities required. The invitation for bid shall include instructions to bidders, plans, drawings and specifications, if any, bid form and other required forms and documents to be submitted with the bid."**
- **35.18(A) states, "A purchase of or contracts for commodities or services that is estimated by the Chief Procurement Officer to cost more than \$25,000 shall be based on sealed competitive solicitations as determined by the Chief Procurement Officer, except as specifically provided herein."**
- **Section 35.19(A) states, "All sealed competitive solicitations as defined in §35.18 shall be presented to the City Commission for their consideration prior to advertisement."**
- **Section 35.19(F) states, "The City Manager and City Commission may reject any bids, parts of all bids or all bids for any one or more commodities or services included in the proposed contract when the public interest will be served thereby. The Chief Procurement Officer shall not accept a bid from a contractor who is in default on the payment of taxes licenses or other moneys due the City."**
- **Section 35.36(B)(2) states, "For bid evaluation purposes, vendors that meet the definition of local Broward County vendor, as detailed herein, shall be given a 2.5% evaluation credit. This shall mean that if a local Broward County vendor submits a bid/quote that is within 2.5% of the lowest price submitted by any vendor, the local Broward County vendor shall have an**

***option to submit another bid which is at least 1% lower than the lowest responsive bid/quote. If the local Broward County vendor submits a bid which is at least 1% lower than that lowest responsive bid/quote, then the award will go to the local Broward County vendor. If not, the award will be made to the vendor that submits the lowest responsive bid/quote. If the lowest responsive and responsible bidder is a local Pembroke Pines vendor, the award will be made to that vendor and no other bidders will be given an opportunity to submit additional bids as described herein."***

***- Section 35.21(A)(1) states, "An initial purchase of, or contract for, commodities or services, in excess of \$25,000, shall require the approval of the City Commission, regardless of whether the competitive bidding or competitive proposal procedures were followed."***

#### **SUMMARY EXPLANATION AND BACKGROUND:**

1. On June 5, 2019, the City Commission authorized the advertisement of IFB # PSUT-19-02 "Backflows and Water Meter Parts & Lift Station Rehab Materials," which was advertised on June 11, 2019.
2. The purpose of this solicitation was to provide the Utility Division with backflow protection assemblies, water meter boxes and lids, water meter assemblies, appurtenances and Lift Station Rehab Materials on an as needed basis.
3. On July 9, 2019, the City opened three (3) proposals from the following vendors:

<b><u>Vendor Name</u></b>	<b><u>Total</u></b>
Fortiline, Inc.	\$810,019.00
Core & Main, LP.	\$727,721.24 (Partial Bid)
Ferguson Enterprises, Inc.	\$629,049.20 (Partial Bid)

4. The Utility Division has reviewed the various line items that were submitted by the various vendors and based on the pricing and specifications, the Utility Division recommends moving forward with awarding the individual line items to the lowest price bid, per line item.

5. Pursuant to Section 35.19(F), "The City Manager and City Commission may reject any bids, parts of all bids or all bids for any one or more commodities or services included in the proposed contract when the public interest will be served thereby. The Chief Procurement Officer shall not accept a bid from a contractor who is in default on the payment of taxes licenses or other moneys due the City."

Core & Main, LP f/k/a HD Supply Waterworks/Fire Protection previously mischarged the City's Utility Department under the previous contract for these services and has not reimbursed the City for the overages to date. Therefore, the City shall not accept a bid from the contractor since they have not paid moneys due to the City.

6. In addition, Core & Main, LP included a "Qualification to Bid" document that "intended to supersede and control over the terms of the Invitation for Bid, Contract Documents and Specifications and any prior addenda." The first paragraph of the document stated that "Acceptance of any Agreement by Seller is made expressly conditioned on assent by the City of Pembroke Pines (the "Buyer") to the following additional or different terms." Due to the terms of the document that was

submitted by Core & Main, LP, the City would not be able to award their company.

7. Fortiline, Inc. and Ferguson Enterprises, Inc. have both completed the Equal Benefits Certification Form and have stated that the "Contractor currently complies with the requirements of this section.

8. After reviewing the bids, it was determined that Ferguson Enterprises, Inc. qualified for Local Vendor Preference according to the policy described in City Ordinance 35.36 as a Local Broward County Vendor as they were within 2.5% of the lowest price submitted. The policy states the Local Vendor that qualifies for the local vendor preference shall have an option to submit another bid which is at least 1% lower than the lowest responsive bid.

Ferguson Enterprises, Inc. qualified for the Local Vendor Preference as a Local Broward County Vendor for the following items and submitted a second bid which was 1% lower than the lowest bid, therefore, they were selected as the winner for those line items:

- PSUT-19-02-03-09 - Fiberlyte Lid FL1416 P "Water Meter" w/2 AMR Holes
- PSUT-19-02-04-26 - 4" Transition rubber

9. Section 3.11 of PSUT-19-02 "Backflows and Water Meter Parts & Lift Station Rehab Materials," states that prices will be firm for acceptance for a period of ninety (90) days from bid opening. Ferguson Enterprises, Inc. advised the City that they would not be able to hold their pricing for the following line items, as a result, these line items will be awarded to, the second lowest bidder, Fortiline, Inc.:

- PSUT-19-02-03-05 - Dual H Double Cement Box
- PSUT-19-02-03-07 - Single Cement Box
- PSUT-19-02-03-11 - 66 Box Cement
- PSUT-19-02-03-12 - 66 Box Lid

10. This agreement will be for a two year period with three additional two year renewal options and may be terminated by the City for convenience, upon thirty (30) days written notice.

11. Request City Commission to award IFB # PSUT-19-02 "Backflows and Water Meter Parts & Lift Station Rehab Materials" and to approve the agreements between the City of Pembroke Pines and the most responsive/responsible bidders shown below:

Fortiline, Inc. in an annual amount not to exceed \$96,318

Ferguson Enterprises, Inc. in an annual amount not to exceed \$537,539.30

#### **FINANCIAL IMPACT DETAIL:**

**a) Initial Cost:** \$633,857.30 annual amount not to exceed. (\$96,318 for Fortiline, Inc. and \$537,539.30 for Ferguson Enterprises, Inc.)

**b) Amount budgeted for this item in Account No:**

\$534,707.50 in Account No. 471-533-6032-52651 (Meters < than \$1000)

\$99,149.80 in Account No. 471-535-6021-46250 (R & M Equipment)

**c) Source of funding for difference, if not fully budgeted:** Not Applicable.

**d) 5 year projection of the operational cost of the project:**

	Year 1	Year 2	Year 3	Year 4	Year 5
Revenues	0	0	N/A	N/A	N/A
Expenditures	\$633,857.30	\$633,857.30	N/A	N/A	N/A
Net Cost	\$633,857.30	\$633,857.30	N/A	N/A	N/A

**e) Detail of additional staff requirements:** Not Applicable.