



Legislation Text

File #: 22-0562, Version: 1

MOTION TO RATIFY THE CITY MANAGER'S APPROVAL TO RESCIND A PORTION OF PSPW-21-03 "PARKING LOT MODIFICATIONS AT VARIOUS CHARTER SCHOOLS" RELATED TO THE WEST CAMPUS FROM KALEX CONSTRUCTION & DEVELOPMENT INC., AND TO AWARD THE REMAINDER OF THE WEST CAMPUS PROJECT TO WEEKLEY ASPHALT PAVING, INC., IN THE AMOUNT NOT TO EXCEED \$218,500, PURSUANT TO SECTION 35.18(C)(1) OF THE CITY'S CODE OF ORDINANCES.

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."

- Section 35.18 of the City's Code of Ordinances is titled "COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED; EXCEPTIONS."

- Section 35.18(C) (1) states, "Emergency purchases. In urgent cases of compelling emergency that require the immediate purchase of commodities or services, the City Manager is empowered to waive competitive bidding or competitive proposals and authorize the Chief Procurement Officer to secure by open market procedure any commodities or services, notwithstanding the estimated cost of the commodities or services."

- 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 of the City's Code of Ordinances is titled "SEALED COMPETITIVE BIDDING PROCEDURE."

- 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 35.21 of the City's Code of Ordinances is titled "AWARD OF CONTRACT."

- Section 35.21(A) of the City's Code of Ordinances is titled "City Commission approval."

- 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. However, emergency purchases as described in § 35.18, shall not require advance City Commission approval. In such emergency situations, the City Manager may approve the purchase or contract, subject to later ratification by the City Commission. Emergency purchases are to be made only when the normal function and operation of the city would be hampered to such extent by submittal of a requisition in the usual manner that it may effect the lift, health or convenience of citizens."

SUMMARY EXPLANATION AND BACKGROUND:

1. On June 16, 2021, the City Commission authorized the advertisement of IFB # PSPW-21-03 "Parking Lot Renovations and Restoration at Various Charter Schools", which was advertised on June 22, 2021.
2. The purpose of the solicitation was to seek proposals from qualified firms to renovate the parking lots and provide seal-coating and re-striping at the City's Charter Schools.
3. On December 15, 2021, the City Commission awarded IFB # PSPW-21-03 "Parking Lot Renovations and Restoration at Various Charter Schools" to Kalex Construction & Development Inc. ("Kalex") in the amount not to exceed \$654,824.23, which included an owner's contingency in the amount of \$59,529.48.
4. During the course of the project the Public Services Department encountered various issues with Kalex including unnecessary delays and failure of Kalex to communicate accurately and timely with City staff.
5. On April 19, 2022, the Public Services Department and the City Manager met with Jorge Diaz, President of Kalex Construction and Development, Inc., to agree on Kalex's proposed completion dates and other milestones for the Parking Lot Renovations and Restoration Projects at Various Charter Schools. The completion date was determined to be July 13, 2022, considering the commencement of the Fall 2022 semester.
6. After multiple delays and failed attempts at meeting deadlines and milestones, Kalex communicated to the Public Services Department that they would no longer be able to complete the West Campus project within the agreed upon timeline.
7. The City Manager informed the City Commission regarding the decision to rescind the award from the Kalex for the West Campus parking lot improvements and to negotiate with Weekley Asphalt Paving, Inc. ("Weekley") to negotiate the terms for completion of the West Campus, in order to protect the health, safety, and welfare of the staff and students at the West Campus, as well as the neighboring communities.

8. Weekley committed to completing the project for \$218,500 and getting the bulk of the work completed before school resumed in order to have the least impact on the school and public, in which they stated that hard construction will be complete (asphalt, curbs, etc.), making the car loop and parking areas functional, however some signage, striping and site restoration may be incomplete.

9. Request Commission to ratify the City Manager's approval to rescind a portion of PSPW-21-03 "Parking Lot Renovations and Restoration at Various Charter Schools" related to the West Campus from Kalex Construction & Development Inc. and to award the remainder of the West Campus project to Weekley Asphalt and Paving Inc., in the amount not to exceed \$218,500, pursuant to Section 35.18(C)(1) of the City's code of ordinances.

FINANCIAL IMPACT DETAIL:

a) Initial Cost: \$218,500.

b) Amount budgeted for this item in Account No: \$80,816.60 will be un-encumbered from the existing Purchase Order with Kalex Construction and Development, Inc. for the West Campus project.

c) Source of funding for difference, if not fully budgeted: Upon Commission's approval, a budget adjustment will be made to move \$137,684 to account # 001-519-6001-663161-0000-000-0000- (Parking Lot) from the following accounts:

\$100,000 from account # 001-539-6004-546161-0000-000-0000 (R&M Landscaping)

\$37,684 from account # 001-539-6004-534989-0000-000-0000 (Other Svc - FCS)

d) 5 year projection of the operational cost of the project: Not Applicable.

e) Detail of additional staff requirements: Not Applicable.

FEASIBILITY REVIEW:

A feasibility review is required for the award, renewal and/or expiration of all function sourcing contracts. This analysis is to determine the financial effectiveness of function sourcing services.

a) Was a Feasibility Review/Cost Analysis of Out-Sourcing vs. In-House Labor Conducted for this service? Not Applicable.

b) If Yes, what is the total cost or total savings of utilizing Out-Sourcing vs. In-House Labor for this service? Not Applicable.