



## Legislation Text

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**File #:** 23-0052, **Version:** 1

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### **MOTION TO APPROVE THE DEPARTMENT RECOMMENDATIONS FOR THE FOLLOWING ITEMS LISTED ON THE CONTRACTS DATABASE REPORT:**

- (A) MSL, P.A. - Commission Auditor - Renewal
- (B) Broward County - Community Shuttle Service - Renewal
- (C) Marlin Engineering, Inc - Traffic Engineering - Renewal
- (D) R.J. Behar & Company, Inc. - Civil Engineering, Development Review Committee (DRC) Engineering Permit Review and Inspection Related Services - Renewal
- (E) Hawkins Water Treatment Group, Inc. - Purchase of Ammonia Sulfate 40% - Renewal

### **ITEMS (F) AND (G) WILL EXPIRE WITH NO RENEWAL TERMS AVAILABLE, THEREFORE, NO COMMISSION ACTION IS REQUIRED AS THEY ARE PRESENTED FOR NOTIFICATION PURPOSES ONLY PURSUANT TO SECTION 35.29 (F) OF THE CITY'S PROCUREMENT CODE:**

- (F) The McClatchy Company, LLC - Printing of Newspapers - Non-Renewal
- (G) The McClatchy Company, LLC - Direct Mail Advertising Agreement - Non-Renewal

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

1. Pursuant to Section 35.29(F) "City Commission notification" of the City's Code of Ordinances, "The City Manager, or his or her designee, shall notify the Commission, in writing, at least three months in advance of the expiration, renewal, automatic renewal or extension date, and shall provide a copy of the contract or agreement and a vendor performance report card for the contract or agreement to the City Commission."
2. On May 17, 2017, Commission approved the motion to place all contracts from the Contract Database Reports on consent agendas as they come up for contractual term renewal so that City Commission affirms directions to administration whether to renew or to go out to bid.
3. The Agreements shown below are listed on the Contracts Database Reports for renewal.

#### **(A) MSL, P.A. - Commission Auditor - Renewal**

1. On June 12<sup>th</sup>, 2016 the City Commission approved to enter into a new agreement with Moore Stephens Lovelace, P.A. for a seven (7) year term to perform commission auditor services for the

City Commission, in accordance with the requirements set forth in Section 218.391, Florida Statutes, and Section 4.13 of the City's Code of Ordinance.

2. On July 12<sup>th</sup>, 2016, the City and Moore Stephens Lovelace, P.A. ("Commission Auditor") entered into a Professional Services Agreement for a seven (7) year period which will expire on August 2<sup>nd</sup>, 2023, with no renewal options.
3. On October 7<sup>th</sup>, 2020, the parties executed the First Amendment to change the Commission Auditor's corporate name to MSL, P.A.
4. MSL, P.A. is requesting for the City Commission to allow the Agreement to be amended to extend the term for an additional seven (7) year term and to allow for additional renewals upon mutual written consent.
5. Request Commission approve the Second Amendment to extend the term of the Original Agreement, as amended, for a seven (7) year period commencing on August 3<sup>rd</sup>, 2023 and expiring on July 31<sup>st</sup>, 2030, and to allow the Agreement to be renewed for additional terms upon mutual written consent of the parties.

#### FINANCIAL IMPACT DETAIL:

- a) **Renewal Cost:** \$1,750,000 (\$250,000 Annually, comprised of an annual Audit Plan fee of \$22,500.00, leaving approximately \$227,500.00 to execute the annual audit plan, as approved by Commission on an annual basis).
- b) **Amount budgeted for this item in Account No:** 001-511-0100-534990-0000-000-0000 - Other Svc
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5-year projection of the operational cost of the project:**

	FY 2023-24		FY 2024-25		FY 2025-26		FY 2026-27	FY 2027-28
Revenues	\$ .00	\$ .00	\$ .00	\$ .00	\$ .00	\$ .00		
Expenditures	\$250,000.00		\$250,000.00		\$250,000.00		\$250,000.00	\$250,000.00
Net Cost	\$250,000.00		\$250,000.00		\$250,000.00		\$250,000.00	\$250,000.00

- 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.

#### (B) Broward County - Community Shuttle Service - Renewal

1. On October 2, 2019, the City Commission approved for the City to enter into an Agreement with Broward County for an initial two (2) year period, commencing on October 1, 2019, and expiring on September 30, 2022.
2. Broward County Transit Division supplements the mass transit county system and provides funding and community bus transportation to the residents of Pembroke Pines. The service includes the blue, gold, and green routes.
3. Section 5.1 of the Original Agreement authorizes renewal of the Original Agreement for two (2) additional one (1) year periods upon written approval of the Contract Administrator at least ninety (90) days prior to the expiration of the current term.
4. On August 3, 2022, the City Commission approved the first, one (1) year renewal term which will expire on September 30, 2023.
5. Broward County has provided confirmation of renewal for the term from October 1, 2023, to September 30, 2024.
6. The Community Services Department recommends that the City Commission approve renewal of the Agreement for the second, one (1) year renewal term commencing on October 1, 2023, and expiring on September 30, 2024, as allowed by the Agreement.

#### FINANCIAL IMPACT DETAIL:

- a) **Renewal Cost:** Transfer from Road & Bridge Fund:  
\$274,925 128-000-8004-381100-0000-000-0000  
\$ 29,408 128-000-8004-381100-0000-000-0000-00042  
\$304,333 TOTAL
- b) **Amount budgeted for this item in Account No:**  
\$541,047 Gold & Green Routes 128-000-8004-337410-0000-000-0000 BCT Grant  
\$ 65,900 Blue Route 128-000-8004-337410-0000-000-0000-00042 BCT Grant  
\$606,947 Total Revenue
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **1-year projection of the operational cost of the project:**

	Current FY
Revenues	\$606,947.00
Expenditures	\$911,280.00
Net Cost	\$304,333.00

- 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.

**(C) Marlin Engineering, Inc-Traffic Engineering-Renewal**

1. On August 5, 2020, the City Commission approved for the City to enter into a Continuing Professional Agreement with Marlin Engineering, Inc. for an initial three (3) year period, which will naturally expire on August 4, 2023.

2. Marlin Engineering, Inc. provides engineering review of traffic issues associated with new and modified projects for the Development Review Committee and performs traffic engineering reviews of projects submitted for permitting and miscellaneous traffic projects.

3. Section 3.2 of the Original Agreement authorizes the renewal of the Original Agreement for two (2), additional, one (1) year renewal terms upon mutual consent, evidenced by a written Amendment.

4. The Engineering Department recommends that the City Commission approve this First Amendment for the first, one (1) year renewal term which shall commence on August 5, 2023 and shall naturally expire on August 4, 2024, as allowed by the Agreement.

**FINANCIAL IMPACT DETAIL:**

- a) Renewal Cost:** \$85,000 (Per Year)
- b) Amount budgeted for this item in Account No:** 001-519-6006-531100-0000-000-0000
- c) Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) 1-year projection of the operational cost of the project**

	Contract Yr. 1
Revenues	\$0.00
Expenditures	\$85,000.00
Net Cost	\$85,000.00

**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

**(D) R.J. Behar & Company, Inc. - Civil Engineering, Development Review Committee (DRC) Engineering Permit Review and Inspection Related Services - Renewal**

1. On August 5<sup>th</sup>, 2020, the City entered into an Agreement with R.J. Behar & Company, Inc. for an initial three (3) year period which will expire on August 12<sup>th</sup>, 2023.
2. The City contracts R.J. Behar & Company, Inc. to provide Civil Engineering, Development Review (DRC), engineering permit review and inspection related services.
3. Section 3.2 of the Original Agreement authorizes the renewal of the Original Agreement, in writing by the parties, for two (2) additional, one (1) year renewal terms.
4. The Engineering Department recommends that the City Commission approve this First Amendment for the first, one (1) year renewal term commencing on August 13<sup>th</sup>, 2023 and expiring on August 12<sup>th</sup>, 2023, as allowed by the Agreement.

**FINANCIAL IMPACT DETAIL:**

- a) **Renewal Cost:** \$85,000.00 (Per Contract Year)
- b) **Amount budgeted for this item in Account No:** 001-519-6006-531100-0000-000-0000
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable
- d) **1-year projection of the operational cost of the project:**

	FY 2022-23	FY 2023-24
Revenues	\$0.00	\$0.00
Expenditures	\$7,083.00	\$77,917.00
Net Cost	\$7,083.00	\$77,917.00

- 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

**(E) Hawkins Water Treatment Group, Inc. - Purchase of Ammonia Sulfate 40% - Renewal**

1. On March 23, 2022, the City entered into an Agreement with Hawkins Water Treatment Group, Inc. for an initial one (1) year period, which expired on March 22, 2023.
2. Hawkins Water Treatment Group, Inc. provides ammonia sulfate 40% for the City's Water Treatment Plant.
3. Section 3.2 of the Original Agreement authorizes the renewal of the Original Agreement for two (2) additional one (1) year renewal terms upon mutual consent, evidenced by written Amendments extending the term thereof.

4. On March 28, 2023, the Parties entered into the First Amendment to the Original Agreement, to extend the term for an additional ninety (90) days, which expires on June 21, 2023.
5. The Utilities Department recommends that the City Commission approve this Second Amendment to increase the total annual compensation from \$22,750.00 to \$33,250.00 effective June 21, 2023, and to extend the term for an additional period which shall commence on June 22, 2023 and naturally expire on June 21, 2024, as allowed by the agreement.

**FINANCIAL IMPACT DETAIL:**

- a) **Renewal Cost:** \$33,250.00 (7,000 estimated gallons x \$4.75/gal)
- b) **Amount budgeted for this item in Account No:** 471-533-6031-552430-0000-000-0000- (Operating chemicals)
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **2 year projection of the operational cost of the project**

	Current FY	Year 2
Revenues	\$0.00	\$0.00
Expenditures	\$8,312.50	\$24,937.50
Net Cost	\$8,312.50	\$24,937.50

- 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

**(F) The McClatchy Company, LLC - Printing of Newspapers - Non-Renewal**

1. On August 31, 2015, the City entered into an agreement with the McClatchy Company, LLC. for an initial two (2) year period, which expired on August 30, 2017.
2. McClatchy Company, LLC. provides the City's Media Division with the printing of the Pembroke Pines City Connect publication.
3. On August 30, 2017, the City executed the First Amendment to the Original Agreement, to increase the annual compensation from \$20,466.00 to \$25,734.00 and to renew the term for an additional one (1) year period, which expired on August 30, 2018.
4. On August 30, 2018, the City executed the Second Amendment to the Original Agreement, as amended, to renew the term for an additional one (1) year period, which expired on September 30,

2019.

5. On September 5, 2019, the City executed the Third Amendment to the Original Agreement, as amended, to decrease the annual compensation to \$24,876.00 and to renew the term for an additional two (2) year period, which expired on September 30, 2021.
6. On August 8, 2021, the City executed the Fourth Amendment to the Original Agreement, as amended, to increase the annual compensation to \$274,240.00 and to renew the term for an additional two (2) year period which expires on September 30, 2023.
7. On February 2, 2022, the City executed the Fifth Amendment to the Original Agreement, as amended, to increase the annual compensation to \$29,028.00.
8. On January 18, 2023, the City executed the Sixth Amendment to the Original Agreement, as amended, to increase total annual compensation to \$31,290.00.
9. The City's Media Division will not renew the agreement for additional periods and has commenced a new procurement process to secure these services.

#### **(G) The McClatchy Company, LLC - Direct Mail Advertising Agreement - Non-Renewal**

1. On August 24, 2015, the City entered into an agreement with the McClatchy Company, LLC. for an initial two (2) year period, which expired on August 23, 2017.
2. McClatchy Company, LLC. provides the City's Media Division with the distribution of the City Connect newspaper to the residents and businesses throughout the City of Pembroke Pines.
3. On September 14, 2017, the City executed the First Amendment to the Original Agreement, to increase the annual compensation from \$13,061.58 to \$13,688.40 and to renew the term for an additional two (2) year period, which expired on August 23, 2019.
4. On October 10, 2019, the City executed the Second Amendment to the Original Agreement, as amended, to renew the term for an additional two (2) year period, which expired on September 30, 2021.
5. On August 25, 2021, the City executed the Third Amendment to the Original Agreement, as amended, to increase the annual compensation to \$14,349.66 and to renew the term for an additional two (2) year period, which expired on September 30, 2023.
6. On March 30, 2022, the City executed the Fourth Amendment to the Original Agreement, as amended, to add an annual map and address filing fee of \$1,591.70 increasing the annual compensation to \$15,941.36.
7. On October 24, 2022, the City executed the Fifth Amendment to the Original Agreement, as amended, to increase the annual compensation to \$22,824.62 effective October 1, 2022.
8. On February 2, 2023, the City executed the Sixth Amendment to the Original Agreement, as

amended, to increase total annual compensation to \$29,967.14 effective January 6, 2023.

9. The City's Media Division will not renew the agreement for additional periods and has commenced a new procurement process to secure these services.