

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Honorable Mayor Dan Gelber and Members of the City Commission

FROM: Alina T. Hudak, City Manager 

DATE: February 9, 2022

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE AWARD OF A CONTRACT TO BUSLAM PARTNERS INC., PURSUANT TO INVITATION TO BID (ITB) NO. 2021-095-AY, FOR NORTH BEACH OCEANSIDE PARK.

ADMINISTRATION RECOMMENDATION

It is recommended that the Mayor and City Commission approve the Resolution amending the contract awarded on January 20, 2022 to Buslam Company Partners Inc., pursuant to Invitation to Bid (ITB) No. 2021-095-AY, for North Beach Oceanside Park improvements, reducing the scope of the work to include only the construction services included in the base bid amount and deleting the award of the bid alternates.

BACKGROUND/ HISTORY

On January 20, 2022, the Mayor and City Commission approved the City Manager's recommendation to award a contract to Buslam Company Partners Inc., pursuant to Invitation to Bid (ITB) No. 2021-095-AY for North Beach Oceanside Park. The January 20, 2022 agenda item (C2A) is included as Attachment A.

On January 20, 2022, after award of the ITB, J.R.T. Construction Co., one of the firms submitting a bid to the ITB, submitted a protest to the award of the contract to Buslam Company Partners, Inc. J.R.T. Construction Co.'s protest was not timely filed and cannot be considered pursuant to Section 2-371(2) of the City Code.

Notwithstanding the Administration's inability to consider J.R.T. Construction Co.'s protest, following a thorough review of the bids submitted, the Administration, in consultation with the City Attorney's Office, has reached the conclusion that the award to Buslam Company Partners, Inc. should be modified to include only the scope of work included within its lump sum base bid without the add alternates. Should the City decide to implement the scope(s) of work included in one or more of the bid alternates from the ITB, such scope(s) shall be awarded pursuant to a different process or processes.

ANALYSIS

As is common in both private and public construction ITBs and RFPs, ITB 2021-095-AY asked bidders to submit a lump sum base bid for the project as well as pricing for bid alternates. See Attachment B for the bid alternates included in the ITB. Bid alternates are commonly used in construction ITBs to allow the owner, when the bids received are below budget, to consider adding one or more desirable scope enhancements.

In the case of ITB 2021-095-AY, Buslam Company Partners Inc. submitted the lowest lump sum base bid for the project in the amount of \$8,960,474.84 (See Attachment C.). As the lowest lump sum base bid was \$839,525.16 lower than the \$9,800,000 budget appropriated for this project,

staff selected a few bid alternates (i.e., bid alternates 2, 3, 7 and 12) to maximize the scope of the project. The City's practice has always been to consider adding bid alternates after the lowest bidder is determined if funding is available in cases where the lowest bid is less than the funding appropriated for the project. Historically, the lowest bidder has also provided the lowest pricing for the add alternates. The situation here is novel and resulted in an odd result: the low bidder on the lump sum base bid did not offer the lowest pricing for all the add alternates selected. To ensure fairness, the Administration has determined that the award to Buslam Company Partners Inc. should be modified to include only the scope included in its lump sum base bid.

SUPPORTING SURVEY DATA

Not Applicable.

FINANCIAL INFORMATION

The total of the lowest responsive, responsible bid is \$8,960,474.84, which is \$839,525.16 lower than the estimated budget of \$9,800,000.

Grand Total:	\$8,960,474.84
10% Contingency:	\$896,047.16
Contract Amount:	\$9,856,522.00

Amount(s)/Account(s):	
388-0820-069357-00-410-546-00-00-00-27950	\$1,045,029.99
307-0820-069357-26-410-546-00-00-00-27950	\$2,947,891.68
301-0820-069357-26-410-546-00-00-00-27950	\$5,863,600.33
Total	\$9,856,522.00

CONCLUSION

Fairness, transparency and economy are foundational goals of the public procurement process. Therefore, I have directed staff to research the methodologies used to award construction projects in other jurisdictions to determine, with input from the City Attorney's Office, whether the City's solicitation documents could be improved to meet the City's desire to ensure fairness, transparency and economy in the award of contracts.

I concur with the recommendation of staff and the City Attorney's Office that the award of ITB 2021-095-AY to Buslam Company Partners Inc. be modified to include only the scope of work included in its lump sum base bid without the bid alternates; and, accordingly, I recommend that the Mayor and City Commission approve the Resolution to so amend the award.


ATH/MT/LS/DM/AD/KB

ATTACHMENTS

- Attachment A – C2A January 20, 2022
- Attachment B – Bid Alternates included in ITB 2021-095-AY
- Attachment C – Bid Tabulation

ATTACHMENT A

Competitive Bid Reports - C2 A

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Alina T. Hudak, City Manager
DATE: January 20, 2022

SUBJECT: REQUEST FOR APPROVAL TO AWARD A CONTRACT PURSUANT TO INVITATION TO BID (ITB) 2021-095-AY FOR NORTH BEACH OCEANSIDE PARK.

RECOMMENDATION

It is recommended that the Mayor and City Commission approve the award of a contract to Buslam Company Partners, Inc., the lowest, responsive, responsible bidder to Invitation to Bid (ITB) No. 2021-095-AY for North Beach Oceanside Park and authorize the City Manager and City Clerk to execute a contract.

BACKGROUND/HISTORY

North Beach Oceanside Park is located between 79th and 87th Street East of Collins and spans 27.89 acres. The proposed project improvements will assist in revitalizing the current park by reducing crime and improving safety, maintaining vegetated qualities of the site, connecting the beach walk pathways. These park improvements will provide an outdoor space to be enjoyed by the surrounding neighborhoods and visitors.

Park improvements that will be implemented to achieve these goals include but are not limited to the following: path networks, landscaping, new signage, cosmetic refurbishment of the existing restrooms, ornamental entrance gates, lighting and security camera infrastructure, new playground equipment, new beach showers, turtle-friendly lighting and refurbished picnic shelters.

On May 2, 2019, ITB No. 2019-210-AY for North Beach Oceanside Park was issued. The City of Miami Beach (the "City") received four (4) bids from: J.R.T. Construction, Co; H.G. Construction Development & Investment, Inc.; Critical Path Services, Inc; and Stonehenge Construction, L.L.C. The lowest bidder submitted a total bid amount of \$12,349,920.80; however, the construction budgeted amount for this project was \$6,740,000.00. Therefore, the lowest bid received exceeded the construction budget by approximately 83% (\$5,609,920.80).

On October 10, 2019, the City Manager rejected the bids to allow the design consultant Calvin, Giordano & Associates, and the city staff to re-evaluate the design with feedback from the contractors on the specifications and design elements that may have resulted in high prices and reduced competition. The consultant and user department revised the specifications and drawings to release a new solicitation based on the findings.

On September 16, 2020, City Commission approved additional funding to proceed with the renovation of the park with the revised scope of work identified by the consultant, CIP and Parks and Recreation.

On July 28, 2021, City Commission adopted Resolution No. 2021-31814, approving additional funding for security cameras infrastructure and due to higher market conditions. .

ANALYSIS

On August 26, 2021, the Invitation to Bid (ITB) 2021-095-AY for North Beach Oceanside Park was issued. A voluntary site visit and pre-bid conference to provide information to proposers submitting a response were held on September 9, 2021. Seven (7) addenda were issued. The Procurement Department issued bid notices to approximately 30,175 companies utilizing the City's e-procurement platform. 214 prospective bidders accessed the advertised solicitation. ITB responses were due and received on December 2, 2021. The City received proposals from the following eight (8) firms: Buslam Company Partners, Inc., Florida Construction & Engineering, Inc., Florida Engineering and Development, Corp., J.R.T. Construction, Co., Lunacon Engineering Group, Corp., Superior Landscaping & Lawn Service, Inc., Brightview Landscape Development, and Waypoint Contracting, Inc.

The ITB stated that the lowest responsive, responsible bidder meeting all terms, conditions, and specifications of the ITB would be recommended for award. In its due diligence, the Procurement and Capital Improvement Projects departments verified that the lowest responsive bid submitted by Buslam Company Partners, Inc. met the requirements of the ITB, including:

1. Bid Bond: Bidder shall submit, WITH ITS BID, either an original bid bond, in a form acceptable to the City, executed by a surety company meeting the qualifications specified herein, in the amount of 5% of the bid amount, payable to City of Miami Beach, Florida. Alternatively, bidder may submit a certified check or cashier's check issued by any national or state bank (United States).

Buslam Company Partners, Inc. submitted a bid bond for 5% of the bid amount as required.

Buslam Company Partners, Inc. submitted a bid bond for 5% of the bid amount, as required.

2. Licensing Requirements: Bidder shall be licensed as a General Contractor by the State of Florida or Miami Dade County to be considered for award.

Buslam Company Partners, Inc. is a State Certified General Contractor. The state license number is CGC1507018 and expires on August 31, 2022.

Furthermore, City staff verified that Buslam Company Partners, Inc. has complied with the submittal requirements of the ITB, including the previous experience of the firm, project manager, and superintendent. The firm has not previously completed work for the City, but it has performed work for Miami-Dade County. All references provided positive feedback.

Accordingly, Buslam Company Partners, Inc. has been deemed the lowest, responsive and responsible bidder meeting all terms, conditions, and specifications of the ITB.

SUPPORTING SURVEY DATA

Based on the 2019 resident survey, 81.8% strongly agree that they are satisfied with the quality of parks and recreation programs. In particular, the North Beach Oceanside Park location is in the North Beach neighborhood, which has a satisfaction of 83.6%. To increase satisfaction, the City intends to contract with qualified professionals to provide improvements that will assist in revitalizing the current park by reducing crime, improving safety, and maintaining the vegetated qualities of the park.

FINANCIAL INFORMATION

The total of the lowest responsive, responsible bid is \$8,960,474.84, which is \$839,525.16 lower than the estimated budget of \$9,800,000.

Grand Total: \$8,960,474.84

Add Alternates Selected:

- #2 – Removal of vegetation to improve visibility in certain areas of the park \$ 31,367.05
- #3 – Mulch Installation in cleared vegetated areas \$ 250,324.36
- #7 – Security Cameras Infrastructure \$ 495,550.00

#12 – New Gate at Parks Maintenance entrance \$ 6,435.00
Subtotal \$9,744,151.25

10% Contingency \$ 974,415.75

CONTRACT AMOUNT \$10,718,567.00

Amount(s)/Account(s):

388-0820-069357-00-410-546-00-00-00-27950 = \$ 1,907,074.99
 307-0820-069357-26-410-546-00-00-00-27950 = \$ 2,947,891.68
 301-0820-069357-26-410-546-00-00-00-27950 = \$ 5,863,600.33
 Total \$10,718,567.00

CONCLUSION

Based on the foregoing, I recommend that the Mayor and City Commission of the City of Miami Beach, Florida approve the award of a contract to Buslam Company Partners, Inc., the lowest, responsive, responsible bidder to Invitation to Bid (ITB) No. 2021-095-AY for North Beach Oceanside Park and authorize the City Manager and City Clerk to execute a contract.

Applicable Area

North Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Prosperity - Revitalize targeted areas and increase investment.

Legislative Tracking

Capital Improvement Projects/Procurement

ATTACHMENTS:

Description

ATTACHMENT B
 BID ALTERNATES INCLUDED IN
 INVITATION TO BID (ITB) 2021-095-AY FOR NORTH BEACH OCEANSIDE PARK

Buslam Company Partners, Inc.	JRT Construction Co	Superior Landscaping & Lawn Service Inc.	Florida Engineering and Development Corp	Waypoint Contracting, Inc.	Brightview Landscape Development	Lunacon Engineering Group, Corp.	Florida Construction & Engineering Inc
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Alternate No.	Bid Alternates								
1	Refer to Sheets ALT-1: Furnish and install Post-and-Rope per Detail 5, Sheet SD-P203 around vegetated areas; Refer to sheets ALT-1-3 to ALT-1-7	\$ 331,467.40	\$ 52,659.00	\$ 269,575.00	\$ 26,000.00	\$ 207,690.00	\$ 26,173.00	\$ 31,537.80	\$ 50,400.00
2	Refer to Sheets ALT-2: Crown-raise and prune all trees per Detail 1, Sheet L-903 & Remove all existing shrubs and understory planting with the depicted boundaries per Plan Sheets D-P603 through D-P607. Approx: 239,070 sqft; Stump-grind any existing stumps; Refer to sheets ALT-2-3 to ALT-2-7	\$ 31,367.05	\$ 207,700.00	\$ 28,000.00	\$ 147,600.00	\$ 185,000.00	\$ 78,467.00	\$ 162,797.30	\$ 200,000.00
3	Refer to Sheets ALT-3: Furnish and install 3-inch cover of mulch for areas depicted per Plan Sheets LP803 through L-P807; Approx: 239,070 sqft; Refer to sheets ALT-3-3 to ALT-3-8	\$ 250,324.36	\$ 169,178.00	\$ 135,160.00	\$ 91,300.00	\$ 95,000.00	\$ 126,225.00	\$ 92,874.95	\$ 75,000.00
4	Refer to Sheets ALT-4: Furnish and install Provide Arachis galbrata (Perennial Peanut), 1 gal, full, 12" o.c. max, throughout all areas depicted per Plan Sheets L-P803 through L-P807; Approx: 239,070 sqft; Refer to sheets ALT-4-3 to ALT-4-8	\$ 1,055,386.48	\$ 730,945.00	\$ 800,150.00	\$ 943,400.00	\$ 875,000.00	\$ 957,191.00	\$ 1,002,420.51	\$ 280,000.00
5	Provide 2, 2-inch conduits and pull-string within electrical trench and upsized pull-box per the Typical Pull Box/Conduit Detail included in the Electrical Plans, Sheet E-P302	\$ 297,550.00	\$ 51,850.00	\$ 389,995.00	\$ 125,500.00	\$ 185,000.00	\$ 208,553.00	\$ 117,531.41	\$ 97,135.00
6	Add alternate has been omitted								
7	Furnish and install all CCTV infrastructure shall include but not limited to conduits, pull boxes and CCTV poles. CCTV Plans prepared by Burns & McDonnell are provided for reference only.	\$ 495,550.00	\$ 186,660.00	\$ 640,250.00	\$ 268,050.00	\$ 474,950.00	\$ 206,209.00	\$ 366,230.70	\$ 302,675.00
8	Add alternate has been omitted								
9	Refer to Sheets ALT-9: Furnish and install Specialty Finishes of Seagrape Patterning w/Paveway Systems on Concrete Pathways; Refer to sheets ALT-9-1 to ALT-9-9	\$ 380,238.69	\$ 370,203.00	\$ 501,350.00	\$ 397,521.00	\$ 475,000.00	\$ 422,860.00	\$ 427,679.06	\$ 318,500.00
10	Refer to Sheets ALT-10: In lieu of metal construction, Furnish and install 'Major' & 'Minor' Gateway Sculptural Features constructed out of Pre-cast Ductal Ultra-high Performance Concrete, including Structural Engineering, Geotechnical analysis and Footing, Permitting, including Signed and Sealed Structural Engineering Shop Drawings for all components; Refer to sheets ALT-10-1 to ALT-10-4	\$ 593,373.00	\$ 263,657.00	\$ 471,120.00	\$ 482,700.00	\$ 525,785.00	\$ (381,982.00)	\$ 513,343.00	\$ 98,306.00
11	Refer to Sheets ALT-11: Provide pedestrian gates and wing walls; Refer to sheets ALT-11-2 to ALT-11-8	\$ 67,639.00	\$ 145,139.00	\$ 70,357.00	\$ 61,500.00	\$ 215,339.00	\$ 66,010.00	\$ 62,296.00	\$ 54,550.00
12	Refer to Sheets ALT-12: Provide 100% Opaque, 6-ft Tall; Refer to sheets ALT-12-1 to ALT-12-2	\$ 6,435.00	\$ 9,437.00	\$ 8,640.00	\$ 9,000.00	\$ 14,500.00	\$ 17,682.00	\$ 8,505.80	\$ 37,000.00
13	Contractor shall provide deductive cost for no project phasing. Note: Phased plans issued in Addendum #7 will not apply to the project if the City's selects this line item	\$ (166,560.58)	\$ 180,000.00	\$ -	\$ (150,000.00)	\$ (7,850.00)	\$ (125,774.00)	\$ (40,732.00)	\$ (10,000.00)

ATTACHMENT C
 BID TABULATION
 INVITATION TO BID (ITB) 2021-095-AY FOR NORTH BEACH OCEANSIDE PARK

	Buslam Company Partners Inc.	JRT Construction Co	Superior Landscaping & Lawn Service Inc.	Florida Engineering and Development Corp	Waypoint Contracting, Inc.	Brightview Landscape Development	Lunacon Engineering Group, Corp.	Florida Construction & Engineering Inc
Grand Total	\$ 8,960,474.84	\$ 8,984,662.00	\$ 9,098,868.00	\$ 9,169,025.00	\$ 10,002,355.00	\$ 10,574,892.00	\$ 11,049,413.93	\$ 12,795,932.59