

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE WRITTEN RECOMMENDATION OF THE CITY MANAGER (AS SET FORTH IN THE CITY COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION) AND WAIVING, BY A 5/7THS VOTE, THE FORMAL COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE CITY'S BEST INTEREST, AND APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A WORK ORDER WITH HARBOUR CONSTRUCTION, INC., IN THE NOT TO EXCEED AMOUNT OF \$394,428.71, FOR THE PURPOSE OF COMPLETING THE EXTERIOR AND INTERIOR SPALLING REPAIR, SEAL, AND PAINT OF 42ND STREET GARAGE PROJECT, WHICH INCLUDES NON-PRE-PRICED ITEMS IN THE AMOUNT OF \$252,527.59, PURSUANT TO THE COMPETITIVELY BID SOURCEWELL COOPERATIVE CONTRACT FOR CONSTRUCTION SERVICES (FORMERLY KNOWN AS NATIONAL JOINT POWERS ALLIANCE (NJPA)), WITH PREVIOUSLY APPROPRIATED FUNDING.

WHEREAS, the City needs to repair, and seal the interior and exterior of the 42nd Street Parking Garage (the Project); and

WHEREAS the project consists of repairing, and concrete sealing services competitively procured via the National Joint Powers Alliance (NJPA) 071415-GGI awarded to Harbour Construction, Inc., the local dealer for construction services, as well as a number of ancillary items (e.g., waterproofing and spalling repairs); and

WHEREAS, to expedite the project, which is necessary to preserve the structural integrity of 42nd Street Garage and stop any additional damage caused by concrete spalling; and

WHEREAS, the Administration is requesting to issue a work order to Harbour Construction, Inc., under the NJPA contract, for the services of interior and exterior concrete sealing, and spalling repairs, which is not available under the NJPA contract, but required to stop the deterioration of the structure; and

WHEREAS, Job Order Contracting (JOC) is a contracting methodology that enables facility owners to expedite and accomplish a large number of repairs, maintenance and construction projects with a single, competitively bid contract with pre-established pricing for most construction activities; and

WHEREAS, prior to October 2012, the City acquired construction services for most small or emergency construction projects through a Job Order Contracting process; however, since the Fall of 2012, the City had not utilized the JOC methodology and had no similar system in place for expediting construction and maintenance projects, which significantly impacts the City's ability to complete work in a timely manner; and

WHEREAS, the Finance and Citywide Projects Committee (the Committee), on February 21, 2014, endorsed a recommendation by the Administration, as a pilot to reintroduce this efficient process of project delivery to the City, to begin utilizing the Gordian Group's indefinite quantity contract (IQC), alternatively known as JOC, for construction services to expedite the delivery of construction or maintenance projects under \$250,000, or for emergency projects, as approved by the City Manager; and

WHEREAS, the National Joint Powers Alliance (NJPA), now known as Sourcewell, a national cooperative that bids contracts aggregating the spend volume of agencies across the

country, awarded Contract No. 071415-GGI for IQC construction services, and said contract includes an award to Harbour Construction, Inc., through the Gordian Group's IQC process, to provide services to the City pursuant to the contract; and

WHEREAS, on January 15, 2014, via Resolution No 2014-28462, the City Commission authorized the Administration to utilize cooperative awards by Sourcewell, pursuant to Section 2-369 of the Miami Beach City Code; and

WHEREAS, on April 23, 2015, the City Commission authorized the Administration, for projects up to \$250,000, or emergency awards exceeding \$250,000, to be acquired through the Gordian Indefinite Quantity Contract (IQC) process as a means of expediting small or emergency projects with the approval of the City Manager; and

WHEREAS, the IQC process, which is used extensively by local, state and federal governmental agencies throughout the United States, expedites the delivery of construction projects and the City, as a governmental agency, is authorized to utilize the IQC process for construction services competitively awarded by the National Joint Powers Alliance (NJPA) to the Gordian Group, the Managers of IQC; and

WHEREAS, the Gordian Group, in the IQC process, established a fixed price Construction Task Catalog (Catalog) for a wide range of construction activities; and

WHEREAS, in the interest of time, the City has chosen to expedite this project and utilize the Indefinite Quantity Contract (IQC) process; and

WHEREAS, through the NJPA process Harbour Construction, Inc., was identified as the contractor that has the qualifications and experience in performing the identified scope; and

WHEREAS, on November 30, 2018, after negotiations, the Contractor submitted a bid proposal in the amount of \$394,428.71, for the Project including a project contingency; and

WHEREAS, the original scope of work to be performed by the Contractor is exterior and interior spalling repair, seal, and paint of the entire building, including traffic coating on east side of parking garage roof top deck and the purchase of concrete sealing and spalling repair, which are Non-Pre-Priced (NPP) items in the Catalog, in the amount of \$252,527.59; and

WHEREAS, in such cases involving Non Pre-Priced items, the NJPA contract requires that the Contractor seeks a minimum of three (3) quotes for the NPP; and

WHEREAS, Harbour Construction, Inc., received three quotes, the lowest one in the amount of \$252,527.59. for the services of interior and exterior concrete sealing, and spalling repairs, which is not available under the NJPA contract; and

WHEREAS, the IQC proposal received is over the \$250,000 threshold limit approved by the City Commission for projects through the NJPA IQC process, and, since the value of the non-pre-priced items exceeds the \$50,000 authority of the City Manager, the approval of the City Commission is required to award the Project through the IQC process; and

WHEREAS, accordingly, the City Manager recommends waiving, by a 5/7ths vote, the formal competitive bidding requirement, finding such waiver to be in the City's best interest, and authorizing the purchase of concrete sealing and spalling repair services from Harbour Construction, Inc., in an amount not to exceed \$252,527.59; and

WHEREAS, the cost proposal was reviewed and analyzed by the City's Property Management and the Gordian Group and was found to be fair and reasonable; and

WHEREAS, the Administration recommends, as being in the City's best interest, to award the Project to Harbour Construction, Inc., through the IQC process, in the not to exceed amount of \$394,428.71, including the Non-Pre-Priced items in the amount of \$252,527.59,

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA the Mayor and City Commission of the City of Miami Beach, Florida, hereby accept the written recommendation of the City Manager and waive, by a 5/7ths vote, the competitive bidding requirement, finding such waiver to be in the City's best interest, and approve and authorize the City Manager to execute a Work Order with Harbour Construction, Inc., in the not to exceed amount of \$394,428.71, for the purpose of completing the exterior and interior spalling repair, seal, and paint of the 42nd Street Garage Project, which includes non-pre-priced items in the amount of \$252,527.59, pursuant to the competitively bid Sourcewell cooperative contract for construction services , formerly known as National Joint Powers Alliance (NJPA)), with previously appropriated funding.

PASSED and ADOPTED this ____ day of _____, 2018.

DAN GELBER, MAYOR

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Julio T. R. P. 12/4/18
City Attorney Date