

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE WRITTEN RECOMDATION 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 LEE CONSTRUCTION GROUP, INC., IN THE NOT TO EXCEED AMOUNT OF \$325,242.84, FOR THE PURPOSE OF COMPLETING THE PUBLIC WORKS OPERATIONS EMERGENCY GENERATOR AND TRANSFER SWITCH PROJECT, WHICH INCLUDES THE NON-PRE-PRICED ITEMS IN THE AMOUNNT OF \$198,044.16, PURSUANT TO THE COMPETITIVELY BID SOURCEWELL COOPERATIVE CONTRACT FOR CONSTRUCTION SERVICES (FORMERLY KNOWN AS NATIONAL JOINT POWERS ALLIANCE (NJPA)), WITH THE FOREGOING WORK TO BE COMPLETED WITH PREVIOUSLY APPROPRIATED FUNDING; FURTHER, RESCINDING RESOLUTION NO. 2018-30626, WHICH APPROVED THE AWARD OF THE SAME WORK TO SOLARES ELECTRIC, INC. THROUGH THE NJPA PROCESS, AS SOLARES ELECTRIC, INC., IS NO LONGER AN AUTHORIZED VENDOR UNDER THE SOURCEWELL COOPERATIVE CONTRACT.

WHEREAS, the City needs to install one (1) emergency generator at the Public Works Department (the Project); and

WHEREAS the project consists of one (1) 600KW generator, which are available via the competitively procured National Joint Powers Alliance (NJPA) 120617-KOH award to Lee Construction Group, Inc., as well as a number of ancillary items (e.g. automatic transfer switch); and

WHEREAS, the Administration desires to expedite the project, which is crucial to keep Public Works operational in the event of a storm or other catastrophe that results in loss of power to the facility; and

WHEREAS the Administration is requesting to issue a work order to Lee Construction Group, Inc., pursuant to the competitively bid Sourcewell cooperative contract for construction services (formerly known as National Joint Powers Alliance (NJPA)); and

WHEREAS, the Administration recommends that the City Commission rescind Resolution No. 2018-30626, awarding the same work to Solares Electric, Inc. through the NJPA process, as Solares Electric, Inc. is no longer an authorized vendor under the NJPA; 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 Job Order Contracting ("JOC") project delivery to the City, and to begin utilizing the Gordian Group's indefinite quantity contract (IQC), 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, Sourcewell awarded Contract No. 071415-GGI for IQC construction services, and said contract includes an award to Lee Construction Group, 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 NJPA cooperative awards, 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, Lee Construction Group, Inc., was identified as the contractor that has the qualifications and experience in performing the identified scope; and

WHEREAS, on February 13, 2019, after negotiations, the Contractor submitted a bid proposal in the amount of \$295,649.75, for the Project plus an additional \$29,593.09 owner's project contingency; and

WHEREAS, the original scope of work included to provide automatic transfer switch and generator including all conduit and wiring, excavation, surfacing repairs, testing, permits, and concrete slab as depicted in the approved construction documents; and

WHEREAS, the purchase of one (1) 600KW Kohler generator and automatic transfer switch, constitute Non-Pre-Priced (NPP) items in the Catalog; and

WHEREAS, Lee Construction Group, Inc., is a certified contractor for the purchase and installation of one (1) 600KW Kohler generator, switchgear and ancillary items; and

WHEREAS, Kohler generators are preferred, as this brand of generator is in service at a majority of the City's facilities; 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 one (1) 600 kW Kohler generator, switchgear and ancillary items; and in an amount not to exceed \$198,044.16; and

WHEREAS, the Administration recommends, as being in the City's best interest, to award the Project to Lee Construction Group, Inc., through the IQC process, in the not to exceed amount of \$325,242.84, including the Non-Pre-Priced items in the amount of \$198,044.16.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission hereby accept the written recommendation of the City Manager and waive, by a 5/7ths vote, the formal 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 Lee Construction Group, Inc., in the not to exceed amount of \$325,242.84 for the purpose of completing the Public Works Operations Emergency Generator and Transfer Switch Project, which includes non-pre-priced items in the amount of \$167,435.42, pursuant to the competitively bid Sourcewell cooperative contract for construction services (formerly known as National Joint Powers Alliance (NJPA)), with the foregoing work to be completed with previously appropriated funding; further, rescinding Resolution No. 2018-30626, which approved the award of the same work to Solares Electric, Inc., as Solares Electric, Inc., is no longer an authorized vendor under the Sourcewell cooperative contract.

PASSED and ADOPTED this ____ day of _____, 2019.

DAN GELBER, MAYOR

ATTEST:

RAFAEL E. GRANADO, CITY CLERK