

MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Raul Aguila, Interim City Manager

DATE: February 10, 2021

DocuSigned by:

Raul Aguila

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SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE INTERIM CITY MANAGER, PURSUANT TO INVITATION TO BID (ITB) NO. 2021-012-WG, FOR ROUTINE AND EMERGENCY SERVICES POOL OF PREQUALIFIED CONTRACTORS, TO ESTABLISH AND MAINTAIN A POOL OF PREQUALIFIED CONTRACTORS, THAT WILL BE USED TO EXPEDITE ROUTINE AND EMERGENCY REPAIRS TO WATER, SEWER AND STORMWATER SYSTEMS ON AN "AS NEEDED" BASIS; AND APPROVING THE INITIAL POOL OF QUALIFIED CONTRACTORS, AS SET FORTH IN EXHIBIT "A" TO THIS RESOLUTION; AND, FURTHER, AUTHORIZING THE CITY MANAGER TO KEEP THE ITB ACTIVE FOR THE PURPOSE OF PREQUALIFYING ADDITIONAL CONTRACTORS; AND TO ADD NEW (OR REMOVE FOR NON-PERFORMANCE) CONTRACTORS TO THE POOL, PROVIDED SUCH ADDED CONTRACTORS MEET THE REQUIREMENTS OF THE ITB.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida approve the resolution accepting City Manager's recommendation pertaining to the prequalification applications received, pursuant to ITB 2021-012-WG, for routine and emergency services pool of prequalified contractors.

BACKGROUND

The City of Miami Beach faces frequent challenges in maintaining its aging infrastructure systems for water, sewer and storm water. Occasionally infrastructure failures lead to unanticipated disruptions that can result in health hazards to the public and significant consequential damages to roads, structures and the environment.

When a failure occurs, the City has traditionally relied on the authority pursuant to Section 2-396 of the City Code that allows the City Manager to procure, in any amount, goods or services necessary to protect and preserve the public health, welfare and safety. While this authority is an effective way to quickly address infrastructure failures, the Administration believes that it is in the City's best interest, whenever possible, to obtain competition by quickly seek quotations from available qualified contractors prior to starting repairs in an effort to assure repairs are being addressed in an expedited and cost-effective manner. Having a prequalified pool of contractors helps to expedite repairs because multiple quotes can be sought, and projects can commence without delays in conducting the due diligence required for contractors not prequalified. For example, while the initial failure must be expeditiously addressed as necessary, the availability of a prequalified pool of contractors, allows some longer-term repairs to be opened up for competition from the prequalified pool of contractors, thereby maximizing cost-effectiveness without significantly impacting repair times.

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Accordingly, the Administration is seeking to prequalify contractors to address emergencies and repairs necessary to the City's water, sanitary sewer, and storm water systems, which includes but is not limited to: pump stations; potable water pipes, sanitary sewer main/lateral pipes and valves, storm water drainage pipes; trenchless point repairs; rehabilitation of sanitary sewer and storm water manholes. It is important to note that Section 255.20(1)(a), Florida Statutes, requires that a contractor that has been prequalified by the Florida Department of Transportation (FDOT) to perform the same type of work as required by the City is presumed to be qualified to perform the work.

In accordance with City policy, projects up to \$300,000 or responses to emergencies will be awarded by the City Manager. Projects in excess of \$300,000 requires the approval of the City Commission. Emergencies must be presented to the City Commission in accordance with Section 2-396 of the City Code.

ANALYSIS

The City issued Invitation to Bid (ITB) 2021-012-WG for Routine and Emergency Services Pool of Prequalified Contractors on October 21, 2020. The Procurement Department issued bid notices utilizing www.Bidsync.com website. 52 prospective bidders accessed the advertised solicitation. ITB responses were due and received on November 13, 2020. The City received a total of nine (9) proposals from the following firms: Amici Engineering Contractors LLC, David Mancini & Sons, Inc., EnviroWaste Services Group, Inc., Flotech Environmental LLC, Lanzo Construction Co., Ric-Man Construction Florida, Inc., Ric-Man International, Inc., Southern Underground Industries, Inc., and The Stout Group LLC. Exhibit A includes the list of all respondent and a notation of those respondents prequalified by FDOT.

The ITB stipulates that all qualified contractors which meet or exceed the criteria established in this solicitation shall be placed on a pre-qualification list that may be accessed by various City departments to obtain price quotations for the required services. Staff has verified that all bidders met the qualifications requirements of the ITB.

CONCLUSION

I agree that it is in the City's best interest to maintain a prequalified pool of contractors to address and expedite repairs necessary to the aging water, sewer and storm water infrastructure. While some initial failures must be expeditiously addressed through emergency procedures in accordance with Section 2-396 of the City Code, the availability of a prequalified pool of contractors does allow for quotes to be sought on longer term repairs to assure cost-effectiveness without significantly impacting repair times.

As stated above, it is important to note that Florida law requires local government to presume that contractors prequalified by FDOT for a given category of work is prequalified to perform the same category of work for the local government. Exhibit A denotes the contractors prequalified by FDOT for underground utilities (water and sewer), the category of work relevant to this item. However, while an important step in assuring that the City is dealing with technically competent contractors, prequalification is only one step in assuring the City is doing business with reputable contractors. All projects that may be awarded pursuant to this prequalification process are subject to the criteria established in Section 2-369 of the City Code that requires, in the award of contracts, that the following be considered:

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- (1) The ability, capacity and skill of the bidder to perform the contract.
- (2) Whether the bidder can perform the contract within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
- (4) The quality of performance of previous contracts.
- (5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract.

Further, while Florida law may prevent the Administration from not considering a contractor's standing FDOT prequalification, nowhere in Florida law is prequalification a guarantee of award and the City will continue to exercise its right to consider the criteria established in Section 2-369, which includes (but is not limited to) the quality of performance on previous contracts. In other words, a contractor that has performed poorly in the past, or is not in good standing on any criteria established in Section 2-369 of the City Code, regardless of any standing prequalification with FDOT or any other agency, could be denied an award of a contract for work.

Finally, to continue to receive requests for prequalification from interested contractors, I recommend that the ITB be kept active authorizing the City Manager to add additional contractors that meet the prequalification requirements to the list of prequalified contractors or remove contractors that no longer meet prequalification requirements.

For the reasons stated herein, I recommend that the Mayor and City Commission approve the Resolution authorizing the Administration to establish and maintain a pool of prequalified contractors that will be used to perform routine and emergency repairs to water, sewer and stormwater systems on short notice on an "as needed" basis; and approving the initial pool of qualified contractors, as set forth in Exhibit "A" to the Commission memorandum; and, further, authorize the City Manager to (1) keep the ITB active for the purpose of prequalifying additional contractors; and (2) add new contractors to the pool, provided such contractors meet the requirements of the ITB.

FISCAL IMPACT STATEMENT

The cost of the related services is subject to funds availability approved through the City's budgeting process. It is not anticipated that grant funding will be utilized for this project.



AH / RC / AD

Exhibit A

List of Respondents to ITB ITB 2021-012-WG - Routine and Emergency Services Pool of
Prequalified Contractors for Water, Sanitary Sewer, and Storm Water Systems

Amici Engineering Contractors LLC

David Mancini & Sons, Inc.*

EnviroWaste Services Group, Inc.

Flotech Environmental LLC

Lanzo Construction Co., Florida*

Ric-Man Construction Florida, Inc.*

Ric-Man International, Inc. *

Southern Underground Industries, Inc.

The Stout Group LLC*

*Firm has been prequalified by FDOT for underground water and sewer utilities.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE INTERIM CITY MANAGER, PURSUANT TO INVITATION TO BID (ITB) NO. 2021-012-WG, FOR ROUTINE AND EMERGENCY SERVICES POOL OF PREQUALIFIED CONTRACTORS, TO ESTABLISH AND MAINTAIN A POOL OF PREQUALIFIED CONTRACTORS, THAT WILL BE USED TO EXPEDITE ROUTINE AND EMERGENCY REPAIRS TO WATER, SEWER AND STORMWATER SYSTEMS ON AN "AS NEEDED" BASIS; AND APPROVING THE INITIAL POOL OF QUALIFIED CONTRACTORS, AS SET FORTH IN EXHIBIT "A" TO THIS RESOLUTION; AND, FURTHER, AUTHORIZING THE CITY MANAGER TO KEEP THE ITB ACTIVE FOR THE PURPOSE OF PREQUALIFYING ADDITIONAL CONTRACTORS; AND TO ADD NEW (OR REMOVE FOR NON-PERFORMANCE) CONTRACTORS TO THE POOL, PROVIDED SUCH ADDED CONTRACTORS MEET THE REQUIREMENTS OF THE ITB.

WHEREAS, the City of Miami Beach faces frequent challenges in maintaining its aging infrastructure systems for water, sewer and storm water, and infrastructure, and failures in these systems can lead to unanticipated disruptions that can result in health hazards to the public and significant consequential damages to roads, structures and the environment; and

WHEREAS, when a failure occurs, the City has traditionally relied on the authority prescribed in Section 2-396 of the City Code for emergency purchases that allows the City Manager to procure, in any amount, goods or services necessary to protect and preserve the public health, welfare and safety; and

WHEREAS, while authority under Section 2-396 of the City Code is an effective way to quickly address immediate infrastructure failures, the Administration believes that it is in the best interest of the City, whenever possible, to quickly seek quotations from available qualified contractors prior to starting repairs in an effort to assure repairs are being addressed in an expedited and cost-effective manner; and

WHEREAS, having access to prequalified pool of contractors will help to expedite repairs because multiple quotes can be sought and projects can commence without the delays incurred in conducting the necessary due diligence on contractors that have not been prequalified; and

WHEREAS, accordingly, the Administration is seeking to prequalify contractors to address emergencies and repairs necessary to the City's water, sanitary sewer, and storm water systems, which includes, but is not limited to: pump stations; potable water pipes, sanitary sewer main/lateral pipes and valves, storm water drainage pipes; trenchless point repairs; rehabilitation of sanitary sewer and storm water manholes; and

WHEREAS, on October 21, 2020t, the City issued Invitation to Bid (ITB) 2021-012-WG for Routine and Emergency Services Pool of Prequalified Contractors to receive applications for prequalification from contractors; and

WHEREAS, the Procurement Department issued bid notices utilizing www.Bidsync.com website, and 52 prospective bidders accessed the advertised solicitation, and ITB responses were due and received on November 13, 2020; and

WHEREAS, the City received a total of nine (9) applications from the following firms: Amici Engineering Contractors LLC, David Mancini & Sons, Inc., EnviroWaste Services Group, Inc., Flotech Environmental LLC, Lanzo Construction Co., Ric-Man Construction Florida, Inc., Ric-Man International, Inc., Southern Underground Industries, Inc., and The Stout Group LLC (see Exhibit A attached hereto); and

WHEREAS, the ITB stipulates that all qualified contractors which meet or exceed the prequalification criteria established in the solicitation would be placed on a prequalification list that may be accessed by various City departments to obtain price quotations for the required services; and

WHEREAS, staff has verified that all contractors submitting prequalification applications in response to the ITB have met the technical qualifications requirements of the ITB; and

WHEREAS, further, Section 255.20(1)(a), Florida Statutes, requires that a contractor that has been prequalified by the Florida Department of Transportation (FDOT) to perform the same type of work as required by the City, is presumed to be qualified to perform the work; and

WHEREAS, notwithstanding the requirements of Section 255.20(1)(a), Florida Statutes, to presume prequalification of contractors prequalified by FDOT, the City is not precluded from considering the criteria established in Section 2-369 of the City Code which requires a consideration of the following criteria at the time work is to be awarded: (1) the ability, capacity and skill of the bidder to perform the contract; (2) whether the bidder can perform the contract within the time specified, without delay or interference; (3) the character, integrity, reputation, judgment, experience and efficiency of the bidder; (4) the quality of performance of previous contracts; (5) the previous and existing compliance by the bidder with laws and ordinances relating to the contract; and

WHEREAS, accordingly, the City will continue to exercise its rights to consider the criteria established in Section 2-369 of the City Code, which includes, but is not limited to, the quality of performance on previous contracts, at the time the City is awarding work; and

WHEREAS, in order to continue to receive requests for prequalification from interested contractors, the City Manager recommends that the ITB be kept active for the initial term of five (5) years and recommends that the City Manager be authorized to add additional contractors that meet the prequalification requirements to the list of prequalified contractors or remove contractors that no longer meet prequalification requirements.

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 recommendation of the Interim City Manager, pursuant to Invitation to Bid (ITB) No. 2021-012-WG, for Routine and Emergency Services Pool of Prequalified Contractors, to establish and maintain a pool of prequalified contractors, said prequalification to be reviewed annually, that will be used to perform routine and emergency

repairs to water, sewer and stormwater systems on an "as needed" basis; and approve the initial pool of qualified contractors, as set forth in Exhibit "A" to this Resolution; and, further, authorize the City Manager to keep the ITB active for the purpose of prequalifying additional contractors; and to add new contractors to the pool, provided such contractors meet the requirements of the ITB.

PASSED and **ADOPTED** this _____ day of _____ 2021.

ATTEST:

Rafael E. Granado, City Clerk

Dan Gelber, Mayor

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 2-3-21
City Attorney Date

Exhibit A

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