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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: March 3, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

Agenda Item No. 8(F)(4)

From: Carlos A. Gimenez
Mayor

Subject: Recommendation for Approval to Award: Chillers and Water Treatment Service Contract

Resolution No. R-206-15

Recommendation

It is recommended that the Board of County Commissioners (Board) approve award of *Contract No. FB-00074, Chillers and Water Treatment Service Contract* to six (6) vendors as shown in the attachment to this transmittal memorandum to obtain inspection services and water treatment services for air conditioning chillers and related HVAC (i.e., heating, ventilating and air conditioning) equipment located at various County facilities.

The awarded vendors are required to deliver a comprehensive preventive maintenance program per awarded facility, including all necessary labor, transportation, material, and equipment for the safe operation of chiller and related HVAC equipment. In addition to equipment maintenance, the awardees shall institute a complete water treatment program to protect air conditioning and heating equipment, and piping from deterioration.

Scope

The impact of this item is countywide in nature.

Fiscal Impact and Funding Sources

The fiscal impact for the six-year term is $7,177,000. The recommended contract consolidates two (2) current contracts for this service: *6046-2/12* (*A/C Chillers and Related Equipment Maintenance and Repair Services*) valued at $11,864,254 for seven (7) years, which includes chiller and related HVAC equipment maintenance services, and *TBW9742-1/14* (*Boiler and Chilled Water Chemical Treatment Services*) valued at $567,600 for one (1) year and nine (9) months, which includes water treatment services for chiller and related HVAC equipment.

The Aviation Department is not included in this replacement contract as a turnkey airport-specific maintenance contract was recently advertised (*FB-00123*). The total allocation requested for this award is based on the aggregate pricing offered by the recommended vendors and includes an additional 20 percent allocation by department for unforeseen repairs to auxiliary equipment.

	Allocation	Funding Source	Contract Manager
Corrections and Rehabilitation	$990,000	General Fund	Ana Hassun
Cultural Affairs	7,000	Proprietary Funds	Deborah Margol
Internal Services	4,218,000	Internal Service Fund	Juan Silva
Parks, Recreation and Open Spaces	101,000	General Fund	Bill Solomon
Police	379,000	General Fund	Laura Romano
Public Housing and Community Development	144,000	Federal Funds	Indira Rajkumar-Futch
PortMiami	1,169,000	Proprietary Funds	Gyselle Pino
Transit	169,000	MDT Operating Fund	Rodney McMillian
Total	**$7,177,000**		

Track Record/Monitor
Yuly Chaux-Ramirez of the Internal Services Department is the Procurement Officer.

Delegated Authority
If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise all provisions of the contract pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Vendors Recommended for Award
An Invitation to Bid was issued under full and open competition on May 23, 2014. Seven bids were received in response to the solicitation. The method of award was to the lowest-priced responsive, responsible bidder by group in the aggregate (i.e., for all items and years) that met the solicitation's minimum requirements. The following vendors are recommended for award:

Awardee	Address	Principal
Clark Contracting Solutions, LLC d/b/a Forair	13701 SW 143 Court #101 Miami, FL	Frank Jr. Clark
Johnson Controls, Inc.	15901 SW 29 Street Miramar, FL	Bruce R. McDonald
Pilar Services, Inc. (CSBE, SBE)	8191 NW 91 Terrace #A-3 Medley, FL	Walter Ormazabal
Premier Airconditioning & Refrigeration, Inc. (CSBE, SBE)	2165 W. 10 Court Hialeah, FL	Jose Hernandez, Jr.
Trane U.S., Inc.	2884 Corporate Way Miramar, FL	David Regnery
Weathertrol Maintenance Corp.	7250 NE 4 Avenue Miami, FL	Carlos Borja

Vendors Not Recommended for Award

Vendor	Reason for Not Recommending
Southeastern Chiller of Miami, Inc. d/b/a Southeastern Chiller Services	Vendor was deemed non-responsive by the County Attorney's Office for its Group 37 bid as it failed to offer prices for all the chiller items and years as required by the solicitation (See the attached County Attorney's Office memorandum).

Due Diligence
Pursuant to R-187-12, due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors and federal excluded parties. There are no adverse findings relating to Contractor responsibility.

Applicable Ordinances and Contract Measures

- The two (2) percent User Access Program provision applies and will be collected on all purchases were permitted by funding source.
- The Community Small Business Enterprise Bid Preference was not applied due to insufficient availability of small businesses firms.
- The Local Preference was applied in accordance with the Local Preference Ordinance where permitted by the funding but did not impact the outcome.
- The Living Wage Ordinance does not apply. The Responsible Wages Ordinance applies to this contract as it is classified as a construction project under the Community Small Business Enterprise Program.

Attachment

Edward Marquez
Deputy Mayor

ATTACHMENT 1

Contract No. FB-00074, Chillers and Water Treatment Service Contract
Awardees by Group

Group	Description	Awardee
1	William Lehman Facility 6601 NW 72 Ave. Services: Chillers Maintenance and Water Treatment Services	Weathertrol Maintenance Corp.
2	Central Administration Bldg. 3300 NW 32 Ave. Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.
3	Police Dept. Bldg. 9105 NW 25 St. Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.
4	Women Detention Center 1401 NW 7 Ave. Services: Chillers Maintenance and Water Treatment Services	Trane U.S., Inc.
5	Tuner Guilford Knight Detention 7000 NW 41 St. Services: Chillers Maintenance and Water Treatment Services	Premier Airconditioning & Refrigeration, Inc.
6	Pre-trial Detention Center 1321 NW 13 St. Services: Chillers Maintenance and Water Treatment Services	Trane U.S., Inc.
7	Miami Metro Zoo	No awardee This group was removed from solicitation via Addendum 1. The chillers located at this building will be replaced. This building will be added to the contract once the new chillers are installed and operational via a spot market quote among all awarded vendors.
8	Country Club of Miami -	No awardee This group was removed from solicitation via Addendum 1. The chillers located at this building will be replaced. This building will be added to the contract once the new chillers are installed and operational via a spot market quote among all awarded vendors.
9	Deering Estate 16701 SW 72 Ave. Services: Chillers Maintenance and Water Treatment Services	Pilar Services, Inc.
10	Crandon Tennis Center 7300 Crandon Blvd. Services: Cooling Towers Maintenance and Water Treatment Services	Clark Contracting Solutions LLC d/b/a Forair
11	Terminal B & C – Port of Miami 1740 N. Cruise Blvd. Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.

Group	Description	Awardee
12	Terminal F & G – Port of Miami Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.
13	1080 RCCL Bldg. – Port of Miami 1080 Caribbean Way Services: Chillers Maintenance and Water Treatment Services	Trane U.S., Inc.
14	1050 RCCL Bldg. – Port of Miami 1050 Caribbean Way. Services: Chillers Maintenance and Water Treatment Services	Trane U.S., Inc.
15	Terminal D – Port of Miami 1265 N. Cruise Blvd. Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.
16	Terminal E – Port of Miami 1435 N. Cruise Blvd. Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.
17	1001 & 1015 Bldgs. – Port of Miami Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.
18	Terminal H – Port of Miami Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.
19	1007 Bldg. – Port of Miami Services: Chillers Maintenance and Water Treatment Services	*No awardee*
20	Terminal J – Port of Miami Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.
21	Robert King High Towers 1407 NW 7th St. Services: Chillers Maintenance and Water Treatment Services	Premier Airconditioning & Refrigeration, Inc.
22	Harry Cain Towers 490 NE 2nd Ave. Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.
23	Dade County Auditorium 2901 W Flagler St. Services: Water Treatment Services	Johnson Controls, Inc.
24	Graham Building	No awardee This group was removed from solicitation via Addendum 1. The chiller located in the Graham Building is no longer in service; chilled water is being provided from the Pre Trial Detention Center located at 1321 NW 13th Street
25	Joseph Caleb Center 5400 NW 22 Ave. Services: Chillers Maintenance and Water Treatment Services	Trane U.S., Inc.

Group	Description	Awardee
26	Central Support Facility 200 NW 1st St. Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.
27	North District Chiller Plant 1110 NE 1st Ave. Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.
28	Medical Examiner's Bldg. 1 Bob Hope Road. Services: Chillers Maintenance and Water Treatment Services	Trane U.S., Inc.
29	North Dade Justice Bldg. 15555 Biscayne Blvd. Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.
30	Metro Justice Bldg. 1351 NW 12 St. Services: Chillers Maintenance and Water Treatment Services	Trane U.S., Inc.
31	South Dade Government Bldg. 10740 SW 288 St. Services: Chillers Maintenance and Water Treatment Services	Weathertrol Maintenance Corp.
32	John D. Campbell Center 18710 SW 288 St. Services: Chillers Maintenance and Water Treatment Services	Weathertrol Maintenance Corp.
33	South Dade Regional Library 10750 SW 211 St. Services: Chillers Maintenance and Water Treatment Services	Clark Contracting Solutions LLC d/b/a Forair
34	Record Center 9312 NW 12 St. Services: Chillers Maintenance and Water Treatment Services	Pilar Services, Inc.
35	Metro-Dade Annex Building 864 NW 23rd St. Services: Chillers Maintenance and Water Treatment Services	Pilar Services, Inc.
36	Hialeah Court House 11 East 6 St. Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.
37	Data Center 5680 SW 87 Ave. Services: Chillers Maintenance and Water Treatment Services	Johnson Controls, Inc.
38	Services: Water treatment for various County Facilities Managed by the Internal Services Department	Johnson Controls, Inc.

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: March 3, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(F)(4)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

✓ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(F)(4)
3-3-15

RESOLUTION NO. R-206-15

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00074 FOR CHILLERS AND WATER TREATMENT SERVICE CONTRACT IN THE TOTAL AMOUNT NOT TO EXCEED $7,177,000.00; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ANY CANCELLATION, RENEWAL AND OTHER PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves award of Contract No. FB-00074 for Chillers and Water Treatment Service Contract as set forth in the incorporated memorandum in the total amount not to exceed $7,177,000.00 for the purchase of goods and services, and authorizes the County Mayor or County Mayor's designee to execute same and exercise any cancellation, and other provisions contained therein. A copy of the contract document is available from the Internal Services Department, Procurement Management Services Division.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman			**aye**
Esteban L. Bovo, Jr., Vice Chairman			**absent**
Bruno A. Barreiro	**absent**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**absent**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of March, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

Memorandum

MIAMI-DADE COUNTY

Date: September 26, 2014

To: Basia M. Pruna
Procurement Contracting Manager
Internal Services Department (ISD) – Procurement Management Division

From: Eduardo W. Gonzalez
Assistant County Attorney

Subject: Solicitation FB-00074 (Chillers and Water Treatment Service Contract)
Bidder: Southeastern Chiller Services

You have asked this office if the bid submitted by Southeastern Chiller Services ("Southeastern Chiller") for Group 37 of Solicitation FB-00074 (Chillers and Water Treatment Service Contract) is responsive. For the reasons set forth below, we conclude that Southeastern Chiller's bid for Group 37 of the aforementioned solicitation is *non-responsive*.

FACTS

We rely on the information provided in your September 2, 2014 email to Rita Gonzalez regarding the bidding issues, the attachments to that email, the terms of the solicitation itself and the bid submitted by Southeastern Chiller. The purpose of the solicitation is to establish a full service contract to provide all necessary labor, transportation, material and equipment to furnish a comprehensive program of inspections, testing, preventive maintenance, emergency repair, routine repair and water treatment services for air conditioning chiller and related HVAC equipment. The solicitation's method of award provision provided:

> Award of this contract will be made to the lowest responsive, responsible bidder per group. To be considered for award, the bidder shall offer prices for all items and years listed in each group. The County will then select the bidder whose offer represents the lowest grand total per group, and who meet the minimum requirements listed below. If a bidder fails to submit an offer for all items within the group, its offer for that specific group may be rejected.

Southeastern Chiller failed to offer prices for all the chiller items and years in Group 37 of the solicitation.

DISCUSSION

In general, a bid may be rejected or disregarded if there is a material variance between the proposal and the advertisement. A minor variance, however, will not invalidate the proposal. See Robinson Elec. Co. v. Dade County, 417 So. 2d 1032, 1034 (Fla. 3d DCA 1982). The determination of whether a variance or irregularity is minor is fact specific and may differ from bid to bid. Florida courts have used a two part test to determine if a specific noncompliance in a bid would constitute a substantial and, thus, nonwaivable issue: (1) whether the effect of the waiver would be to deprive the County of the assurance that the contract would be entered into, performed and guaranteed according to its specific requirements; and (2) whether it would adversely affect competitive bidding by placing a proposer in a

position of advantage over other proposers. See Glatstien v. City of Miami, 399 So. 2d 1005 (Fla. 3d DCA 1981).

Southeastern Chiller's failure to provide bid prices on certain items and years in Group 37 deprives the County of the assurance that the contract will be performed and guaranteed in accordance with the terms of the solicitation and thereby renders Southeastern Chiller's bid for Group 37 non-responsive. See Matter of: New Shawmut Timber Co., B-286881, 2001 CPD P 42, 2001 WL 185214, *1 (Comp. Gen. Feb. 26, 2001) ("The failure to include a price for a line item evidences a bidder's intent not to be bound or obligated to perform that element of the requirement, and thus generally renders the bid nonresponsive."); Matter of: The Jorgensen Forge Corp., B-255426, 94-1 CPD P 157, 1994 WL 64911, *2 (Comp. Gen. Feb. 28, 1994) ("Where, as here, an IFB provides that award will be made to the low aggregate bidder, a bid that fails to include a price for every item required by the IFB generally must be rejected as nonresponsive since the bidder would not be obligated to provide the item for which it has provided no price.").

Eduardo W. Gonzalez