

**CITY OF MIRAMAR  
PROPOSED CITY COMMISSION AGENDA ITEM**

**Meeting Date:** October 13, 2021

**Presenter's Name and Title:** Roy Virgin, Director, on behalf of the Utilities Department

**Prepared By:** Ronnie S. Navarro, Assistant Director of Utilities

**Temp. Reso. Number:** 7500

**Item Description:** Temp. Reso. No.7500, AMENDMENT NO. 1 TO THE AGREEMENT WITH D.B.E. MANAGEMENT, INC. FOR THE "COUNTRY CLUB RANCHES WATERMAIN" PROJECT, IN THE AMOUNT OF \$630,752, FOR PHASE 1C, AND WAIVING FURTHER COMPETITIVE PROCEDURES IN THE BEST INTEREST OF THE CITY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH D.B.E. MANAGEMENT, INC. TO PERFORM THE COUNTRY CLUB RANCHES WATERMAIN PROJECTS PHASE 1C, IN AN AMOUNT NOT-TO-EXCEED \$630,752, AND APPROVING A PROJECT ALLOWANCE IN THE AMOUNT OF \$100,000 FOR A TOTAL AMOUNT OF \$730,752. (Director of Utilities Roy Virgin).

Consent ☐ Resolution ☒ Ordinance ☐ Quasi-Judicial ☐ Public Hearing ☐

**Instructions for the Office of the City Clerk:**

**Public Notice** – As Required by the Sec. \_\_\_\_\_ of the City Code and/or Sec. \_\_\_\_\_, Florida Statutes, public notice for this item was provided as follows: on \_\_\_\_\_, in a \_\_\_\_\_ ad in the \_\_\_\_\_; by the posting the property on \_\_\_\_\_ and/or by sending mailed notice to property owners within \_\_\_\_\_ feet of the property on \_\_\_\_\_. (Fill in all that apply)

**Special Voting Requirement** – As required by Sec. \_\_\_\_\_, of the City Code and/or Sec. \_\_\_\_\_ Florida Statutes, approval of this item requires a \_\_\_\_\_ (unanimous 4/5ths etc. vote of the City Commission).

**Fiscal Impact:** Yes ☒ No ☐

**REMARKS:** Funding of \$730,752.00 is available in Utilities, CIP-Account 414.55.809.533.000.606510.52076, "CIP-Construction".

**Content:**

- Agenda Item Memo from the City Manager to City Commission
- Resolution TR 7500
  - Exhibit A: Proposed Construction Agreement with DBE Management, Inc.
- Attachment(s):
  - Attachment 1: Comparative Bids
  - Attachment 2: Acceptance Letter dated September 3, 2021 from DBE



**CITY OF MIRAMAR  
INTEROFFICE MEMORANDUM**

**TO:** Mayor, Vice Mayor, & City Commissioners

**FROM:** Vernon E. Hargray, City Manager

**BY:** Roy L. Virgin, Ph.D., Director of Utilities

**DATE:** October 13, 2021

**RE:** Temp. Reso. No. R7500, Amendment No. 1 to the Agreement with D.B.E. Management, Inc. for the "Country Club Ranches Watermain" Project Phase 1C

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**RECOMMENDATION:** The City Manager recommends approval of Temp. Reso. No. 7500, approving the amendment to the agreement with DBE Management, Inc. for the Country Club Ranches Watermain project, in the amount of \$630,752 for Phase 1C, and waiving competitive procedures in the best interest of the City; authorizing the City Manager to execute the agreements with DBE Management, Inc., to perform the Country Club Ranches Watermain Project Phase 1C, in an amount not-to-exceed \$630,752, and approving a project allowance in the amount of \$100,000 for a total amount of \$730,752.

**ISSUE:** City Commission approval is required for all expenditures exceeding \$75,000 per vendor limit, in accordance with section 2-412(a) (1) of the City Code.

**BACKGROUND:** The Country Club Ranches is an existing residential community within the City bounded by Miramar Parkway to the north, Flamingo Road to the east, Florida's Turnpike to the south and SW 148<sup>th</sup> Avenue to the east. It encompasses approximately 1.15 square miles. The Country Club Ranches properties are primarily served by private wells for water supply. In order to safeguard public health, safety, and welfare, this project will provide the community potable water supply that meets federal and state drinking water standards and regulations and provide adequate firefighting capabilities.

On November 2, 2020, the City's Procurement Department advertised Invitation for Bids No. 21-011, entitled: "Country Club Ranches Watermain" (the "IFB"). At that time, due to budgetary constraints, the project was bid into three phases, namely: Phase 1A, 1B and 1C. Phase 1A was the Base Bid, while Phases 1B and 1C were bid alternates.

At the time of award, by Resolution No 21-64\_the available fund was limited; and it could only cover phases 1A & 1B. Therefore, phase 1C was excluded.

D.B.E. Management, Inc., was the lowest responsive and responsible bidders and satisfied the minimum qualifications of the Solicitation, with bid prices of \$595,127 for Phase 1A, and \$1,118,332 for Alternate Phase 1B.

Phase 1C (Bid Alternate) is on Old Miramar Parkway, from SW 136th Avenue to SW 124th Avenue.

With the availability of additional funding of \$1 million for Fiscal Year 2022, the City has enough funding to pursue construction services for Phase 1C.

DBE Management is already mobilized and proceeding with Phases 1A and 1B at a more aggressive schedule with the deployment of two work crews. The Utilities Department believes that waiving competitive bidding is in City's best interest for the following reasons:

1. Phase 1C was previously bid as part of a larger project (Phase 1A and Phase 1B) but was excluded in the award due to budgetary constraint.
2. DBE Management was the lowest responsive and responsible bidder at the time this watermain project was publicly solicited and evaluated.
3. DBE Management is willing to honor the previous price (issued on December 10, 2020) provided the Phase 1C is awarded on a timely manner, that is, while all their crew and equipment are on site.
4. The supply of pipes and related construction materials are having some delay issues with the current shortage in the supply chain but the contractor is willing to prioritize procurement of materials or use its stocked materials for this project so it can be installed on a timely manner.
5. Further solicitation for this project relieves the City of potential additional administrative cost and personnel time.
6. Selection of the current vendor makes economic sense. The cost of bidding this project may cost more and unduly delay the completion of the Phase 1C by at least six months, granting that materials would be available at the time of project award.

**PROCUREMENT:** The Utilities Department requests a waiver of further bidding for Phase 1C in accordance with City Code of Ordinances Section 2-413(8) that stipulates the following, to wit: "Best interest of city. Purchases of and contracts for commodities or services are exempt from this section of the Code when the city commission declares by a four-fifths ( $\frac{4}{5}$ ) affirmative vote that the process of competitive bidding and competitive proposals is not in the best interest of the City. The City Commission shall make specific factual findings that support its determination, and such contracts shall not be placed on the city commission consent agenda."

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**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, WAIVING FURTHER COMPETITIVE PROCEDURES IN THE BEST INTEREST OF THE CITY AND APPROVING THE AWARD OF INVITATION FOR BIDS NO. 21-001 ENTITLED: "COUNTRY CLUB RANCHES WATERMAIN" TO D.B.E. MANAGEMENT, INC., IN THE AMOUNT OF \$630,752 FOR PHASE 1C; AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT WITH D.B.E. MANAGEMENT, INC. TO PERFORM THE COUNTRY CLUB RANCHES WATERMAIN PROJECTS, PHASE 1C, IN AN AMOUNT NOT-TO-EXCEED \$630,752, AND APPROVING A PROJECT ALLOWANCE IN THE AMOUNT OF \$100,000.00 FOR A TOTAL AMOUNT OF \$730,752; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Country Club Ranches is an existing residential community within the City bounded by Miramar Parkway to the north, Flamingo Road to the east, Florida's Turnpike to the south and SW 148<sup>th</sup> Avenue to the east and encompasses approximately 1.15 square miles; and

**WHEREAS**, The Country Club Ranches properties are primarily served by private wells for water supply; and

**WHEREAS**, on November 2, 2020, the City's Procurement Department advertised Invitation for Bid No. 21-001, entitled: "Country Club Ranches Watermain" ("IFB") in a newspaper of general circulation and on DemandStar; and

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**WHEREAS**, Country Club Ranches Watermain Improvements Phase 1 is comprised of Phase 1A as primary project, Alternate Phase 1B, and Alternate Phase 1C; and

**WHEREAS**, the Scope of Work includes, but is not limited to, all labor, materials, machinery, tools, equipment and incidentals, as necessary for the installation of 6-inch watermain to be installed through a combination of open cut installation and horizontal directional drills, gate valves, fire hydrants, applicable fittings, water services, meter boxes, and connections to the existing mains; and

**WHEREAS**, to safeguard public health, safety, and welfare, this project will provide the community potable water supply that meets federal and state drinking water standards and regulations, and provide adequate firefighting capability; and

**WHEREAS**, on March 3, 2021, the City Commission awarded the contract to D.B.E. Management, Inc., the lowest responsive and responsible bidder that satisfied the minimum qualifications of the Solicitation, with bid prices of \$630,752 for Phase 1A, and \$1,118,332 for Alternate Phase 1B; and

**WHEREAS**, with the availability of additional funding of \$1 million for Fiscal Year 2022, the City now has enough funding to construct Phase 1C; and

**WHEREAS**, DBE Management is already mobilized and proceeding with Phases 1A and 1B at a more aggressive schedule with the deployment of two work crews; and

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**WHEREAS**, award of Phase 1 C to the current vendor, DBE Management, makes economic and logistical sense; and

**WHEREAS**, Phase 1C was previously bid as part of the larger project (Phase 1A and Phase 1B) but was excluded in the award due to budgetary constraint; and

**WHEREAS**, DBE Management is willing to honor the previous price (issued on December 10,2020) provided the Phase 1C is awarded on a timely manner, that is, while all their crew and equipment are on site; and

**WHEREAS**, the current shortage in the supply chain is adversely affecting the construction industry but the contractor is willing to prioritize procurement of materials for this project so it can be installed on a timely manner; and

**WHEREAS**, further solicitation for this project relieves the City of potential additional Project and administrative cost and personnel time; and

**WHEREAS**, the cost of bidding this project may cost more and unduly delay the completion of the Phase 1C by at least six months, assuming that pipe materials would be readily available at the time of project award: and

**WHEREAS**, Section 2-413(8) of the City Code of Ordinances stipulates in the best interest of the City that “purchases of and contracts for commodities or services are exempt from this section of the Code when the city commission declares by a four-fifths ( $\frac{4}{5}$ ) affirmative vote that the process of competitive bidding and competitive proposals is not in the best interest of the City.”

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**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF  
MIRAMAR, FLORIDA AS FOLLOWS:**

**Section 1:** That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

**Section 2:** That it is in the best interest of the City to waive further competitive bidding and to approve an amendment to the agreement with D.B.E. Management, Inc. to include the work for Phase 1C, for the “Country Club Ranches Watermain Improvements Phase 1”, in an amount not to exceed \$630,752, and approving project allowances in the amount of \$100,000, for a total amount of \$730,752.

**Section 3:** That it authorizes the City Manager to amend the agreement with D.B.E. Management, Inc. together with such non-substantial changes as are deemed acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

**Section 4:** That the appropriate City officials are authorized to do all things necessary and expedient to carry out the aims of this Resolution.

**Section 5:** That this Resolution shall become effective upon adoption.



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**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor, Wayne M. Messam

\_\_\_\_\_  
Vice Mayor, Yvette Colbourne

ATTEST:

\_\_\_\_\_  
City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved  
this RESOLUTION as to form:

\_\_\_\_\_  
City Attorney,  
Austin Pamies Norris Weeks Powell, PLLC

**Requested by Administration**

Commissioner Winston F. Barnes  
Commissioner Maxwell B. Chambers  
Vice Mayor Yvette Colbourne  
Commissioner Alexandra P. Davis  
Mayor Wayne M. Messam

**Voted**

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