

**RESOLUTION NO. 14-1260**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA WAIVING SECTIONS 4 AND 5 OF ORDINANCE 12-142 (THE “PROCUREMENT ORDINANCE”) IN ACCORDANCE WITH SECTION 5(d) OF THE PROCUREMENT ORDINANCE FOR THE SOLICITATION AND AWARD OF CONTRACTS FOR THE PARK EAST YOUTH CENTER; WAIVING SECTION 5(b) OF THE PROCUREMENT ORDINANCE IN ACCORDANCE WITH SECTION 5(d) OF THE PROCUREMENT ORDINANCE; AWARDED CONTRACT 2014-02 FOR THE CONSTRUCTION OF THE STRUCTURAL SHELL FOR THE PARK EAST YOUTH CENTER TO UNION GENERAL CONTRACTORS, INC., IN AN AMOUNT NOT TO EXCEED \$199,000.00; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO AWARD CONTRACTS FOR THE PROJECT UNDER THE BID WAIVER AND TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the “Town”) has elected to serve as the general contractor for the Park East Youth Center, as permitted under the Florida Statutes; and

**WHEREAS**, the Town Manager has determined that it is in the best interest of the Town to implement a procurement process that allows for the fast tracking of solicitation and award of contracts where the Town serves as the general contractor; and

**WHEREAS**, the Town Manager has established procurement procedures for the solicitation and award of contracts for the construction of the Park East Youth Center, as set forth in Exhibit “A”; and

**WHEREAS**, in an effort to fast track the commencement of construction of the Park East Youth Center the Town obtained three (3) quotes for the construction of the Park East Youth Center Structural Shell; and

**WHEREAS**, the Town Manager recommends the award of a contract to Union General Contractors, Inc. (“Union”) for the Park East Youth Center Structural Shell, under Section 5(d) of Ordinance 12-142 (the “Town’s Procurement Ordinance”); and

**WHEREAS**, the Town Council approves the recommendations of the Town Manager to waive Sections 4 and 5 of the Town's Procurement Ordinance for the solicitation and award of contract related to the construction of the Park East Youth Center and the NW 67<sup>th</sup> Avenue Entry Feature and authorizes the Town Manager to enter into a contract with Union for Award of Contract 2015-02 for the Park East Youth Center Structural Shell, in an amount not to exceed \$199,000.00.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2. Waiver of the Town's Procurement Ordinance.** The Town Council hereby approves the waiver of Sections 4 and 5 of the Town's Procurement Ordinance for the solicitation and award of contracts up to \$50,000 for the construction of Miami Lakes Park East Youth Center. The Town Council hereby approves the waiver of Section 5(b) of the Town's Procurement Ordinance to approve the award of Contract No. 2015-02 to Union in an amount not to exceed \$199,000.00 for Miami Lakes Park East Youth Center Structural Shell.

**Section 3. Approval of Contract.** The Town Council hereby approves the award of Contract No. 2015-02 to Union in an amount not to exceed \$199,000.00 for Miami Lakes Park East Youth Center Structural Shell.

**Section 4. Authorization of Town Officials.** The Town Manager and/or his designee and the Town Attorney are authorized to take all steps necessary to implement the waiver of Sections 4 and 5 of the Town's Procurement Ordinance and to implement the terms and conditions of Contract No. 2015-02 with Union for construction of the Miami Lakes Park East Youth Center Structural Shell.

**Section 5. Authorization of Fund Expenditure.** The Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the Contract from the Construction Fund and the settlement agreement from the original contractor's bond surety.

**Section 6. Execution of Contracts.** The Town Manager is authorized to execute the Contract No. 2015-02 with Union for the construction of the Miami Lakes Park East Youth Center Structural Shell on behalf of the Town in an amount not to exceed \$199,000.00, in substantially the form attached hereto as Exhibit "B." The Town Manager is authorized to

execute all other contracts under \$50,000 for completion of the Miami Lakes Park East Youth Center.

**Section 7. Effective date.** This Resolution shall become effective immediately upon adoption hereof.

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Passed and adopted this 28<sup>th</sup> day of October, 2014.

The foregoing resolution was moved for adoption by Councilman Daubert. The motion was seconded by Councilman Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	<u>Yes</u>
Vice Mayor Manny Cid	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Tony Lama	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Frank Mingo	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>




Wayne Slaton  
MAYOR

Attest:

  
Marjorie Tejada  
TOWN CLERK

Approved as to form and legal sufficiency:

  
Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
TOWN ATTORNEY

# **EXHIBIT “A”**

## **Procurement Policies and Procedures**

### **Town Serving as General Contractor**

Note: This policy and procedure currently only applies to two (2) projects; Park East Youth Center and the NW 67<sup>th</sup> Avenue Entry Feature.

#### **Policy:**

The Town may, at its discretion, serve as the general contractor on a project consistent with Florida Statute Chapter 489.103. To ensure an open and competitive process that also allows the Town to expedite construction the Town has established specific processes and procedures to be followed, which are different from those established when contracting out projects to be managed and constructed by a contractor.

#### **Procedures**

1. Bid Thresholds: The following thresholds have been established for soliciting work to be performed:
  - a. Less than \$5,000.00
    - i. One written quote is required using the Town's Request For Price Quote (RPQ) Form, as revised or the Invitation To Quote (ITQ) Form.
    - ii. Verbal or email quotes are not acceptable.
    - iii. The Form can be submitted via email.
  - b. \$5,000.01 to \$49,999.99
    - i. The Town's informal quote process will be used based on the Town's Request for Price Quotation Form (RPQ), as revised.
    - ii. A minimum of three price quotations must be obtained for an award to be made.
    - iii. The Town may post the RPQ on the Town's website.
    - iv. For quotes up to \$15,000 the Form can be submitted via email.
    - v. For quotes in excess of \$15,000 the quotes must be submitted in a sealed envelope to the Procurement Office.
    - vi. Awards will be made by the Town Manager.
  - c. \$50,000.00 to 199,999.99 –
    - i. Formal sealed bids will be solicited by the Procurement Office.
    - ii. At a minimum the bids will be posted on the Town's website and may also be advertised in the Daily Business Review.
    - iii. Awards must be approved by the Town Council.
  - d. ≥\$200,000
    - i. Solicitations must comply with the requirements of the Florida Statutes and the Town's Procurement Ordinance.
    - ii. Awards must be approved by the Town Council.

2. Forms: Specific informal quote forms have been developed to be used to solicit quotes. The Town's standard informal quote forms may only be used upon the written approval of the Procurement Manager.
  - a. Invitation To Quote Form (ITQ)
    - i. Should be primarily used when a single quote is being obtained and the procurement is simple and straight forward without a significant amount of requirements or terms and conditions.
  - b. Request For Price Quote (RPQ)
    - i. To be used for all quotes between \$5,000 and \$50,000. Use of any other form requires the prior written approval of the Procurement Office.
3. Terms and Conditions:
  - a. Terms and conditions have been developed specifically based on the scope of work, the value and the complexity of the work to be performed. These terms and conditions will replace the standard terms and conditions used with the Town's standard informal quote forms.
  - b. The terms and conditions will be included with the applicable RPQ or ITQ.
  - c. For solicitations  $\geq$ \$200,000 the standard construction terms and conditions and forms will typically be used.
4. Cone of Silence
  - a. The Cone of Silence applies to all quotes or bids in excess of \$5,000 unless the more than one quote is being obtained.
  - b. All quotes in excess of \$5,000 will be managed by the Procurement Office to ensure the integrity of the procurement process.
  - c. No verbal communications are permitted except where only one quote is being obtained and even then they should not occur unless absolutely necessary. All communication should be in writing.
  - d. All requests and communications must be in writing. (See section on addendum for permissible communications).
  - e. Violations of the cone of silence can lead to rejection of a bidder's submittal and potential disciplinary action of Town personnel.
  - f. Cone of Silence remains in effect until the Town Manager or the Procurement Manager issues a written recommendation of award:
    - i. Procurement Manager where the Town Manager will authorize the award.
    - ii. Town Manager where the Town Council will authorize the award.
5. Addendum
  - a. All requests for clarification or information from potential bidders or any other source must be submitted in writing to the Procurement Office for solicitations in excess of \$15,000.

- i. For formal solicitations ( $\geq \$50,000$ ) a copy must also be sent to the Town Clerk.
- b. All responses will be issued as follows:
  - i. Informal Quotes  $\leq \$5,000$  – copies of addendum are to be issued in writing to the single vendor the quote is being obtained from. If multiple quotes are being obtained then 5.b.ii applies.
  - ii. Informal Quotes  $> \$5,000$  – copies of addendum will be sent to the bidders email addresses where the solicitation is not posted on the website. Where the quote is posted on the website the addendum will also be posted on the website. The Procurement Office may elect to also send copies to potential bidders if the Procurement Office has their email addresses in its possession.
  - iii. Formal Bids - copies of addendum will be posted on the Town's website.

## 6. Solicitation Management

- a. Informal Quotes  $\leq \$5,000$ 
  - i. Managed by Public Works and Procurement Office approval for issuance is not required provided that standard informal quote forms and terms and conditions are used. Prior approval of award is only required by the Procurement Office if the award is not being made to the lowest bidder. Procurement Office will perform its review once the requisition is entered into MUNIS.
- b. Informal Quotes between \$5,000.01 and \$15,000
  - i. Managed by the Public Works Department and coordinated with the Procurement Office. Procurement Office must approve the RFQ or ITQ form prior to its issuance. Prior approval of award is required by the Procurement Office before the requisition is entered into MUNIS.
  - ii. Any addendum must be coordinated and reviewed by the Procurement Office.
- c. Informal Quotes between \$15,000.01 and \$49,999.99
  - i. The process will be managed by the Procurement Office and coordinated with the Public Works Department.
- d. Formal Bids ( $\geq \$50,000$ ) will be managed by the Procurement Office and coordinated with the Public Works Department.

## 7. Awards

- a. Informal Quotes  $\leq \$5,000$ 
  - i. After finalizing an agreement Public Works will enter a requisition into MUNIS and attach the quote form(s). Procurement Office will review the recommendation in MUNIS and either approve or return the requisition with comments. If an award is being made to a secondary company the Procurement Office must approve the award prior to the requisition being



entered into MUNIS and a note must be included in the requisition general notes explaining the circumstances.

- b. Informal Quotes between \$5,000.01 and \$15,000
  - i. Public Works will provide the Procurement Office with copies of the RPQ responses and its recommendation for award prior to a requisition being entered in MUNIS. Where other than the lowest bidder is being recommended a written justification must be provided explaining the recommendation for award.
- c. Informal Quotes between \$15,000.01 and \$49,999.99
  - i. Procurement Office will evaluate the quotes received and advise Public Works of its findings and determination as to the lowest responsive and responsible bidder. After consultation with the Public Works Department the Procurement Office will prepare its written recommendation for review and approval by the Town Manager. If the solicitation was posted on the Town's website all documents will also be posted on the Town's website. The protest process stated in the Town's Procurement Ordinance will be followed. Public Works will enter the requisition in MUNIS upon being notified by the Procurement Office that the contract has been fully executed and all required insurance has been obtained.
  - ii. Awards >\$25,000 and less <\$50,000 will be awarded by the Town Manager provided that the award is made to the lowest bidder. Where the award is made to other than the lowest bidder the award requires the approval of the Town Council. Awards made by the Town Manager that fall within this category will be reported to the Town Council at the next available Town Council meeting.
- d. Formal Bids ( $\geq$ \$50,000 but less than \$200,000)
  - i. The Town's formal bid process and procedures will be utilized and the solicitation will be posted on the Town's website. The Town may at its discretion advertise the solicitation with a newspaper with general circulation.
  - ii. Awards require the approval of the Town Council.
- e. Formal Bids ( $\geq$ \$200,000)
  - i. The Town's formal bid process and procedures will be utilized and the solicitation will be advertised in compliance with the requirements of the Florida Statutes.
  - ii. Awards require the approval of the Town Council.