

City of Coral Gables City Commission Meeting

Agenda Item H-1

June 26, 2008

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II

Vice Mayor William H. Kerdyk, Jr.

Commissioner Maria Anderson

Commissioner Rafael “Ralph” Cabrera, Jr.

Commissioner Wayne “Chip” Withers

City Staff

City Manager, David Brown

City Attorney, Elizabeth Hernandez

City Clerk, Walter J. Foeman

City Clerk Staff, Billy Urquia

Public Works Director, Alberto Delgado

H-1 [Start: 11:53:38 a.m.]

A Resolution accepting the recommendation of the City Manager pursuant to Request for Proposal (RFP) to select Weathertrol Maintenance Corporation as the provider of Citywide Heating Ventilation Air Conditioning Services at a not to exceed amount of \$57,000.00 per year; and further authorizing the City Manager to execute a contract for a two (2) year period with an option to renew for an additional three (3) year period.

City Manager: Mr. Delgado.

Commissioner Anderson: I'll move it.

Vice Mayor Kerdyk: There is a motion by Ms. Anderson, is there a second?

Commissioner Withers: Second.

Vice Mayor Kerdyk: Second by Commissioner Withers.

Commissioner Withers: I trust you thoroughly, Alberto.

Vice Mayor Kerdyk: Mr. Delgado.

Mr. Delgado: This is an air conditioning service contract that we have on a yearly basis for maintaining all the air conditioning systems throughout the City, and we are after the Selection Committee, evaluated all the bidders, we have selected Weathertrol as the low most responsible bidder for this project.

Vice Mayor Kerdyk: Alright, very good. Mr. City Clerk, would you like to call the roll?

Mr. Clerk.

Commissioner Withers: Yes

Commissioner Anderson: Yes

Vice Mayor Kerdyk: Yes

(Vote 3-0)

Commissioner Cabrera: Absent

Mayor Slesnick: Absent

Vice Mayor Kerdyk: H-2 Mr. City Manager.

City Manager Brown: This is a resolution recommending that the City Commission award the construction contract for the construction of a roundabout at Coral Way and Segovia Street, Coral Gables, Florida, to Solution Construction, Inc., the lowest and most responsive bid, in an amount not to exceed \$704,000.00.

Commissioner Cabrera: Mr. Mayor, may I bring back H-1. I am sorry I had to excuse myself and I apologize for that, it was not my intention not to be in the Chambers at the time you discussed H-1. I don't know if under Robert's Rules I have the right to do this, I did not get a chance to vote.

Vice Mayor Kerdyk: Alright.

Commissioner Cabrera: Madam City Attorney, Mr. Clerk, does anyone want to comment on this?

City Attorney Hernandez: Well, if the Commission....is it that you are requesting an opportunity to vote or speak to the item?

Commissioner Cabrera: I wanted to speak to the item.

City Attorney Hernandez: Then you need one of the parties on the prevailing side to reopen the item.

Vice Mayor Kerdyk: Is there...

Commissioner Withers: I have no problems opening the item up.

Vice Mayor Kerdyk: Alright.

Commissioner Cabrera: You, OK Mr. Withers?

Vice Mayor Kerdyk: Mr. Withers is OK with that, yes.

Commissioner Cabrera: My commentary on this RFP had to do with the fact that as we go through the rest of the RFP's today, H-2, which was about to be heard, H-3, H-5, and even H-7, every single one of those had to do with not only being the most qualified, but being the lowest bidder; and in this particular item H-1, this company that we are selecting is not the lowest bidder, and I need some clarification on that, and again I apologize not only to the Commission, but to the public for not being in the Chambers at the time when this item came up.

Vice Mayor Kerdyk: That's a good question. Mr. City Manager you want to answer that, or Mr. Delgado?

City Manager Brown: Mr. Delgado.

Mr. Delgado: There was a Selection Committee that actually evaluated all the bidders in this particular case. We received six responses and they were from different companies, and the Evaluation Committee after evaluating all the responses determined that this was the most responsive bidder as far as meeting all the qualifications of the Evaluation Committee, and that company is the one that was selected to do the actual maintenance. The reason why the Selection Committee selected that company is because the equipment that we have in air conditioning is only been able to be served by that particular company; they are the ones that handles the warranty of all of these equipment installed. Therefore they are actually cheaper in the long range than using other companies.

Commissioner Cabrera: But here we go again about information, OK, chapter two on information. We are given information on this particular bid, and as I look through it under the RFP/HVAC tabulation sheet, the company that is being awarded was clearly not the lowest priced. They were seventy-eight hundred dollars higher than the lowest priced bidder; the lowest priced bidder's annual rate was forty-nine thousand one hundred and eight-eight dollars (\$49,188), the selected bidder was fifty seven thousand (\$57,000); and then as you look at under repairs/new installations, again the awarded company was not the lowest, but the lowest was the lowest bidder, and every single category they were lower, every single category. So as I look through this now I'm being told that the reason we are going with this company is because they are the ones that can only service our air conditioning units. Well, then why are we going through this exercise? Why bother to put this on the agenda? Why bother to have me sit there and read through this thing and analyze the data and then come up with a question as to, gee how did this come about?- because incidentally as you look at the criteria/tabulation sheet which is the last page, its very interesting, the company that had the lowest price still didn't get the highest number of votes, and the highest number of votes you can get under cost is 20, and the company that's being recommended by staff got 18.6, but the company that had the actual lowest cost only got 18, and it causes me to wonder how do you derive at these things?- how does this criteria unfold? Now I'm being told that potentially this contractor is the only contractor that can service our units, then why go through the exercise? Why didn't we do what we did with Key Stone Restoration and just come to us and say, hey you know what, these are the only people that can do the work, nobody else can; these are the folks that are able to do it, and in the long run they are going to save us a lot of money. Can someone shed any light on this or am I just wasting everyone's time?

Vice Mayor Kerdyk: Mr. City Manager, can you assist the Commissioner with that?

City Manager Brown: I can't answer that question.

Mr. Delgado: That was handed to Procurement, this bid, and they were the ones that had the Selection Committee, we only receive the services. In the Selection Committee of course the evaluation that the fact that, that company had been the one servicing our units in the past had a big weight on that evaluation obviously, they were the ones familiar with the equipment, familiar with the equipment that we had.

Commissioner Cabrera: And Procurement was aware of this?

Mr. Delgado: And they were aware of that.

Commissioner Cabrera: OK, then why wasn't this a part of the report?- why was that not inclusive in the report? Was it creating a bias situation for this contractor? I just want to know, I mean this is a small contract; this is only fifty-seven thousand dollars (\$57,000), but here we are nickel and diming the entire City over every single issue that we vote on today, so I'm going to do some nickel and diming and see if we can take seventy-one hundred dollars and save it and put it to some place of good use.

Mr. Delgado: But the fact is that this was a Selection Committee, therefore, it was more like a proposal, handled as a proposal not as a bid; and when you handle it as a proposal you need to count in all of these evaluations, and actually one of the members of that committee was our master electrician Carlos Gonzalez, which you can see his evaluation format here, Dallas Brown was also one of the members of the committee that selected.

Commissioner Cabrera: All credible employees of our City, I just, you know, again you give me this information so I can review it and make a legislative decision and I go through it and tabulate the dollars and see that there is a credible difference in monies, and now I'm being told because I raised the question, because I happen to be in the rest room at the time that this is being voted on that we kind of have a history with these guys. Mr. Vice Mayor, I don't know which direction you want to take, there are only three of us here, but for the record I'm going to vote against this, I'm uncomfortable voting for something that I was not, in my opinion, given the complete information, and secondly it still doesn't jive. We are going to now...I'm serious, if you just take a second to look at the next other bids everybody is getting a bid, or everybody is being award as the lowest bidder. We are going to do the Green Grade Services at the City Granada Golf Course, that was the lowest bidder; we are going to do the construction contract at the art cinema at the Museum Garage, that's the lowest bidder; we deferred H-6 but H-7, listen to H-7; H-7 has at the end of the paragraph further authoring the City Manager to negotiate with all three vendors in order to establish a uniform price for services utilizing the lowest pricing, so that gives me the impression that's the lowest bidder. Now all of a sudden this one's not the lowest bidder, because we've got some history with them, doesn't pass.

Vice Mayor Kerdyk: Commissioner it's the lowest responsive bidder.

Commissioner Cabrera: Yes sir, oh yes, I meant to say responsive, that's in every case, lowest responsive bidder, I'm sorry, I'm sorry Mr. Vice Mayor.

Vice Mayor Kerdyk: Liz, since we reopened the issue here I assume we are re-voting on the situation, is that correct?

City Attorney Hernandez: Right, there would have to be a motion...well, you re-opened it so there needs to be a motion to either approve or deny, but I can tell you that if it's two to one it's not going to pass, so I don't know if you want to take a recess, you want to defer the item...

Commissioner Cabrera: Can we defer it to the end of the meeting.

Vice Mayor Kerdyk: Let's defer the item until everybody is here please, that would be good.

Commissioner Cabrera: Thank you Commissioner Withers for letting me bring it up.

Commissioner Withers: No problem.

[H-1 Continued]

Mayor Slesnick: I'm told that we need to go back to H-1.

Commissioner Cabrera: Yes, I can tell you why. What happened was H-1 was brought up as I was out of the Chambers and actually was voted on, and I was not able to cast my vote, but more importantly, I requested that, I think the City Attorney was very quick to ask me was it because I had not cast my vote, or because I wanted to discuss the item, and it was actually both, I wanted to discuss the item and then Mr. Withers granted me that opportunity because he voted affirmatively on the item, and basically if you are interested in knowing what the argument hedged on or what the argument was based on...

Mayor Slesnick: Let's just figure out where we are procedurally. So you moved to reconsider and it was voted on and the vote

Commissioner Withers: No we didn't move to reconsider.

Vice Mayor Kerdyk: Because it was only three people here.

Commissioner Cabrera: All Mr. Withers did...

Mayor Slesnick: Had there been a vote taken?

Commissioner Withers: I was not asked to reconsider the item, I was asked to open the item so Commissioner Cabrera could discuss it. I didn't know that we were going to be required to re-vote on it or I might have not re-opened it, but I did re-open it.

Commissioner Cabrera: Thanks.

Commissioner Withers: No, I didn't know Ralph, I mean, when you asked to re-open it...

Mayor Slesnick: So right now it's been moved and passed and seconded and passed, but we are back to it to give the Commissioner a chance to make an argument.

Commissioner Withers: Right, to discuss it; I thought he wanted to go on the record with some remarks, there was only three people here, and so I would not have re-opened it to vote on it with only three people here if I'd known there was going to be a vote on it, I would have waited to re-opened it when everybody was here, I thought it was just going to be a discussion item, so that's the reason that I voted to re-open.

Commissioner Cabrera: So we discussed it and then we ultimately decided on what Mr. Withers suggested which is to hold it, so that's where we are, for no other reason but to be able to articulate my thoughts and feelings. What I alluded to was the following: Item H-1 was an item brought to us by staff for recommendation of the air conditioning maintenance and the winning bidder was a company called Weathertrol. As I looked through the document and saw the merits of the criteria used I realized that this company was not the lowest bidder that another company was the lower bidder, and I was, and by the way the difference we are talking about is approximately seventy-eight hundred dollars. I was then told by staff that the reason that this selection was made outside the fact we had some very good people working on behalf of the City on the Selection Committee, was that this company already services our equipment, and therefore, this company already has history with our City and the ability to properly service equipment, perhaps because of their knowledge, because of their equipment, and then their institutional experiences with us. I found that to be a little bit disturbing from the standpoint once again here we are given a document and asked to vote on it, and then this somehow, this information is not accounted for. I then went ahead and used the example that Item H-2, Item H-3, Item H-4, and even discussion on H-7 all hinged on the most responsive lowest bidder, every single one of them, but yet we made a decision to approve this one based upon their longevity and experience with our City, which you know what, at the end of the day that's certainly acceptable; and I can understand that, but I guess what I don't understand is why wasn't this part of the report, why it did not include the history, because if I'm given that information I can weigh it differently, but if you take the time to look at the tabulation; and if you zero in on the pricing, the company that was recommended by staff that was voted on to be the air conditioning vendor was not the lowest bidder; and in fact another company was, a company named A and M Mechanical was the lowest bidder by seventy-eight hundred dollars; and as you look further into the repair and installation charts the A and M Mechanical had lower costs than the selected bidder. At the same time and in defense of staff, staff in the criteria/tabulation sheet even though Weathertrol was not the lowest bidder, they got the highest number of points; and the lowest bidder didn't get the highest number of points, they got the second highest number of points, and then, the response I was give by staff was in the long run they are going to save us more money; in the long run they are going to save us more money, because I guess they have experience and know-how and all that stuff. Well that's fine and dandy, but this is "willy nilly" to me, and I don't know about the rest of you, but I wanted to do something that was meaningful and something that was should I say, should I say, should I dare say professional, and I don't think that's what I'm getting to decide on this afternoon. That's my argument. If you all want to

approve it. You know what the best thing about this whole thing is I'm perfectly comfortable loosing the vote, I'm just feeling good about the fact that I get to articulate all this.

Mayor Slesnick: But let me ask you this besides articulating it, and I don't want to ask you to do extra work, but could you in fact make some recommendations that are written as to how it might be a better process in the future to meet those...

Commissioner Cabrera: You're right, I'm not going to do any extra work, because I already did my work last night and the nights before.

Mayor Slesnick: Not on this issue, I just meant...

Commissioner Cabrera: I've already told them. On a scale of one to ten this is about a two and ten being the highest; and you know, it just goes to show you what I said before today which is, we don't always get all the information we need to make the right decisions; and I'm not certain if this is a systemic problem with this government, but we only get as much as I think people want us to know, so that we can make the decision they'd like us to move forward with; and so if nothing else I get to vent; and I've done that and I'm prepared to move on, and I thank Mr. Withers once again; and if we can re-take the vote I'll be voting against this contractor.

Mayor Slesnick: Do I have a motion to reconsider on this item?

Commissioner Cabrera: The only motion would come from me and it won't get a second.

Mayor Slesnick: No, it would have to be from the prevailing side.

Commissioner Cabrera: That's true.

Mayor Slesnick: OK. Well without a motion then we'll move on. I think your comments have been noted and hopefully will make an impact in the future.

Mr. Delgado: The only thing I have to say is the way that Procurement handled this project was a proposal, a request for proposal; usually when it's a request for proposal, cost is one of the factors, but not the only factor in the equation. If you look at the weighting, even though the cost per hour can be lowered in a company, if the Evaluation Committee considered that they will take longer hours to fix equipment, it might be that at the long range this company will cost more even though their hourly rate is lower.

Commissioner Cabrera: Well why don't you say that? Why isn't that presented to us?

Mr. Delgado: This is reflected in their points in the evaluation....

Commissioner Cabrera: All I'm looking at is a tabulation sheet. Mr. Delgado I hold you in the highest esteem, and it seems as though I'm picking on you today, that's not the purpose of this exercise. Fine, you want me to look at the tabulation sheet, OK, I'm looking at one; but you want me then to interpret what's on the tabulation sheet as the Gospel, but yet I'm one of the five

people that's going to have to ultimately approve this contract, not the people that are on this tabulation sheet; and I'm a somewhat of a reasonable person and look at numbers and I say to myself this makes no sense to me, how can somebody who was the lowest bidder not get the highest points under cost, how is that possible sir?

Mr. Delgado: Because of probably the questions that they asked the vendor, because in a proposal like that they interview each one of the vendors, and they analyze all of them, and they ask how long it's going to take if we call you for an emergency?- then they will say I will charge you one hour of that, and one hour... and then they would charge, and then the charges would be probably more in a company that even though the rate is lower, it might be the long range when you figure out all the hours it might be that it cost more to call a company that is more familiar with the equipment, that has to probably learn in that experience, you know, and be able to perform. So those were questions that were asked by the people that worked on that committee, the technical committee, you know like the master AC guy that we had over there, and the Supervisor of Maintenance which is Dallas Brown; all of these people were evaluating the company and based on the questions that they asked they came out with the decision that that company probably than though have the lower grades, it might be for them will take more to perform the work because they are not familiar with the equipment. That's only answering the cost, but if you look at the others they evaluated based on qualifications...

Commissioner Cabrera: Well, let me just talk about that. How in the world am I to extrapolate that from the information I'm being handed to review, tell me, because I'm looking at numbers, just based upon numbers. You know what, I'm going to stop what I'm saying because it's quite obvious everybody doesn't share my same interest and pettiness abounds, so I'm just going to let this whole thing go and staff wins, government wins, politician loses.

Mr. Delgado: Your concerns are valid, and actually by looking at the numbers...

Commissioner Cabrera: You know, what I really truly don't want to talk about this any further. You got the best of me, you all did, good job. So I withdraw any complaints or any suggestions, what I think you all need to start doing is just tell me how you want me to vote; tell me so I can say, yeah, I'm going to vote this way, no, I'm not going to vote this way, just kind of like send me some sort of message ahead of time, so I can make some decisions before I get here, and don't have to go through these agendas, and these tabulation sheets; for me it's a gross waste of time, and you know my reading glasses prescription is getting worse. So having said that.

[End: 12:30:39 p.m.]