

**City of Coral Gables City Commission Meeting**  
**Agenda Item H-1**  
**July 7, 2009**  
**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, Patrick Salerno**  
**City Attorney, Elizabeth Hernandez**  
**City Clerk, Walter J. Foeman**  
**Deputy Clerk, Billy Urquia**  
**Chief Procurement Officer, Michael Pounds**

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Agenda Item H-1 – Waiver of Procurement Code for Country Club Roof Repair

Mayor Slesnick: Mr. Manager, you have H-1 and H-2.

City Manager Salerno: H-1 is a resolution accepting the recommendation of the Chief Procurement Officer pursuant to Section 2-583 to waive the Procurement Code to award a contract for the Coral Gables Country Club Roofing Repair Project in the best interest of the City.

Mr. Pounds: Submitted for your consideration as a resolution that will waive the Procurement Code according to Section 2-583, in order to award a contract for the roofing project in the best interest of the City. Project involves repairs to the deteriorating flat roofs at the Coral Gables County Club. On June 12, 2009, the Procurement Division of Finance formally advertised, issued, and distributed the roofing repairs IFB. On June 16, 2009, a non-mandatory Pre-Bid Conference was held, and five prospective bidders attended. During the period to obtain the packages, 12 prospective bidders registered and downloaded the bid document. On June 25<sup>th</sup>, 4 bids were received and of those who responded and one bid was accepted, submitted by Unlimited Roofing. One bid was rejected for being non-responsive, and 2 more bids were submitted by Austro Constructions to procure the roofing. The bids submitted by Unlimited Roofing of \$231,500 was the lowest responsive and responsible bid. However, it exceeded the budget of \$150,000 for the project. We attempted to negotiate with Unlimited to come up with a price that was more in keeping with the budget, and that was not successful. We negotiated under Section 2-766 of the Procurement Code. In order to complete the project in a timely manner so as not to adversely affect the Country Club project and to keep the project within budget, it is recommended that the procurement code be waived by the commission to obtain bids in the most expeditious manner, to facilitate negotiations with roofing firms, and to authorize the City

Manager to award a contract in the best interest of the City. The other improvement projects stated for the Coral Gables Country Club are under budget. We feel that we can do the project for \$175,000. If we are not able to, the City Manager will notify the Commission prior to awarding the contract.

Commissioner Cabrera: Mr. Manager, you and I had some discussions about this project, and one of the things that you helped me understand was this process that has been just described by the procurement director. We all received a letter from a contractor that apparently wishes to protest the process; and the only reason that the letter caught my eye has to do with the price, the price quoted; and as I understand it, the original budget was for \$150,000, which was not met by the most responsible bidder.

Mr. Pounds: Yes.

Commissioner Cabrera: The most responsible bidder's bid was?

Mr. Pounds: It was \$231,500, \$81,000 over budget.

Commissioner Cabrera: OK. This bidder, based on their letter, describes their bid coming in at \$73,000. That's about approximately 180,000 below the budgeted amount set forth by the city. I guess my question this morning is, Oh this afternoon, my question this afternoon is, what caused them to be a non-responsive bidder?

Mr. Pounds: OK, they did not acknowledge the addendum, and the addendum consisted of a number of pieces of information on each route. There was a number of questions asked about each route. This is a multi-route project, by the way, this is not just a single project.

Commissioner Cabrera: OK

Mr. Pounds: There's a number of different routes. And each, there were questions asked about how each route should be done or each dek should be done. So it is very important that we know that all our bidders are aware of the various technical aspects of it.

Commissioner Cabrera: So basically, they did not respond to the addendum. Did they tell you why they were non-responsive, or they simply did not respond?

Mr. Pounds: They just included the addendum form in their bid packet. They did not acknowledge it in any way. I don't believe they, I don't think they wrote anything on it. They just submitted it.

Commissioner Cabrera: OK let's just say for this discussion that this company is then re-approached by the city and asked to submit this addendum. Would that fall within the guidelines that we are trying to give you, so that you can move forward one way or the other?

City Manager Salerno: Yes commissioner. What we're looking at doing, and I just became aware of it a short while ago, this letter...

Commissioner Cabrera: When you and I spoke...

City Manager Salerno: We didn't know

Commissioner Cabrera: Neither one of us were aware of this letter this morning.

City Manager Salerno: Right, correct. We are looking at rejecting the bids.

Commissioner Cabrera: Yes.

City Manager Salerno: And therefore they would not be a bid protest because there is no award. This contractor would be allowed to submit the competitive process, the abbreviated competitive process that Mr. Pounds will establish. So, the staff has some concerns with the cost estimate that is approximately \$70,000 bid, half of, less than half of what the cost estimate was, and only a fraction of what the low bidders cost was that respondent truly understood the project. But we want to make sure that we got the best price. So he will be allowed to submit and compete again, but we'll make sure that the addendum won't be a, hopefully there won't be an addendum in this particular case, and therefore we shouldn't have that problem and we will go through and check references etc. and if he gives a good price, he could wind up with the job.

Commissioner Cabrera: OK well that's all I really care about. I don't know who this contractor is and I don't know what happened. I appreciate the briefing, but when I see a cost savings as substantial as this, 2 things come to mind. One is maybe the scope of work wasn't completely understood by the contractor or the second thing that comes to mind is this contractor may be very hungry and may really probably not as hungry as Commissioner Withers though.

Commissioner Withers: After watching Don eat.

Commissioner Cabrera: But certainly hungry enough to want to give us a very competitive bid so, that's the only reason I bring this up and if any of you want a copy of the letter, I just took the liberty of making copies for all of us. Good. I'm ready to move on this item then, so I move to approve.

Mayor Slesnick: Mr. Cabrera moves, approval of item H-1.

Vice Mayor Kerdyk: I second.

Mayor Slesnick: Second by Mr. Kerdyk. Any other discussion, questions, Chief Procurement Officer?

**Mr. Clerk.**

**Commissioner Anderson: Yes.**

**Commissioner Cabrera: Yes.**

**Vice Mayor Kerdyk: Yes.**

**Commissioner Withers: Yes.**

**Mayor Slesnick: Yes.**

**Vote (5-0)**

Kerdyk: Let me just make a comment. Just from a pricing point standpoint, are there any other roofs that we have to have done in the next six months? Or that maybe a bidder could look at and give us an estimate and try to get a better price from. As you know very well, right now roofers are extremely busy, and to get the best price is very difficult and sometimes when you structure them in with another roof, you can sometimes lower the price in value, and if there's anything that's a necessity that we're going to see in the foreseeable future, it needs to be done and that's a real problem and maybe you should look at it and try to come up with another option. Just a point of reference since I deal with roofers every day. I understand the concept.

Mr. Pounds: Thanks Commissioner.