

City of Coral Gables City Commission Meeting
Agenda Item E-2
August 25, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Finance Director Diana Gomez

Public Speaker(s)

Agenda Item E-2 [1:42:33 p.m.]

An Ordinance of the Coral Gables City Commission Amending the City Code, Chapter 2, entitled "Administration" Article XIII, entitled "Procurement Code" by amending Section 2-766, Competitive sealed bidding (formal bids) to provide for the consideration of other factors, in addition to price, when determining the lowest responsive and responsible bidder; providing for a repealer provision, a severability clause, and providing for an effective date.

Mayor Cason: Next will be E-2.

City Attorney Leen: E-2 is an Ordinance of the Coral Gables City Commission Amending the City Code, Chapter 2, entitled "Administration" Article XIII, entitled "Procurement Code" by amending Section 2-766, Competitive sealed bidding (formal bids) to provide for the consideration of other factors, in addition to price, when determining the lowest responsive and

responsible bidder; providing for a repealer provision, a severability clause, and providing for an effective date. This is on First Reading, it's a public hearing item. Mr. Mayor there is also one word being added in part H (3) of the attachment where it says that, you will look at the character, integrity, reputation, judgment, experience, add the words "litigation history" and efficiency of the bidder. So litigation history would also be looked at. I turn it over to the City Manager.

City Manager Swanson-Rivenbark: Diana are you prepared to present this item? As Diana comes to the microphone, this is a follow-up based on questions and concerns that the Commission had raised, recognizing that low bid is not always best bid, and there are other qualifications and considerations that should come into play. Most recently, this discussion related to Fire Station 3, and so this list was really based on Commission direction. Do you want to go over those changes?

Finance Director Gomez: So this item does allow for the evaluation of proposals, not proposals, I'm sorry, bids, formal bids that are received based on more than just low bid, minimum qualifications and low bid. It does allow the ability to meet, on the cover memo it lists all the items that we are going to be considering when having a bid come in. So for instance, the Chief Procurement Officer shall consider other factors, in addition to price, when determining a low responsive and responsible bidder, and these items are including, but not limited to the ability, capacity, equipment and skill of the bidder to perform the contract, when the bidder can perform the contract within a time specified, without delay, or interference. The character and integrity, reputation, as Craig was mentioning, judgment, experience, and efficiency of the bidder, quality of performance of previous contracts with the City or previous contracts period; previous and existing compliance by the bidder with laws and ordinances related to the contract; sufficiency of the bid, financial resources to perform the contract; quality, availability and depthability of the supplies of the contractual services of the particular use required; ability of a bidder to provide future maintenance and service and financial impact upon the City to receive such future maintenance and service and the number and scope of conditions attached to the bid.

Mayor Cason: So number five takes care of our previous discussion?

Vice Mayor Quesada: Yes.

Mayor Cason: OK.

Finance Director Gomez: So these proposed changes to the Code so that we can formerly move in this direction with bids.

City Manager Swanson-Rivenbark: Excuse me. I think the City Attorney though would want to add under number three, the litigation history, because I think that's in addition to bidders compliance with laws and ordinances. I think that you all raised an issue of one vendor had no lawsuits and another vendor had like 30, and that we need to consider that when we are awarding a bid.

City Attorney Leen: Yes. I agree with the City Manager, and so litigation history would come right after experience. So, if you do move this, I would ask that you move it with the inclusion of litigation history.

Mayor Cason: And I would presume that we be able to have other things depending on discussion later on today. This is on First Reading, so we'll be able to – by Second Reading come back. OK. Discussion? Have a motion? Do we have any speaker cards?

City Clerk Foeman: No, Mr. Mayor.

Mayor Cason: So the public hearing is closed. Commissioner Quesada made the motion – second?

Commissioner Lago: Second.

Mayor Cason: Commissioner Lago – City Clerk.

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

(Vote: 5-0)