CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY

Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, after Public Hearing Waiving by 5/7ths Vote, the Prohibition of Tran Construction, Inc. from Serving as a Vendor with the City Pursuant to Miami Beach City Code Section 2-487 (B)(4)); Provided the Aforestated Waiver is Herein Granted, Awarding a Contract to the Lowest and Best Bidder, Tran Construction, Inc., In the Amount of $1,996,000 for the base bid, add alternate no. 1 and add alternate no. 4, Pursuant to Bid No. 10-03/04 for the ADA and Interior Renovations for the Jackie Gleason Theater of the Performing Arts; and, Provided, In the Event that the Aforestated Waiver is Herein Not Granted, Awarding a Contract to the then Lowest and Best Bidder, Miami Skyline, In the Amount of $1,975,000 for the Base bid and add alternate no. 1 only.

Issue:

Should the City Commission exercise its authority to waive by 5/7th vote the current prohibition of Tran Construction from serving as a vendor in order to award a contract to the lowest bidder Tran Construction, Inc. for the Base Bid and Alternates 1 and 4 for the ADA and Interior Renovation for the Jackie Gleason Theater of the Performing Arts; or alternatively, decline to exercise its waiver authority and award a contract to Miami Skyline, Inc. for the Base Bid and Alternate 1, which is a scope reduction of $279,000 from the Tran bid proposal?

Item Summary/Recommendation:

The work specified in this bid consists of furnishing all materials, labor, equipment, supervision, mobilization, overhead & profit required to perform the following work:
Renovation of 20 restrooms (add alternate 4 increases the number of restrooms to 26).
Installation of ADA compliant doors, frames, hardware, motorized ADA lifts, and exterior ADA ramp.
Dressing rooms improvements and renovation of main lobby galleries and entranceways
Box Office renovations including: ADA compliant ticket window, new media desk, new brochure rack, new posters displays, new interior storefront doors, and wall & ceiling treatments.
New storefront doors at entrance to Founders Room.
Replacement of existing handrails with new handrails at Lobby & Gallery ramps.
Electrical & lighting improvements.
New plumbing to provide hot water to certain bars & bathroom locations.
Patrons Lounge remodeling including new A/C units, ductwork & associated roofing.
Replacement of restrooms rooftop exhaust fans and associated electrical & roofing work.

The Administration recommends the City Commission consider whether or not to exercise its waiver authority and then award a Contract to either the lowest bidder Tran Construction, Inc., or Miami Skyline. Tran Construction's bid proposal for the Base Bid and Alternates 1 and 4 is $279,000 lower than the bid received by Miami Skyline. Since present funding is sufficient to only address the combination of Tran Construction's Base Bid w/Alternates 1 & 4, any award to Miami Skyline will include only Alternate 1 and will not include Alternate 4.

Advisory Board Recommendation:

The Miami Beach Convention Center Capital Oversight Committee approved the project on April 24, 2001.

Financial Information:

Source of Funds:

	Amount	Account	Approved
1	$89,010	441.2253.069358	
2	$224,778	441.2256.069358	
3	$778,352	441.2250.069358	
4	$228,200	441.2400.069358	
5	$20,000	441.2305.069358	
6	$82,883	441.2257.069358	
7	$200,000	441.2352.069358	
8	$300,000	441.2399.069358	
9	$72,777	441.2351.069358	
Total	**$1,996,000.00**		

Finance Dept.

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL_____ TH_____	RCM_____	

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AGENDA ITEM R7A

DATE 2-25-04

CITY OF MIAMI BEACH
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Issue:

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Total	**$1,996,000.00**		

Finance Dept.

City Clerk's Office Legislative Tracking:

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Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL_____ TH_____	RCM_____	

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AGENDA ITEM R7A

DATE 2-25-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and Members of the City Commission

Date: February 25, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, WAIVING BY 5/7THS VOTE, THE PROHIBITION OF TRAN CONSTRUCTION, INC. FROM SERVING AS A VENDOR WITH THE CITY PURSUANT TO MIAMI BEACH CITY CODE SECTION 2-487 (B)(4)); PROVIDED THE AFORESTATED WAIVER IS HEREIN GRANTED, AWARDING A CONTRACT TO THE LOWEST AND BEST BIDDER, TRAN CONSTRUCTION, INC., IN THE AMOUNT OF $1,996,000 FOR THE BASE BID, ADD ALTERNATE NO. 1 AND ADD ALTERNATE NO. 4, PURSUANT TO BID NO. 10-03/04 FOR THE ADA AND INTERIOR RENOVATIONS FOR THE JACKIE GLEASON THEATER OF THE PERFORMING ARTS; AND, PROVIDED, IN THE EVENT THAT THE AFORESTATED WAIVER IS HEREIN NOT GRANTED, AWARDING A CONTRACT TO THE THEN LOWEST AND BEST BIDDER, MIAMI SKYLINE, IN THE AMOUNT OF $1,975,000 FOR THE BASE BID AND ADD ALTERNATE NO. 1 ONLY.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission consider utilizing specific waiver authority granted under City Code Section 2-487(B)(4) in order to award a construction contract to Tran Construction, Inc. Tran Construction is currently the lowest bidder for the above named project, but is presently ineligible to receive an award of contract unless a waiver pursuant to this section is granted. The Administration is recommending that the Base Bid and Alternates 1 & 4 be awarded. The difference in cost between the lowest bidder and the second lowest bidder for the same Base plus alternate combination is $279,000. Present funding is insufficient to award this entire combination to the second lowest bidder at this time, but it is anticipated that Alternate 4 may have to be added at a later date. The Administration recommends that an award be made at this meeting in order to meet the tight timelines required to complete the Base Bid portion of the project.

FUNDING

Funding for construction in the amount of $1,996,000.00 and additional funds for a 10% contingency and for construction management is available from the Convention Development Tax (CDT) Fund 441.

Total funding in the amount of $ 35,000,000 has been appropriated from Fiscal Year (FY) 96/97 through 03/04, for the Convention Center and Jackie Gleason Theater of the

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Performing Arts (TOPA) Capital Projects. Pursuant to the City Commission request for balance updates to be current preliminary figures through February 17, 2004 show $26,260,560.21disbursed, with an additional $ 4,648,604.45 encumbered for projects in progress. It is estimated that the City will need to expend funds from the $10,000,000 held for the Cultural Arts Council before the end of FY 03/04.

ANALYSIS:

In 1996, the City retained the Architectural firm of R.J. Heisenbottle Architects, P.A. to conduct a survey of both TOPA and the Convention Center to identify those areas that were not in compliance with the provisions of the Americans with Disabilities Act (ADA), and to prepare an estimate of the costs of the modifications needed to comply with the ADA. As a result of this study, the City budgeted funds to renovate certain of the restrooms at the Miami Beach Convention Center (Convention Center) and the Jackie Gleason Theater of the Performing Arts (TOPA), as well as for the replacement of doors and door hardware to bring both buildings into compliance with the requirements of the ADA.

The City issued an RFQ for the design services to undertake this project. On February 9, 2000, an Agreement was executed between the City and A.R.I. Architects, Inc. (d/b/a: SKLARchitecture, (Consultant)), for professional Architectural and Engineering services to develop plans, specifications and construction documents for the renovation of the Convention Center and TOPA to provide ADA-compliant door hardware and to refurbish a lounge and two lobbies, and certain restrooms in both buildings for a maximum fee of $283,451.

On March 3, 2003, invitation to Bid No. 27-02/03 was issued for the Jackie Gleason Theater of the Performing Arts (TOPA) ADA and interior renovations, resulting in the receipt of 10 bids.

On April 30, 2003, the Mayor and City Commission awarded a contract to Romano Brothers Construction Inc. (Romano Brothers) as the lowest responsive bidder. On May 7, 2003, Romano Brothers informed the City of its decision not to honor their bid due to an error in their bid pricing. Subsequently, staff analyzed the option of rescinding the contract award to Romano Brothers and awarding a contract to the next lowest responsive bidder. However, staff determined that an award pursuant to this bid, after the April 30, 2003 Commission meeting, would jeopardize the timely Substantial Completion of Phase I of the project.

On May 19, 2003, a bid protest was submitted by the apparent second lowest responsive bidder, Regosa Engineering, Inc. (Regosa).

At the City Commission meeting of June 11, 2003, staff recommended that the City Commission rescind the contract award to Romano Brothers and reject all bids. The

project could then be re-bid for construction during TOPA's next break in scheduled events. The Romano Brothers's award was rescinded, but the City Commission directed staff to negotiate a contract with the apparent second lowest responsive bidder, Regosa, subject to discussions and Regosa's willingness to honor their bid price until mid 2004.

As part of the bid evaluation process, City staff performed a review of Regosa's references for compliance with contract provisions, which required the contractor to have completed projects of a certain size and scope and to have had experience in the type of renovation involved. This evaluation was not undertaken prior to the June 11, 2003 City Commission meeting since a rejection of all bids was recommended and the Administration had no advance indication that the Commission would consider a bid award.

Upon review of the Regosa's completed projects, the City's Consultant, SKLARchitecture, and the City's Program Manager, URS Corporation, and the Administration did not recommend Regosa for failure to demonstrate successful completion of similar projects.

On November 20, 2003, this item was presented at the Finance and Citywide Projects Committee meeting. Committee members concurred with staff's recommendation to reject bids.

At the City Commission meeting of December 10, 2003, the City Commission approved rejection of all bids.

Invitation to Bid No. 10-03/04 was issued for the re-bid of the Jackie Gleason Theater of the Performing Arts ADA and Public Interior Design Enhancement Renovations on December 19, 2004, with an opening date of February 10, 2004. A pre-bid conference and site inspections were held on January 13, 2004, January 15, 2004, and January 29, 2004. BidNet issued bid notices to prospective bidders, resulting in 45 Vendors requesting bid packages, which resulted in the receipt of 4 bids.

The work specified in this bid consists of furnishing all materials, labor, equipment, supervision, mobilization, overhead & profit required to provide but not limited to the following:

1. Renovation of 20 restrooms broken down as follows:
   5 women & 5 men public restrooms
   1 women & 1 men employee restrooms, 1 Unisex restroom
   7 Dressing Room restrooms
   The restrooms will be reconfigured, re-plumbed as required and be provided with new fixtures and new finishes resulting in improved ADA compliant toilet facilities.

2. Removal of existing doors as noted on plan & Replacement of doors, frames & door Hardware, with improved ADA-compliant hardware.

3. Replacement of existing Handicap lift with New Motorized ADA lift.

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2. Removal of existing doors as noted on plan & Replacement of doors, frames & door Hardware, with improved ADA-compliant hardware.

3. Replacement of existing Handicap lift with New Motorized ADA lift.

4. Demolition of existing Exterior Ramp and creation of a new exterior ADA Ramp with railings and associated structural work. (Minor landscaping required).

5. Lower a ticket window of the box office to be ADA – compliant.

6. Dressing Rooms & Dressing room bathroom improvements.

7. Renovation of Main Lobby Galleries, and entranceways including wall coverings, ceilings, and lighting.

8. New and renovated bars:
   3 New Bars – First Floor
   2 Renovated Bars – First Floor
   1 New Bar – Second Floor

9. New Concierge Desk.

10. New Merchandise Counter.

11. Box Office renovations including:
    a. New media desk.
    b. New Brochure Rack
    c. New posters displays.
    d. Wall & Ceiling treatments.
    e. New Interior Storefront doors.

12. New Storefront doors at entrance to Founders Room.

13. Replace existing handrails with new handrails at Lobby & Gallery ramps.

14. New decorative Curtains as shown on plans.

15. Electrical & lighting improvements.

16. New Plumbing to provide hot water to certain Bar & Bathroom locations.

17. Patrons Lounge remodeling per plans and repair damaged sub floor & repair mildew drywall or replace.

18. New A/C units & ductwork & associated roofing for the Patrons Lounge.

19. Replacement of existing restrooms rooftop exhaust fans and associated electrical & roofing work.

20. Initial testing of existing exhaust fans and test & balance upon completion of work. All testing to be by a certified & approved Test & Balance company.

The work above includes but is not limited to Demolition, Concrete work, Concrete patching, Masonry, Stucco Steel Doors & Frames, Access Doors, Plumbing, Waterless

Urinals Toilet fixtures, Bathroom Accessories, European Toilet compartments, Terrazzo Tile, Granite, carpet, Paint, Mirror, Marble work, Gypsum wall board, Metal work, Metal stud framing, Metal ceiling, Acoustical ceiling tile, Decorative Wall Finishes: Duroplex – textured acrylic coating, Metallic Paint, Heating, Ventilation & Air conditioning Ductwork replacement and rerouting, Fire Sprinkler Systems, Electrical Systems, Lighting, Life Safety & Fire Alarm features, Exhaust Fans, Roofing.

This bid is a lump sum bid but in addition there are Add alternates which consists of the following:

Alternate # 1 Add Balcony Extension
Alternate # 2 Add Bar "L".
Alternate # 3 Add Bar "P & Q" *
Alternate #4 Add Renovation of 6 restrooms and Founders room interior renovations *

Because of funding concerns and construction schedule, additional scope was removed from base bid resulting in two additional alternates (3 & 4)* at time of bidding. These were introduced as part of Addendum #3. Because of TOPA's stringent event schedule, the City Commission would have to approve the award of this contract at its February 25 Commission Meeting. If this process is delayed, the City runs the risk in missing the Convention Center event window for construction for this project in 2004.

WAIVER OF THE PROHIBITION OF TRAN CONSTRUCTION FROM SERVING AS A VENDOR

The lowest bidder is Tran Construction, Inc. However, Tran Construction directly contributed to a candidate who has been elected to the office of Commissioner. Pursuant to Section 2-487(A)(3) of the City Code, ***a person or entity who directly or indirectly makes a contribution to a candidate who is elected to the office of Mayor or Commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from serving as a vendor with the City.***

Tran Construction contributed to a candidate's campaign on October 28, 2003. The candidated who received the campaign contribution was sworn into office on November 18, 2003. Therefore, Tran Construction is disqualified from serving as a vendor until November 18, 2004, ***unless*** the City Commission waives, after a Public Hearing, by 5/7ths vote, the requirements of Section 2-487(A)(3) for this particular contract award.

BASIS FOR WAIVER

A basis for a waiver is found in Section 2-487(B)(4), which states that ***a contract for the provision of goods, equipment or services exists which, if terminated by the City, would be adverse to the best economic interests of the City.*** Tran's bid for the Base, Add Alternate 1 and 4 totals $1,996,000. The next low bidder's bid for the Base, Add Alternate 1 and 4 totals $2,275,000. Should the City Commission not grant the waiver, and award a contract to the second ranked bidder, there are not sufficient funds available

to complete Add Alternate #4, which is an important component of the project and consists of the following:

1. Renovation of 6 restrooms broken down as follows:
    a. 3 women & 3 men Public Bathrooms. Specifically Bathrooms #1,2,5,7,9.
2. Founders room interior renovation including:
    a. New A/C package unit & associated roofing.
    b. Demolition of existing Bar.
    c. Fabrication of new Bar.
    d. New Ceilings & Lighting.
    e. Painting, Curtains & other finishes.

Should the City Commission decide to grant a waiver, then there are sufficient funds available to complete Add Alternate #4 with an award to Tran Construction.

Dun and Bradstreet reports and Financial Statements have been secured for Tran Construction, Inc. and this General Contractor comes highly recommended. Tran Construction, Inc. has been in business since 1998 as a General Contractor, and additionally, the references checked for this contractor have shown that they have provided numerous General Commercial Construction projects with an emphasis on interior and restroom renovations.

The following are several references that were secured collaboratively by City's Procurement staff and URS, the City's Program Manager for this project:

1. Mr. Robert Cardenas
   Fox Sports/PSNNetwork
   Interior Renovations for TV Network totaling $1.1 million
   "Tran's performance and the finishes used in the renovation project for the TV network were confirmed; the finishes used in this project were high-end quality finishes required in Section 05000 for this project. We were very pleased with the quality of the work and the professionalism exhibited by Tran staff. Tran Construction, Inc. provided value engineering to the project and was able to suggest cost saving alternatives, as well as complete the project one week ahead of schedule."

2. Joe Mixon
   United Airlines
   New Cargo Building Corporate Office totaling $980,000
   "Tran Construction came in within budget, on time and provided no claims. They provided high-end finishes that were part of the scope of the corporate offices such as terrazzo tile, wood cabinetry and other specialized finishes. We are very pleased with the high quality of the work performed. Furthermore, Tran was very responsive to our needs, and would like to work with Tran again."

3. Pablo Cejas

PLC Investments
Renovation of 420 Lincoln Road Building totaling $11 million
"Our project consisted of the renovation of an historic landmark built in 1940. The interior and exterior renovation included marble, terrazzo tile, granite, keystone, high end woodwork including cabinetry, and storefront glass. The building is a mixed use of tenant space and offices with very high end finishes that required attention to detail and historic reference. We are very pleased with the quality of Tran Construction's work and would not hesitate to use Tran again on other projects. Tran delivered the project within the budget and timeframe specified in their contract."

4. Mr. Van Antle
   Broward Performing Arts Center
   Interior Renovation of the Broward County Performing Arts Center totaling $524,000
   "We are very pleased with the quality of Tran's work as well as their responsiveness, reliability, professionalism and the ability to complete the project on time and within budget. Also, we were very impressed with Tran's ability to work well with the Architect of record regarding changes in the work. The BPAC project consisted of very high end finishes and attention to detail and craftsmanship. Some of the finishes Tran provided include mahogany, cherry wood, rose marble, terrazzo, and keystone. Worth to mention is the quality of the millwork, it was very good."

In the event that this project is not awarded to the lowest bidder, Tran Construction, Inc. The Procurement staff has secured reference checks and Dun and Bradstreet reports for Miami Skyline, Inc., the 2nd lowest bidder. The references are as follows:

1. Ms. Liz Calvo
   Key Investments, Key Biscayne
   Project Cost: $500,00 +
   Residential Construction of Luxury Homes
   "Contractor is responsible, professional, knowledgeable and eager to please the client."

2. Mr. Daniel Garivato
   G & G Laboratories, Miami, Florida
   Project Cost: $840,000
   Complete Interior Remodeling of Offices, Lobby and Interior of Building
   "Highly recommend this Contractor, the Contractor performed good quality work."

3. Mr. Ed Bywaters
   Benvenuto / Lieberman Residence
   Project Cost: $1,275,000
   New Construction of Ocean Front Luxury Home
   "We highly recommend Miami Skyline Construction; they met all our budget and milestone schedule submittals"

4. Ms. Malka Rodriguez
   Tropical Park Bathroom Renovations, Miami, Florida

Project Cost: $1,900,000
Renovations of Existing Park Restrooms.
"Miami Skyline was highly responsive to our demands and suggestions, we recommend this contractor for any future projects they may undertake."

Upon execution of the contract with Tran Construction, Inc. two (2) Notices to Proceed will be issued. The Contractor shall commence scheduling activities, permit applications and other pre-construction work within five (5) calendar days after the Project Initiation Date, which shall be the same as the date of the first Notice to Proceed.

Time is of the essence throughout this Contract. This project encompasses Two Phases. Phase I shall be substantially completed within 150 calendar days after the 2nd issuance of the Notice to Proceed. Final Completion shall be achieved within 30 calendar days thereafter.

Phase II shall be substantially completed within 90 calendar days after Substantial Completion of Phase I. Final Completion shall be achieved 30 calendar days thereafter.

CONCLUSION:

Based on the analysis, the Administration recommends that the City Commission consider utilizing specific waiver authority granted under City Code Section 2-487(B)(4) in order to award a construction contract to Tran Construction, Inc. Tran Construction is currently the lowest bidder for the above named project, but is presently ineligible to receive an award of contract unless a waiver pursuant to this section is granted. The Administration is recommending that the Base Bid and Alternates 1 & 4 be awarded. The difference in cost between the lowest bidder and the second lowest bidder for the same Base plus alternate combination is $279,000. Present funding is insufficient to award this entire combination to the second lowest bidder at this time, but it is anticipated that Alternate 4 may have to be added at a later date. Upon the determination of whether or not to grant the waiver, the lowest and best bidder will be either Tran Construction, Inc. or Miami Skyline, Inc. The Administration recommends that an award be made at this meeting in order to meet the tight timelines required to complete the Base Bid portion of the project.

JMG/RCM/TH/mb
Attachments
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