

To: The Honorable Mayor and Council Members

From: Alberto Destrade, Purchasing Director 

Date: November 22, 2016

RE: **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS FOR A ONE (1) YEAR PERIOD IN THE AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$270,000.00) TO LHOIST NORTH AMERICA OF ALABAMA, LLC, FOR THE PURCHASE, DELIVERY AND DISCHARGE OF QUICKLIME, AS REQUIRED FOR THE OPERATIONS OF THE WINSON WATER TREATMENT PLANT, PIGGYBACKING THE CITY OF TAMARAC, FLORIDA, AGREEMENT UNDER INVITATION FOR BID 11-25B - FURNISH, DELIVER AND DISCHARGE OF QUICKLIME, ISSUED ON BEHALF OF THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

RECOMMENDATION

Staff is requesting that the Mayor and Council authorize the City Manager to issue purchase orders to Lhoist North America of Alabama, LLC (Lhoist) by piggybacking on a contract awarded to Lhoist by the City of Tamarac as a result of Bid No. 11-25B, for the purchase, delivery, and discharge of quicklime in accordance with the terms, conditions, and specifications in the contract document for a renewal term of one year in the amount not-to-exceed \$270,000.

BACKGROUND

On July 6, 2011 the City of Tamarac issued an Invitation to Bid (ITB) No. 11-25B on behalf of the NIGP Southeast Florida Governmental Purchasing Cooperative and requested competitive sealed bids from qualified vendors for the purchase, delivery, and discharge of quicklime in accordance with the terms, conditions, and specifications contained in the ITB. In response to the ITB, Lhoist submitted a bid proposal and was selected as a responsive and responsible vendor.

Quicklime is an essential ingredient in the ongoing operation of the City's Winson Water Treatment Plant and for the provision of potable water to all City-water consumers. In order to ensure the continued supply and availability of quicklime for Plant operations, staff is recommending that the City continue to piggyback on the favorable terms and rates contained in Lhoist's contract with the City of Tamarac.

The City of North Miami is a member of the NIGP Southeast Florida Governmental Purchasing Cooperative and is among the 18 cities included under this contract. The contract is entering its third renewal period.

FUNDING SOURCE

Funding for this purchase is allocated from the City's Water Utility Fund.

ATTACHMENTS

Resolution

City of Tamarac Resolution No. R-2016-76 (Renewal)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS FOR A ONE (1) YEAR PERIOD IN THE AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$270,000.00) TO LHOIST NORTH AMERICA OF ALABAMA, LLC, FOR THE PURCHASE, DELIVERY AND DISCHARGE OF QUICKLIME, AS REQUIRED FOR THE OPERATIONS OF THE WINSON WATER TREATMENT PLANT, PIGGYBACKING THE CITY OF TAMARAC, FLORIDA, AGREEMENT UNDER INVITATION FOR BID 11-25B - FURNISH, DELIVER AND DISCHARGE OF QUICKLIME, ISSUED ON BEHALF OF THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, the City of Tamarac, Florida (“Tamarac”), issued *Invitation for Bid 11-25B – Furnish, Deliver & Discharge of Quicklime* (“IFB”) as the “lead agency”, seeking a qualified bidder to furnish, deliver and discharge quicklime, in accordance with the technical specifications, terms and conditions contained in the IFB (collectively referred hereto as “Services”); and

WHEREAS, in response to the IFB, Lhoist North America of Alabama, LLC (“Vendor”), was competitively selected and awarded a contract pursuant to Tamarac Resolution No. R-2014-62; and

WHEREAS, on July 13, 2016, Tamarac passed and adopted Resolution No. R-2016-76, exercising the third option to renew the provision of Services on behalf of the Southeast Florida Governmental Purchasing Cooperative, for a period of one (1) year effective November 1, 2016; and

WHEREAS, on October 23, 2007, the Mayor and City Council of the City of North Miami (“City”), adopted Ordinance No. 1244, authorizing the City Manager to approve the purchase of supplies, goods and/or services from current contracts of other municipalities, governmental entities and cooperatives (“piggyback”), such as Tamarac; and

WHEREAS, City administration has identified the need for quicklime as an essential element in the operation of the Winson Water Treatment Plant and the provision of potable water to all City-water consumers; and

WHEREAS, Vendor is willing to sell, deliver and discharge quicklime to the City at the same favorable terms and rates extended to Tamarac and other local governments, for a period of one (1) year; and

WHEREAS, the Mayor and City Council find the purchase of quicklime for the proper operation of the Winson Water Treatment Plant, using the most cost effective means currently available, is in the best interest of the City.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Authority of the City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to issue purchase orders for a one (1) year period in the amount not to exceed Two Hundred Seventy Thousand Dollars (\$270,000.00) to Lhoist North America of Alabama, LLC, for the purchase, delivery and discharge of quicklime, as required for the operations of the Winson Water Treatment Plant, piggybacking the City of Tamarac, Florida, agreement under *Invitation for Bid 11-25B - Furnish, Deliver and Discharge of Quicklime*, issued on behalf of the Southeast Florida Governmental Purchasing Cooperative.

Section 2. **Effective Date.** This Resolution shall be effective upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this ___ day of _____, 2016.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, D.O., Pharm. D.
Vice Mayor Alix Desulme
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilman Philippe Bien-Aime

_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)

CITY OF TAMARAC, FLORIDA

RESOLUTION NO. R-2016- 76

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXERCISE THE THIRD RENEWAL OPTION OF AGREEMENTS TO "FURNISH, DELIVER AND DISCHARGE OF QUICKLIME" TO, AND EXECUTE AGREEMENT AMENDMENTS WITH, LHOIST NORTH AMERICA OF ALABAMA, LLC FOR THE CITY OF TAMARAC AND ON BEHALF OF EIGHTEEN OTHER AGENCIES IN THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE (CO-OP); AND WITH CARMEUSE LIME & STONE, INCORPORATED ON BEHALF OF ONE MEMBER OF THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE, THE CITY OF HOLLYWOOD, FOR A PERIOD OF ONE YEAR PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Tamarac served as "lead agency" on Bid 11-25B, "Furnish, Deliver and Discharge of Quicklime" issued on behalf of the Southeast Florida Governmental Purchasing Cooperative (CO-OP) which was awarded, on behalf of the City and eighteen (18) other agencies, to, and an Agreement executed with Lhoist North America of Alabama, LLC (formerly Chemical Lime Co. of Alabama, LLC), as evidenced by Resolution R-2011-86, a copy of which is on file with the City Clerk; and.

WHEREAS, as the lead agency for the CO-OP, the bid was also awarded to and an Agreement executed on behalf of one (1) agency with Carmeuse Lime

and Stone, Inc., (Carmeuse), as further evidenced by Resolution R-2011-86;
and,

WHEREAS Chemical Lime Co. of Alabama, LLC underwent a corporate name change to Lhoist North America of Alabama, LLC effective December 31, 2011, as indicated in a letter issued by its parent company, Lhoist North America and is now known as Lhoist North America of Alabama, LLC (Lhoist); said name change being approved by the City Commission at its June 25, 2014 Meeting, through Resolution R-2014-62, a copy of said resolution is on file with the City Clerk; and,

WHEREAS, the City Commission also approved the first one (1) year renewal option at its June 25, 2014 meeting through the same Resolution R-2014-62; and,

WHEREAS, the City Commission approved the second one (1) year renewal option at its June 24, 2015 meeting through Resolution R-2015-52, a copy of said resolution is on file with the City Clerk; and,

WHEREAS, both Lhoist and Carmeuse are agreeable to exercising the third one (1) year renewal option; and,

WHEREAS, pursuant to Section 5 of the executed Agreements, Lhoist and Carmeuse may seek a quarterly material price adjustment based on a formula that factors in actual costs and / or recognized indices; and

WHEREAS, current dynamic economic conditions dictate that the best interests of the City and the CO-OP will be met by the continuation of an ongoing

quarterly material price adjustment formula for Lhoist and Carmeuse customers, which allows for escalation and de-escalation of material pricing on a quarterly basis, effective October 1st, January 1st, April 1st and July 1st of each year; and

WHEREAS, coal is a vital raw material in the production of quicklime, which reflects approximately 40% of the actual quicklime cost; and

WHEREAS, Lhoist has been impacted by the closing of coal mines in the Alabama region, which were very close to their quicklime production facilities, necessitating the need to purchase and transport coal from sources in the Kentucky/Tennessee/Ohio, requiring increased cost for coal which will increase pricing by approximately 13%; and

WHEREAS, sufficient funds are available from the Utilities Department Operating funds; and

WHEREAS, it is the recommendation of the Director of Public Services and the Purchasing and Contracts Manager that the third renewal option for the Agreement awarded as a result of Bid #11-25B be exercised and an agreement Amendment be executed with Lhoist for furnishing, delivering and discharging quicklime, for a period of one year for the City of Tamarac, and on behalf of eighteen (18) other agencies in the CO-OP; a copy of said Agreement Amendment #3 is attached hereto as Exhibit "1"; and

WHEREAS, it is the recommendation of the Director of Public Services and the Purchasing and Contracts Manager that the third renewal option for the

Agreement awarded as a result of Bid #11-25B be exercised and an Agreement Amendment be executed with Carmeuse for furnishing, delivering and discharging quicklime, for a period of one year on behalf of one (1) agency in the CO-OP, the City of Hollywood, a copy of said Agreement Amendment #3 is attached hereto as Exhibit "2"; and

WHEREAS, the City Commission of the City of Tamarac, Florida deems it to be in the best interest of the residents of the City of Tamarac to exercise the third renewal option for Bid 11-25B and execute Agreement Amendment #3 with Lhoist for furnishing, delivering and discharging quicklime, for a period of one year effective November 1, 2016 on behalf of the City of Tamarac and eighteen (18) other agencies in the CO-OP, and

WHEREAS, the City Commission of the City of Tamarac, Florida deems it to be in the best interest of the residents of the City of Tamarac to exercise the third renewal option for Bid 11-25B and execute Agreement Amendment #3 with Carmeuse for furnishing, delivering and discharging quicklime, for a period of one year effective November 1, 2016 on behalf of one (1) agency in the CO-OP, the City of Hollywood.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA THAT:

SECTION 1: The foregoing "WHEREAS" clauses are HEREBY ratified and confirmed as being true and correct and are hereby made a specific

part of this Resolution upon adoption hereof and all exhibits referenced and attached hereto are incorporated herein and made a specific part of this resolution.

SECTION 2: Agreement Amendment #3 for the Agreement executed as a result of the award of Bid 11-25B, "Furnish, Deliver and Discharge of Quicklime", to Lhoist, on behalf of the City of Tamarac and eighteen (18) other agencies in the CO-OP for a period of one (1) year effective November 1, 2016, attached hereto as Exhibit "1", is hereby approved, and the appropriate City officials are hereby authorized to execute Agreement Amendment #3 with Lhoist, as part of said award, a copy of which is attached hereto as Exhibit "1" on behalf of the City of Tamarac and eighteen other (18) agencies in the CO-OP for a period of one (1) year effective November 1, 2016.

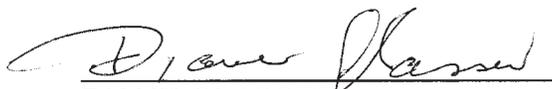
SECTION 3: Agreement Amendment #3 for the Agreement executed as a result of the award of Bid 11-25B, "Furnish, Deliver and Discharge of Quicklime", to Carmeuse, on behalf of one (1) agency, the City of Hollywood, in the CO-OP for a period of one (1) year effective November 1, 2016, attached hereto as Exhibit "2", is hereby approved, and the appropriate City officials are hereby authorized to execute Agreement Amendment #3 with Carmeuse as part of said award, a copy of which is attached hereto as Exhibit "2" on behalf of one (1) agency, the City of Hollywood, in the CO-OP for a period of one (1) year effective November 1, 2016.

SECTION 4: All resolutions or parts of resolutions in conflict herewith are HEREBY repealed to the extent of such conflict.

SECTION 5: If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 6: This Resolution shall become effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED this 13 day of July 2016.


DIANE GLASSER
VICE MAYOR

ATTEST:


PATRICIA A. TEUFEL CMC
CITY CLERK

RECORD OF COMMISSION VOTE:

MAYOR DRESSLER	<u>absent</u>
DIST 1: COMM. BUSHNELL	<u>yes</u>
DIST 2: COMM. GOMEZ	<u>yes</u>
DIST 3: V/M GLASSER	<u>yes</u>
DIST 4: COMM. PLACKO	<u>yes</u>

I HEREBY CERTIFY that I
Have approved this
RESOLUTION as to form.

 7/13/16
SAMUEL S. GOREN
CITY ATTORNEY