SUBJECT: PIGGYBACK RFP 17-20 MASTER AGREEMENT CONTRACT 02-93-HVAC EQUIPMENT, INSTALLATION, SERVICE & RELATED PRODUCTS

BID #: PSC-0142-21 **OPEN DATE: N/A**

GENERAL GOVERNMENT AWARDS COMMITTEE

KIND AND BASIS OF CONTRACT: PIGGYBACK CONTRACT – FROM SEPTEMBER 1, 2021 THROUGH AUGUST 31, 2022 WITH THREE (3) ONE (1) YEAR RENEWAL OPTION

AGENCY: PUBLIC BUILDINGS

BASIS OF AWARD: PIGGYBACK CONTRACT

NUMBER OF BIDS INVITED: N/A **NUMBER RECEIVED: N/A** **OTHER: N/A**

SUMMARY OF BIDS AND RECOMMENDED ACTIONS:
Recommend approval to amend and increase the award for RFP 17-20 (Master Agreement Contract 02-93) with Brooks Building Solutions, Inc. the designated partner and regional vendor for Waibel Energy Systems for HVAC Equipment, Installation, Service and Related Products for the Department of Public Works on an as needed basis in the amount $1,500,000.00. The total revised amount not-to-exceed $3,500,000.00.

This award will be funded by various accounts and executed by the contract amendment 2 through Office of General Counsel.

ATTACHMENTS: Recommendation Memo; Brooks Building Solutions, Inc. Contract, Previous Awards

ANALYST: _____ JACLYN STAMOS

RESPECTFULLY SUBMITTED: _____ DUSTIN FREEMAN, CHIEF PROCUREMENT DIVISION

CONCURRENCE BY: Roy Birbal, Chief, Public Buildings Division

(ALL AWARD ACTIONS SUBJECT TO LAWFULLY APPROPRIATED FUNDS)
ACTION OF GGAC COMMITTEE ON RECOMMENDATIONS ABOVE

MEMBERS APPROVING _____ MEMBERS DISAPPROVING _____ DATE: _____

_____ _____ OTHER: _____

_____ _____

_____ _____

ACTION OF AWARDING AUTHORITY DATE _____

APPROVED _____ DISAPPROVED _____

OTHER _____

SIGNATURE OF AUTHENTICATION _____

City of Jacksonville, Florida

Lenny Curry, Mayor

Department of Public Works
Public Buildings Division
555 W. 44th Street
Jacksonville, FL 32208
(904) 255-4343
www.coj.net

ONE CITY. ONE JACKSONVILLE

April 25, 2023

MEMORANDUM

TO: **Dustin L. Freemen, Chief,**
Procurement Division

THRU: **Steven D. Long, Jr., P.E., Director,**
Department of Public Works

FROM: **Roy Birbal, Chief,**
Public Buildings Division

SUBJECT: **Request to Increase Agreement Utilizing RFP 17-20 By Region 14 Education Service Center (Region 14 ESC) and Master Agreement Contract No. 02-93 with Waibel Energy Systems Between The City of Jacksonville and Brooks Building Solutions, Inc. for HVAC Equipment, Installation, Service, & Related Products - Bid No. PSC-0142-21, Contract No. 71234-21**

The Public Buildings Division recommends approval to amend and increase award PSC-0142-21 by increasing the maximum indebtedness by one million five hundred thousand ($1,500,000.00) to continue contracting services at various city owned facilities.

The revised not-to-exceed amount will be $3,500,000.00.

Funding will be encumbered by purchase order releases against the contract purchase agreement, dependent on funding, the appropriate account and fiscal year.

The above action will be documented by Amendment 2 through the Office of General Counsel.

Your assistance in concurring with this recommendation would be appreciated. If you have any questions or concerns regarding this matter, please contact Kirah Bays at 904-255-4342.

Attachment: Previous Award

cc: Tammy Duggan, Contract & Finance Manager
Jaclyn Stamos, Purchasing Analyst
Kirah Bays, Contract Administration Coordinator

71234-21
AMD #1

FIRST AMENDMENT TO AGREEMENT
(UTILIZING RFP 17-20 BY REGION 14 EDUCATION SERVICE CENTER (REGION 14 ESC)
AND
MASTER AGREEMENT CONTRACT NUMBER 02-93 WITH WAIBEL ENERGY SYSTEMS)
BETWEEN
THE CITY OF JACKSONVILLE
AND
BROOKS BUILDING SOLUTIONS, INC.
FOR
HVAC EQUIPMENT, INSTALLATION, SERVICE, & RELATED PRODUCTS

THIS FIRST AMENDMENT to Contract for HVAC equipment, installation, service, and related products on an as needed basis (the "Services") is made and entered into in duplicate effective as of the 19TH day of AUGUST, 2022 (hereinafter the "Effective Date"), by and between the **CITY OF JACKSONVILLE**, a consolidated municipal corporation and political subdivision existing under the Constitution and the laws of the State of Florida (hereinafter the "City"), and **BROOKS BUILDING SOLUTIONS, INC.**, a Florida profit corporation with principal office at 4501 Beverly Avenue, Jacksonville, Florida 32210 (hereinafter the "Contractor").

RECITALS:

WHEREAS, effective September 1, 2021, City and Contractor made and entered into City of Jacksonville Contract No. 71234-21 (the "Agreement"); and

WHEREAS, said Agreement has not been amended previously; and

WHEREAS, said Agreement should be amended by exercising the first of three (3) renewal options so as to extend the period of service from September 1, 2022, through August 31, 2023, with two (2) one-year renewal options remaining, and by providing additional funding in the amount of $1,000,000.00 for the period September 1, 2022, through August 31, 2023, thereby increasing the maximum indebtedness by $1,000,000.00 to an amount not to exceed $2,000,000.00, with all other provisions, terms, and conditions of said Agreement remaining unchanged; now therefore

IN CONSIDERATION of the premises and of the mutual covenants and agreements hereinafter contained and of other good and valuable consideration acknowledged by the parties to be sufficient, the parties agree to amend said Agreement as follows:

1. The above-stated recitals are accurate, true, and correct and are made a part hereof and are incorporated herein by this reference.

2. Article 4 of said Agreement is amended by exercising the first of three (3) renewal options so

as to extend the period of service from September 1, 2022, through August 31, 2023, and as amended shall read as follows

"ARTICLE 4: Duration of Agreement/Pricing Available to Other Entities

The term of this Agreement shall commence on the Effective Date and shall continue and remain in full force and effect as to all its terms, conditions, and provisions as set forth herein from the Effective Date through August 31, 2023, unless sooner terminated as provided in **Exhibit A**, with two (2) one-year renewal options remaining. During said period of time, the Services pricing provided hereunder shall be available to all using agencies and other political subdivisions, boards, agencies, or authorities existing in Duval County that may desire to procure the same at the contract prices provided herein."

3. Section 3 of said Agreement is amended by providing additional funding in the amount of $1,000,000.00 for the period September 1, 2022, through August 31, 2023, thereby increasing the maximum indebtedness by $1,000,000.00 to an amount not to exceed $2,000,000.00, and as amended shall read as follows:

"5.2. Notwithstanding any contrary provision in **Exhibit A**, the maximum indebtedness of City for all fees, reimbursable items, or other costs for the Services sold by Contractor to City pursuant to this Agreement shall not exceed the sum of TWO MILLION AND 00/100 USD ($2,000,000.00), subject to the availability of lawfully appropriated funds."

SAVE AND EXCEPT as expressly amended in and by this instrument, the provisions, terms, and conditions of said Agreement shall remain unchanged and shall continue in full force and effect.

[Remainder of page left blank intentionally. Signature page follows immediately.]

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment the day and year first above written.

ATTEST:

By _____
James R. McCain, Jr.
Corporation Secretary

CITY OF JACKSONVILLE:

By _____
Lenny Curry, Mayor

Brian Hughes
Chief Administrative Officer
For: Mayor Lenny Curry
Under Authority of:
Executive Order No: 2019-02

WITNESS:

By _____
Signature

KEITH MURPHY
Type/Print Name

SENIOR SERVICE SALES EXECUTIVE
Title

BROOKS BUILDING SOLUTIONS, INC.

By _____
Signature

H. NEEF JENKINS
Type/Print Name

PRESIDENT
Title

Approved as to form:

_____
Office of General Counsel

GC-#1521910-v1-Brooks_Building_Solutions_71234-21_Amd#1_GGAC_PO.doc

Encumbrance and funding information for internal City use:

Account ..... Various
Amount $1,000,000.00

TOTAL MAXIMUM INDEBTEDNESS $2,000,000.00

The above-stated amount is the maximum fixed monetary amount of the foregoing contract. It shall not be encumbered by the foregoing contract. It shall be encumbered by one or more subsequently issued purchase orders that must reference the foregoing Contract. All financial examinations and funds control checking will be made at the time such purchase orders are issued.

In accordance with Section 24.103(e), *Ordinance Code*, I do hereby certify that there is an unexpended, unencumbered, and unimpounded balance in the appropriation sufficient to cover the foregoing agreement; provided however, this certification is not nor shall it be interpreted as an encumbrance of funding under this Contract. Actual encumbrances shall be made by subsequently issued purchase orders as specified in said Contract.

Director of Finance
City Contract No. 71234-21, 1st Amd.

SUBJECT: PIGGYBACK RFP 17-20 MASTER AGREEMENT CONTRACT 02-93 - HVAC EQUIPMENT, INSTALLATION, SERVICE & RELATED PRODUCTS

BID #: PSC-0142-21 **OPEN DATE:**

GENERAL GOVERNMENT AWARDS COMMITTEE

KIND AND BASIS OF CONTRACT: PIGGYBACK CONTRACT- FROM SEPTEMBER 1, 2021 THROUGH AUGUST 31, 2022 WITH THREE (3) ONE (1) YEAR RENEWAL OPTION

AGENCY: PUBLIC BUILDINGS

BASIS OF AWARD: PER PIGGYBACK CONTRACT

NUMBER OF BIDS INVITED: ( ) NUMBER RECEIVED: ( ) OTHER ( )

SUMMARY OF BIDS AND RECOMMENDED ACTIONS:
Recommend approval to utilize the first of three (3) renewal options for piggyback bid RFP 17-20 (Master Agreement Contract 02-93) with Brooks Building Solutions, Inc. the designated partner and regional vendor for Waibel Energy Systems for HVAC Equipment, Installation, Service and Related Products for the Department of Public Works on an as needed basis. Period of Service will be from September 1, 2022 through August 31, 2023. Total expenditure for this period not to exceed $1,000,000.00. Total revised award amount not-to-exceed $2,000,000.00.

This award will be funded by various account (s) and executed by contract amendment through Office of General Counsel and processed via Purchase Order Release(s).

Attachments: Recommendation Memo, Vendor Letter, Certificate of Insurance

BUYER: Olive Wallace-Cohen **RESPECTFULLY SUBMITTED**
OLIVE WALLACE-COHEN
GREGORY PEASE, CHIEF
PROCUREMENT DIVISION

CONCURRENCE BY: Roy Birbal, Chief, Public Buildings Division

(ALL AWARD ACTIONS SUBJECT TO LAWFULLY APPROPRIATED FUNDS)
ACTION OF GGAC COMMITTEE ON RECOMMENDATIONS ABOVE

MEMBERS APPROVING 3 MEMBERS DISAPPROVING 0 DATE: 8/4/2022

Teresa R. Eckroy _____ OTHER: _____

Michelle Reed _____

Jon R. McCarty _____

ACTION OF AWARDING AUTHORITY DATE 8/5/2022

APPROVED ✓ DISAPPROVED _____

OTHER _____

SIGNATURE OF AUTHENTICATION _____

Brian Hughes
Chief Administrative Officer
For: Mayor Lenny Curry
Under Authority of:
Executive Order No: 2019-02

Contract Purchase Agreement POA-71234-21 Change Order 2

[redacted]	POA-71234-21
	22-SEP-2021
	2
	09-AUG-2022
	1
	2,000,000.00 USD
	PSC-0142-21

Sold To
City of Jacksonville
117 West Duval Street
Suite 375
JACKSONVILLE, FL 32202
US

Supplier
[redacted] Building Solutions
4501 [redacted]rly Avenue
JACKSONVILLE, FL 32210

Notes UTILIZING 1ST RENEWAL OPTION

[redacted]

20518	Net 30	Freight Prepaid	FOB Destination	Best Way

1-Oct-2021	31-Aug-2023	David Klages dklages@coj.net

DRAFT

This Order is subject to the General conditions attached here to. Manufacturer's Federal excise tax exempt no 59-89-0120K Florida State sales and use tax exemption no. 85-8012621607C-8	Approved by Gregory Pease, Chief Procurement Division