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**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** RFP-600193-07/BJC; Electrical Control and Telemetry Systems Programming, Repair, Maintenance, Support and Calibration Services.

**DEPARTMENT:** Administrative Services

**DIVISION:** Purchasing and Contracts

**AUTHORIZED BY:** Frank Raymond

**CONTACT:** Ray Hooper

**EXT:** 7111

**MOTION/RECOMMENDATION:**

Waive the Procurement Process for Release Orders issued under RFP-600193-07/BJC with DCR Engineering Services, Inc. (DCR) and approve these Release Orders retroactively for payments.

County-wide

Ray Hooper

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**BACKGROUND:**

RFP-600193-07/BJC; Electrical, Control and Telemetry Systems Programming, Repair, Maintenance, Support and Calibration Services was awarded by the Board as a term contract on June 28, 2007 to DCR Engineering Services, Inc (DCR), Integrated Telecommunications Systems, Inc. and Revere Control System. Under this term contract, thirty-two release orders were issued for an amount of \$ 1,144,481.07. The Purchasing and Contracts, and the Water and Wastewater Divisions worked as a team to put this contract together replacing an existing Professional Services contract. This new contract allows the purchases of materials that was competitively bid for those material items stated in the contract. It has been identified there were several of these release orders that are not in compliance with the terms and conditions of this contract in which non-contracted material items were ordered and provided by vendors. There are three release orders issued to DCR that amounts to \$733,665.10 which contains the most serious deviations from these contract terms. OP #20758 for purchase of control panels for lift station upgrades at \$188,373.00; OP #20763 for purchase of twelve generator installs at \$436,385.50 and OP #19124 for purchase of pump control panels for pump stations at \$108,906.60. This agenda item is to advise the Board and request approval of these procurement actions done by staff under this term contract.

The backup contains a summary of these non-conforming procurements that were made. It is noted that not only Seminole County (SC) codes, SC administrative codes and SC Manager's Policies were violated, but critical State Statutes were not followed particularly in the area of Construction contracting. Concerning the purchase of non-contracted material, DCR charged a 15% markup which was not allowed under the terms of the contract. All outstanding invoices that have non-contracted material will be adjusted to reflect actual cost as per the terms of the contract.

**STAFF RECOMMENDATION:**

Staff recommends that the Board waive the procurement process for these procurements and approve these procurements retroactively for payments.

**ATTACHMENTS:**

1. Backup information

<b>Additionally Reviewed By:</b> <input checked="" type="checkbox"/> County Attorney Review ( Ann Colby )
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# Memo

To: Gary Rudolph, Utilities Manager  
From: Tom Owens, Maintenance – Technology Supervisor  
CC: Marc Maheu, Maintenance Coordinator  
Date: February 16, 2009  
Re: Incorrect use of Contract RFP-600193-07/BJC

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Contract RFP-600193-07/BJC was used to purchase control panels and generators incorrectly due to my misunderstanding of the terms of the contract. I had the understanding that Contract RFP-600193-07/BJC had the same terms and conditions, as PS-556-00/BJC which was the contract IFB-600193-07/BJC replaced. I had the understanding that there were only four minor changes being made to the replacement contract, one change to the technical requirements and three changes on how the contract was to be administered.

These are the changes, as I understood them:

1. Technical change – No longer required vendor to have a Professional Engineer to be on staff.
2. Administration Change – Contract would be Purchase Order based contract instead of Work Order based contract.
3. Administration Change – Contract would have multiple vendors to allow more competition during the term of the contract. Three were chosen.
4. Administration Change – Purchasing would set up contract as an OB type contract, allowing the Water and Wastewater Division to do releases at the department level.

The Water and Wastewater Division will continue to use this new contract in the same manner as PS-556-00/BJC with the exceptions as noted and will not allow the contractors to provide parts.

The purchase of the control panels on purchase order 19124 was made in the same manner as we had been previously making these types of purchases. I obtained quotes from each of the three vendors and Integrated Telecommunication Systems was the lowest and they were selected. I did the same thing for the purchase of the generator installations and next batch of control panels, DCR Engineering was lowest on those two purchases. For the previous seven years we had been obtaining quotes from the lone vendor on PS-556-00/BJC and that was all Purchasing and Contracts had required in those seventy something purchases. On the new contract I was obtaining quotes from the multiple vendors to complete the exact same types of work and selecting the one at the lowest costs. This work was completed on this contract based solely on my misunderstanding the term of the new contract IFB-60019307/BJC which replaced PS-556-00/BJC, and was not with any intent of breaking any purchasing rule or policy.