



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#22-1036**

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**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Greg Chavarria, City Manager

**DATE:** October 18, 2022

**TITLE:** Motion Rescinding Award to Koldaire, Inc. - \$490,615 and Rejecting Bid from B&I Contractors, Inc. for Installation of Heating, Ventilation and Air Conditioning (HVAC) Services at Fire Rescue Station #54 - (**Commission District 1**)

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**Recommendation**

Staff recommends the City Commission rescind its award to Koldaire, Inc. and reject the remaining bid from B&I Contractors, Inc. in response to Invitation to Bid (ITB) No. 12660-1023 - Installation of Heating, Ventilation and Air Conditioning (HVAC) Services at Fire Rescue Station #54.

**Background**

On August 16, 2022, the City Commission approved the bid award and subsequent agreement for Installation of Heating, Ventilation and Air Conditioning (HVAC) Services at Fire Rescue Station #54 to Koldaire, Inc. (CAM 22-0715). After Commission approval, the Procurement Services Division requested that Koldaire execute the Agreement and submit the required Performance Bond. Koldaire refused to execute the Agreement stating it did not agree with the timeframe incorporated into the terms and conditions under Article 5 of the Agreement (Contract Time) and requested alternate language to extend the timelines.

Accordingly, the Procurement Division sought the opinion of the City Attorney's Office, which affirmed that any language or timeframe changed pursuant to Article 5 is impermissible since it would "be a material change from the solicitation and the award" adversely impacting actual and other potential bidders.

Koldaire was advised that any objections should have been raised during the solicitation and before bid responses were due to allow for the City to issue and addendum addressing this concern to allow for open and fair competition. Koldaire acknowledged it did not see these requirements until after the City Commission awarded the contract and execution of the Agreement was requested. Koldaire stated that it will not move forward with executing the Agreement and submitting the Performance Bond (Exhibit 1).

Therefore, the Procurement Division approached the second lowest bidder, B&I Contractors, Inc. to discuss a possible award so long as it could complete the work as stated in the Agreement. B&I Contractors, Inc. also confirmed that it also cannot complete the work as stated in the Agreement (Exhibit 2).

**Resource Impact**

There will be no fiscal impact to the City associated with this action.

**Strategic Connections**

This item is a 2022 *Top Commission Priority*, advancing the Infrastructure and Resilience initiative.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Ready*.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Infrastructure Focus Area
- The Climate Change Element

Goal 2: Achieve a climate-resilient community through the protection and adaptation of public infrastructure, services, and natural resources from adverse climate change impacts.

**Attachments**

Exhibit 1 – Email from Koldaire, Inc.

Exhibit 2 – Email from B&I Contractors, Inc.

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