



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

#21-0979

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: December 7, 2021

TITLE: Motion Approving Agreement for Proprietary Purchase of ChlorKing
NEXGEN 100SM-R On-Site Chlorine Generating System at the Aquatic
Center – Commercial Energy Specialists, LLC - \$413,676 - **(Commission
District 2)**

Recommendation

Staff recommends the City Commission approve an agreement, in substantially the form attached, for the purchase of equipment from Commercial Energy Specialists, LLC (“CES”) to provide three (3) ChlorKing NEXGEN 100SM-R onsite chlorine generating disinfection systems for the Aquatic Center pools, for a total amount of \$413,676.

Background

The Parks and Recreation Department will operate three (3) pools at the Aquatic Center located at 501 Seabreeze Boulevard. The pools consist of a 50-Meter Competition Pool (976,340 gallons), 50-Yard Training Pool (749,350 gallons), and a 25-Meter x 25-Yard Dive Pool (926,580 gallons). The City of Fort Lauderdale’s Aquatic Center requires an onsite chlorine disinfection system for the pools.

The Aquatic Center is in active construction, and the construction was procured using a design-build contract. The City prepared a design criteria package (DCP) as part of the construction bidding documents. The DCP provides specifications, requirements and basis upon which bidders submitted their contract price. Two (2) bidders submitted pricing, and both bid prices were much higher than the advertised budget. City staff elected to eliminate some scope items from the design-build proposal to reduce their bid price. The onsite chlorine generators, which were part of the DCP, were eliminated from the design-build proposal and replaced with liquid chlorine tanks which helped reduce the contract price. Liquid chlorine tanks do provide a disinfection system for the pools, but it is not the preferred solution. Purchasing the onsite chlorine generating systems provides the preferred and specified solution.

The City of Fort Lauderdale Aquatic Center DCP specifications require one (1) pH neutral on-site chlorine generator per pool. The design of the system shall be such that pool water is the supply water and the process combines swimming pool water and a measured

amount of salt to produce hypochlorous acid, HOCl. No fresh water is to be added and no water softener is to be added to the system for it to function as designed. The system design specifications do not require salt to be distributed directly in the pool. Further, the design specifications describe that the system shall be pre-plumbed, tested and mounted on a skid for easy installation. Finally, the design specifications require that the proposed system must have proven experience on large competition or commercial pools. The ChlorKing NEXGEN 100SM-R is the only system which meets the described requirements.

On September 23, 2021, ChlorKing submitted a proprietary letter to the Department describing their unique and patented features. On September 29, 2021, Procurement Services issued Bid No. 12594-219 Notice of Intent to Award a Proprietary Purchase for Nexgen 100SM-R On-Site Chlorine Generator. The purpose of this notice was to inform the vendor community that the City was considering deeming this purchase as proprietary. Any vendor who believed they possessed an equal to or better product, was requested to submit a written *Statement of Disagreement with Proprietary Recommendation* outlining their specific reasons and concerns along with sufficient documentation to substantiate their claim that their offering meets or exceeds the specifications of the proposed proprietary recommendation. No statements of disagreement were received.

Pursuant to Section 2-181(f)(3), Code of Ordinances of the City of Fort Lauderdale, Florida, the City may pursue proprietary items, as defined in Section 2-173 without the necessity of competitive solicitation. The proposed purchase is considered proprietary as no other vendors meet the system requirements. Finally, time is of the essence for this purchase to support the ongoing construction efforts at the Aquatic Center and meet critical project timelines.

Resource Impact

Funds for this agreement in the amount of \$413,676 are available in the FY2022 Budget accounts listed below and contingent upon approval of the Consolidated Budget Amendment, CAM 21-0928.

Funds available as of November 17, 2021					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB- OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
331-P12315.331-6599	Aquatics Complex Renovations	Capital Outlay/ Construction	\$2,368,163	\$210,970	\$42,967
346-P12315.346-6599	Aquatics Complex Renovations	Capital Outlay/ Construction	\$26,919,254	\$1	\$370,709
TOTAL AMOUNT ►					\$413,676

Strategic Connections

This item is a *2021 Top Commission Priority*, advancing the Parks and Public Places initiative.

This item is a *Press Play Fort Lauderdale Strategic Plan 2024*, specifically advancing:

- The Public Places Focus Area
- Goal 3: Build a healthy and engaging community
- Objective 1: Improve access to and enjoyment of our beach, waterways, parks, and open spaces for everyone.

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

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

- The Public Places Focus Area
- The Parks, Recreation & Open Space Element
- Goal 2: Be a community with high quality parks and recreational facilities that highlight the character of our City

Related CAM

21-0928

Attachments

Exhibit 1 – ChlorKing Equipment Agreement

Exhibit 2 – CES Quote

Exhibit 3 – CES Letter

Exhibit 4 – Notice of Intent to Award

Prepared by: Tom Green, Project Manager, Parks and Recreation
James Hemphill, Assistant Procurement and Contracts
Manager, Finance
Claudelle Rose, Sr. Admin Assistant, Finance

Department Directors: Phil Thornburg, Director, Parks and Recreation
Susan Grant, Director, Finance