

BOARD OF COUNTY COMMISSIONERS

DATE: October 8, 2013
AGENDA ITEM NO. 13

Consent Agenda ☒

Regular Agenda ☐

Public Hearing ☐

County Administrator's Signature

Subject:

First Amendment – Water and Sewer Materials and Accessories – Strategic Partnership
Contract No. 090-0325-P(LN)

Department:

Department of Environment and Infrastructure/
Purchasing

Staff Member Responsible:

Robert Powell / Joe Lauro

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) APPROVE THE FIRST AMENDMENT TO THE CONTRACT FOR WATER AND SEWER MATERIALS AND ACCESSORIES – STRATEGIC PARTNERSHIP WITH FERGUSON ENTERPRISES D/B/A FERGUSON WATERWORKS (FERGUSON), TAMPA, FLORIDA.

IT IS FURTHER RECOMMENDED THE CHAIRMAN SIGN THE FIRST AMENDMENT AND THE CLERK ATTEST.

IT IS ALSO RECOMMENDED THE COUNTY ADMINISTRATOR BE AUTHORIZED TO AMEND THIS CONTRACT FOR FUTURE CHANGES ASSOCIATED WITH REVISIONS TO PRODUCT AND MATERIAL SPECIFICATIONS.

Summary Explanation/Background:

This contract is for annual requirements of water and sewer materials utilized by the Department of Environment and Infrastructure (DEI). More specifically, this contract provides DEI with a method to standardize their warehouse operation and provide a uniform quality standard for water and sewer materials. The following requested revisions are a direct result of Internal Audit findings regarding the application and performance of this supply contract and are intended to provide DEI with greater flexibility and cost savings compared to the original contract structure:

- Amend the contract to provide DEI the ability to annually review and revise the most commonly purchased items (referred to as Top 100) to obtain optimum volume discount over the subsequent annual term.
- Due to the diverse range of products available on this contract, amend contract conditions to utilize multiple Producer Price Indices. This will provide more accurate costing based on specific product categories.

WPU102807013	Metals and metal products, Copper and copper-base alloy casting, Not Seasonally Adjusted	Groups 4, 52, 53
WPU10150211	Metals and metal products, Pressure pipe & fittings, ductile iron, Not Seasonally Adjusted	Groups 22, 43, 45, 50, 51, 54, 55
WPU10150801	Metals and metal products, High alloy steel castings, except investment, Not Seasonally Adjusted	Groups 3, 48, 57, 58
WPU0713	Rubber and plastic products, Miscellaneous rubber products, Not Seasonally Adjusted	Groups 38, 40, 41
WPU07210604	Rubber and plastic products, Plastic pipe fittings and unions, Not Seasonally Adjusted	Groups 25 – 30
WPU118401	Machinery and equipment, Fluid meters and counting devices, Not Seasonally Adjusted	Groups 59, 62 – 65

- For items not on the Top 100 List, amend the contract to state that Ferguson must provide two (2) weeks advance notice of Manufacturer's Suggested Retail Pricing (MSRP) changes to ensure invoicing is accurate and reflective of materials delivered.

Previous actions regarding this contract are:

- May 24, 2011 Board Approval of Negotiation Pertaining to the Final Contract

Fiscal Impact/Cost/Revenue Summary:

Funding is provided through the DEI Operating Budget.

BOARD APPROVED AMOUNT FOR FIVE YEAR CONTRACT TERM: \$ 7,500,000.00

Exhibits/Attachments:

Contract Review
First Amendment Agreement



PURCHASING DEPARTMENT
CONTRACT REVIEW TRANSMITTAL

CATS

NO.: 42341

PROJECT: FIRST AMENDMENT – WATER AND SEWER MATERIALS AND ACCESSORIES –
STRATEGIC PARTNERSHIP

RFP NUMBER: 090-0325-P(LN)

REQ. NUMBER:

TYPE: ☐ Purchase Contract ☐ Other: ☐ Construction-Less than \$100,000 ☐ One Time

In accordance with the policy guide for Contract Administration, the attached documents are submitted for review and comment.

Upon completion of review, complete Contract Review Transmittal and forward to next Review Authority listed. Please indicate suggested changes by revising, in RED, the appropriate section of the document reflecting the exact wording of the change.

RISK MANAGEMENT: Please enter required liability coverage on pages:

PRODUCT ONLY ☐

This is an annual contract.

Estimated Expenditure: \$

REVIEW SEQUENCE	REVIEW AUTHORITY	REVIEW DATE	REVIEW SIGNATURE	COMMENTS (Attach Separate page if necessary)	COMMENTS INCORPORATED
1.	Purchasing Dept. J. Lauro, Director C. Mancuso, Ass't. Director	5/28/13	[Signature]		
2.	DEI – WATER AND SEWER R. Powell, Director A. Bollenbacher, Manager M. Munoz, Supervisor	5/30/13 6/2/13	[Signature] [Signature]	Incorporate changes submitted via email on 5/30/13.	[Signature]

Using Dept please provide below information:

☐ Yes, funding for this requisition is using grant Funding. ☐ No, funding for this requisition is not using grant Funding.
If grant funding is being used you must provide Purchasing with the exact clauses that need to be on attached document.

Please check attached vendor list. Circle vendors you want RFPs mailed to. Add additional vendors with complete information (Name, Address, Phone and Fax)

3.	Risk Management Director Attn: Virginia E. Holscher (Check applicable box at right)	6/3/13	VEH	Insurance requirements in original.	HIGH RISK NOT HIGH RISK
4.	BCC Finance Attn: Cassandra Williams	6/17/13	CBW		
5.	Executive Director David E. Scott	6/20/13	[Signature]		
6.	Legal Attn: Miles Belknap	7/3/13	MB		
7.	Asst. County Administrator Attn: M. Woodard	7/8/13	[Signature]	Has DEI Finance staff validated this practice to be more efficient + cost effective than alternatives?	

RETURN ALL DOCUMENTS TO PURCHASING

Make all inquiries to: Lucy Nowacki, Procurement Analyst at Extension 43766

In order to meet the following schedule, please return your requirements to Purchasing by:

TENTATIVE DATES

RFP Mail Out:

RFP Opening:

internal
audit rep
recommended
these revisions
for cost efficiency

FIRST AMENDMENT TO THE AGREEMENT FOR WATER AND SEWER MATERIALS AND
ACCESSORIES

This Amendment made and entered into this _____ day of _____, 2013, by and between PINELLAS COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "County," and Ferguson Enterprises d/b/a Ferguson Waterworks, Tampa, FL, hereinafter referred to as "Contractor,"


WITNESSETH:

WHEREAS, the County and the Contractor entered into an agreement on May 25, 2011, pursuant to Pinellas County Contract No. 090-0325-P (LN) (hereinafter "Agreement") pursuant to which the Contractor agreed to provide Water and Sewer Materials and Accessories for County; and

WHEREAS, Section four (4) of the Agreement permits modification by mutual written agreement by the parties; and

WHEREAS, the County and the Contractor now wish to modify the Agreement in order to provide for additional terms and conditions;

NOW THEREFORE, in consideration of the above and mutual covenants contained herein the parties agree that the Agreement is amended as follows:

1. The Top 100 items shall be reviewed and revised, based on usage, by the Department of Environment and Infrastructure Contract Administrator annually, upon the contract anniversary date of the 25 day of May. ~~Pricing will be held firm for the year with discounts based on item category.~~ 
2. Producer Price Index (PPI) increases to product category groups shall be based on multiple PPI index series according to the product category groups, as indicated in Exhibit "A." In the event PPI information is not available, an alternate relevant PPI series will be proposed by the Contractor and agreed to by the County. It is the Contractor's responsibility to request a pricing adjustment at least 30 days in advance of the anniversary date. If no adjustment request is received from the Contractor, the County will assume the Contractor will continue without a pricing adjustment. Any adjustment request received after the anniversary date will not be considered.
3. The current contract allows for a fixed percent (%) discount off product category Manufacturer's Suggested Retail Price List (MSRP). It is the vendor's responsibility to request any MSRP pricing adjustment under this provision two (2) weeks in advance of increase, along with the MSRP current price list indicating the effective date. No adjustment will be allowed without documentation.
4. Except as changed or modified herein, all provisions and conditions of the original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF the parties herein have executed this First Amendment to the Agreement for Water and Sewer Materials and Accessories pursuant to Contract No. 090-0325-P (LN) as of the day and year first written above.

PINELLAS COUNTY, FLORIDA
by and through its
Board of County Commissioners

Chairman

ATTEST:
KEN BURKE

By: _____
Deputy Clerk

APPROVED AS TO FORM:

Office of the County Attorney

Contractor:

(Signature)

(Printed Name)

[Corporate Seal]

ATTEST:

By: _____
(Attesting Witness' name/title)

EXHIBIT "A"

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