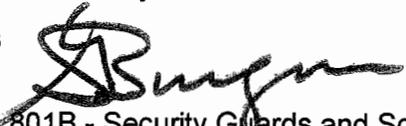


# Memorandum



**Date:** May 6, 2008

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager 

**Subject:** Supplement to Item 801B - Security Guards and Screening Services

Supplement to  
Agenda Item No.  
8(0)1b

At the request of the County Attorney's Office, this supplemental memorandum clarifies the legislative record of Item 30 on the April 15, 2008 Budget and Finance Committee agenda, and its placement now before the Board.

The last time the Board of County Commissioners considered the potential award for Request for Proposals (RFPs) 487A and 487B for security guard services was at its June 5, 2007 meeting. At the time, my recommendation included the award of two competitively bid contracts to Security Alliance of Florida LLC (Security Alliance) with Small Business Enterprise (SBE) set-aside and selection factor provisions of the County's SBE Ordinance, and to McRoberts Protective Agency, Inc. (McRoberts) utilizing Security Alliance in satisfaction of a 20 percent SBE subcontractor goal. The Board deferred the items with the instruction that pending bid protests be resolved and the matter be brought back before the full Board.

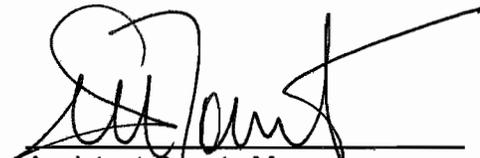
On September 30, 2007, Security Alliance's certification as an SBE lapsed, even allowing for the one year grace period which existed in the Code for firms graduating from the program. (Section 8-2.1.1.1(3)(h)(2) of the Code of Miami-Dade County subsequently repealed by Ordinance 07-179). The lapse of time rendered the issues raised by those protests moot. The awards to Security Alliance and McRoberts are now recommended to you as bid waivers as detailed in the agenda item. For that reason, the new recommendations, together with a request for waiver of the bid protest related to these new recommendations, have been placed on the committee agenda.

**Delegated Authority**

If this item is approved, the County Mayor or his designee will have the authority to exercise in his discretion subsequent options-to-renew and other extensions in accordance with the terms and conditions of the contracts listed in the accompanying item.

For the Board's convenience, we have also included the following documents:

1. Protest Filed by The Wackenhut Corporation
2. Findings and recommendations of the Hearing Examiner for the protest from Wackenhut.
3. Protest Filed by 50 State Security Service, Inc
4. Withdrawal of the Protest by 50 States
5. Protest filed by Feick Security Corporation (Feick)
6. Withdrawal of the Protest by Feick and request to present its position directly to the Commission

  
Assistant County Manager

1

HARVEY RUVIN, CLERK OF THE BOARD

IN RE: THE PROTEST OF MAY 8, 2007  
RECOMMENDATION TO WITHHOLD THE  
AWARD OF PORTION OF CONTRACT FOR  
RFP 487B, SECTION 1C FOR SECURITY  
GUARD AND SCREENING

WACKENHUT CORPORATION

Petitioner,

v.

MIAMI-DADE COUNTY, a political subdivision of  
THE STATE OF FLORIDA,

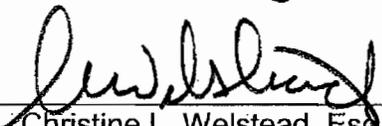
Respondent.

**PETITIONER THE WACKENHUT CORPORATION'S**  
**WRITTEN INTENT TO PROTEST**

COMES NOW, Petitioner, The Wackenhut Corporation (TWC), by and through undersigned counsel and pursuant to Sections 2.8.3 and 2.8.4 of the Code of Miami-Dade County (Code), as amended, and Administrative Order 3-21, hereby files the instant Formal Written Bid Protest to the County Manager's *Amended* Recommendation to withhold Award of Section 1C in the referenced matter.

Respectfully submitted,

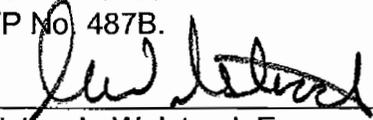
**AKERMAN SENTERFITT**  
One Southeast Third Avenue  
Miami, Florida 33131-1704  
Telephone: (305) 374-5600  
Facsimile: (305) 374-5095  
Email: christine.welstead@akerman.com

By:   
Christine L. Welstead, Esq.  
Florida Bar No.: 970956

CLERK OF THE BOARD  
2007 MAY 11 PM 3:10  
CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via facsimile this 11<sup>th</sup> day of May, 2007 to the County Attorney's Office and to the Clerk of the Board. Additionally, copies have been furnished via U.S. mail to all participants in the competitive process of RFP No. 487B.

  
\_\_\_\_\_  
Christine L. Welstead, Esq.

CLERK OF THE BOARD

HARVEY RUVIN, CLERK OF THE BOARD

2007 MAY 11 PM 3:09

CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

IN RE: THE PROTEST OF MAY 8, 2007  
RECOMMENDATION TO WITHHOLD THE  
AWARD OF PORTION OF CONTRACT FOR  
RFP 487B, SECTION 1C FOR SECURITY  
GUARD AND SCREENING

THE WACKENHUT CORPORATION

Petitioner,

v.

MIAMI-DADE COUNTY, a political subdivision of  
THE STATE OF FLORIDA,

Respondent.

---

### INTRODUCTION

Petitioner, The Wackenhut Corporation (TWC), by and through undersigned counsel and pursuant to Sections 2.8.3 and 2.8.4 of the Code of Miami-Dade County (Code), as amended, and Administrative Order 3-21, hereby files the instant formal written Bid Protest to the County Manager's *Amended* Recommendation regarding withholding Award of Section 1C in the referenced matter. By way of background, TWC has proudly been affiliated with Miami-Dade County as a vendor since the early 1980's. TWC is currently servicing County Contract No. TR04-SOS and Miami Dade County Blanket Purchase Order ABCW0601129, reference to Bid Number E8104-0/06, which is valid through 3/31/08, among others.

### CONTRACT NO. 487B-1C

The Wackenhut Corporation participated in the open, competitive Request for Proposal (RFP) process utilized by Miami-Dade County to select the vendors recommended for approval to award Contract Nos. 487B-1A, 487B-1B and 487B-1C. The

staff recommendation issued February 13, 2007 recommended that 487B-1C be awarded to The Wackenhut Corporation to provide security guard services for the General Services Administration (GSA) Department.<sup>1</sup> The stated criteria for evaluating the vendors included: prior experience of the firm and its key personnel, financial capability, and quality of service, delivery plan and approach.

At the meeting of the Budget and Finance Committee on February 13, 2007, the award of contracts under RFP 487B was deferred until the March committee agenda.<sup>2</sup> Thereafter, at the direction of the Committee, staff met with the County Attorney's Office, the Inspector General, and staff from the Department of Business Development, General Services Administration and Procurement Management. On March 13, 2007 the County Manager indicated that RFP 487B-1C may be withheld to The Wackenhut Corporation "until all reviews are completed," but no new recommendation was issued at that time.<sup>3</sup>

I. **CHANGED RECOMMENDATION BASED ON NEW AND UNDISCLOSED FACTOR**

In an undated Memorandum attached to the Department of Procurement Management's May 8, 2007 letter, the County Manager states:

**At the discretion of the Committee, the award of Section 1C has been withheld pending an on-going audit being performed by the Audit and Management Department. Coverage for this sector will be provided via an existing emergency contract with Alanis Security, Inc.<sup>4</sup>**

The County Manager confirmed his *changed* recommendation in an undated Memorandum (date stamped May 8, 2007 by the Clerk of the Board) by stating:

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<sup>1</sup> Recommendation dated February 13, 2006, attached as Exhibit A.

<sup>2</sup> Budget Committee Meeting.

<sup>3</sup> Memorandum from County Manager dated March 13, 2007, attached as Exhibit B.

<sup>4</sup> May 8, 2007 letter from N. Uppal and attachments, attached as Composite Exhibit C.

**In light of new developments that have surfaced since I originally filed my recommendation in October 2006, I now concur with the March 13, 2007 recommendations of the B&F Committee.<sup>5</sup>**

As described above, the RFP at issue does not identify that the status of on-going audits was a factor to be considered and in the award of contracts under 487B. The logic behind using the fact of an "ongoing audit" as a factor for award contracts is quite clear. The fact that an audit is ongoing has no relationship to wrong doing, malfeasance or overall qualifications for performing contractual duties as a vendor with the County. In fact, the requirement to participate in audits conducted by the Audit and Management Department is set forth in TWC's existing contracts with the County.<sup>6</sup> TWC has fully met its obligations to participate in the on-going audit by making its records and personnel available to Department head, Cathy Jackson and her staff as requested.

In order to avoid any appearance of impropriety, throughout time, the award of contracts has been handled by the County with a measure of consistency. The Amended Resolution and recommendation to withhold issued by the County Manager, now provides precedent for any contract award to be delayed or avoided based on an investigation or audit instigated at the behest of a competitor, disgruntled employee or interloper, without question. TWC agrees that it is the County's interest to encourage its Audit Department and OIG to investigate every allegation of wrongdoing to the fullest extent. However, because an on-going audit or investigation is indicative of nothing, other than an audit or investigation, this has not, and should not become the basis for awarding contracts.

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<sup>5</sup> Attached as part of Composite Exhibit C.

<sup>6</sup> In lieu of awarding Section 1C to TWC, the work will be performed by Alanis Security. Alanis Security is a subcontractor working under the County contract currently being audited, and its records are likewise the subject of the audit process.

The type of Audit provision, TWC describes above, is in most vendor contracts with the County and is a required function. This new action recommending withholding award based on nothing more than an on-going audit would dictate that no awards can be made while a contractor is fulfilling its audit requirement. This is counterproductive and a contradiction.

**II. AMENDED RECOMMENDATION INCONSISTENT WITH RECORD**

As additional grounds for protest TWC states that the County Manager's Amended Recommendation of May 8, 2007, is inconsistent with the record.

The Budget Committee made reference to the two (2) Supplements to Agenda Item No. 3J, provided by the County Manager on February 13, 2007.<sup>7</sup> The same supplements are referenced in the County Manager's March 13, 2007 Memorandum. The grounds for the delay proposed at that time was to "allow for adequate time to resolve the issues raised in the Supplemental Reports #1 and #2. Reports #1 and #2 do not make reference to The Wackenhut Corporation. In fact, the Supplemental Reports do not make any reference to audits being performed by the County's Audit and Management Department.

**STANDING**

The Wackenhut Corporation is a responsible, responsive proposer to the RFP. The Protestor's eminent qualifications are borne out by the fact that, TWC was recommended by the County Manager for award of Sector 1C of Contract 487B. TWC has a substantial interest in the decision by the County Manager to withhold award of Sector 1C pending an

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<sup>7</sup> Supplements attached as part of Composite Exhibit D.

on-going audit. Because the County Manager did alter or amend his original recommendations on or about May 8, 2007 a new bid protest window has been created.<sup>8</sup>

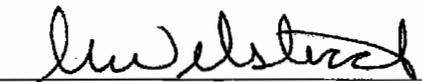
**CONCLUSION**

WHEREFORE, The Wackenhut Corporation respectfully requests that the Hearing Examiner refuse to concur with the Manager's recommendation to withhold award 487-1C pending the results of an on-going audit by the Audit and Management Department.

This type of Audit provision is in most vendor contracts and is a required function. This action would dictate that no awards can be made while a contractor is fulfilling its audit requirement. This is counterproductive and a contradiction.

Respectfully submitted,

**AKERMAN SENTERFITT**  
One Southeast Third Avenue  
Miami, Florida 33131-1704  
Telephone: (305) 374-5600  
Facsimile: (305) 374-5095  
Email: christine.welstead@akerman.com

By:   
Christine L. Welstead, Esq.  
Florida Bar No.: 970956

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via facsimile this 14<sup>th</sup> day of May, 2007 to the County Attorney's Office and to the Clerk of the Board. Additionally, copies have been furnished via U.S. mail to all participants in the competitive process of RFP No. 487B.

  
Christine L. Welstead, Esq.

<sup>8</sup> See March 15, 2007 Memo from Oren Rosenthal, Assistant County Attorney.

**EXHIBIT "A"**

# Memorandum



Date: February 13, 2007

To: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

B & F

Agenda Item No. 3K

From: George M. Burgess  
County Manager

Subject: Recommendation for Approval to Award Contract Nos. 487B-1A, 487B-1B, 487B-1C:  
Security Guard Services

## RECOMMENDATION

It is recommended that the Board of County Commissioners approve the award of Contract No. 487B-1A to Security Alliance of Florida, LLC; 487B-1B to Barton Protective Services LLC d/b/a Allied Baron Security Services ; and 487B-1C to The Wackenhut Corporation to provide security guard services for the General Services Administration (GSA) Department.

CONTRACT NOS: Contract Nos. 487B-1A, 487B-1B, 487B-1C

CONTRACT TITLE: Security Guard Services

DESCRIPTION: These contracts are being awarded to provide security guard services at County facilities organized in three sectors (1A, 1B, and 1C). The facilities covered under these contracts have been separated from other County facilities (covered under RFP No. 487A, Sectors 1D, 1E, 2A, 2B, 3A, and 3B) as these facilities will be partially supported using federal funds to pay for security services.

APPROVAL TO ADVERTISE: January 9, 2008

TERM: Three years with two 2-year options to renew at the County's sole discretion.

CONTRACT AMOUNT: Approximately \$14.6 million per year depending upon hours of service required.

CLERK OF THE BOARD  
2007 JAN -2 PM 3:43  
CLERK OF THE BOARD  
MIAMI-DADE COUNTY, FLA.  
/s/

TIER 1		
Sector	Contract No.	Contract Amount per year
1A	487B-1A	\$4,713,702.82
1B	487B-1B	\$5,030,595.82
1C	487B-1C	\$4,901,497.24
TOTAL PER YEAR:		\$14,645,795.88

FUNDING SOURCE: Federal funds for Miami-Dade Housing Agency (MDHA)  
County funds for all departments except MDHA

METHOD OF AWARD: An open, competitive Request For Proposals process was used to select the three top-ranked firms.

Honorable Chairman Bruno A. Barreiro and Members  
 Board of County Commissioners  
 Request to Award  
 Page 2

**VENDORS RECOMMENDED  
 FOR AWARD:**

Sector	Contract No.	Recommended Vendor	Vendor Address	Principal
1A	487B-1A	Security Alliance Of Florida, LLC	8323 NW 12 <sup>th</sup> Street, Suite 218 Doral, FL 33126 (Local)	William Murphy, Vice President
1B	487B-1B	Barton Protective Services LLC d/b/a Allied Barton Security Services	6303 Blue Lagoon Drive, Suite 375 Miami, FL 33128 (Local)	Richard P. Mullian, Vice President Florida Region
1C	487B-1C	The Wackenhut Corporation	5820 Blue Lagoon Drive, Suite 300 Miami, FL 33126 (Local)	Rene J. Pedrayes, Regional Vice President

**VENDORS NOT RECOMMENDED  
 FOR AWARD:**

1. Delad Security, Inc.
2. Forestville Corporation
3. American Guard Services, Inc.
4. Barkley Security Agency, Inc.
5. DSI Security Services
6. Feick Security Corporation
7. Union Security Services, Inc.
8. Bayus Security Services, Inc.
9. JMG InSystems, Inc. d/b/a Sereca Corporation
10. Alanis, Inc. d/b/a Alanis Security, Inc.
11. Abena Security Corporation (Non-responsive)
12. First American Security Services (Non-responsive)
13. Eagle Lion Security (Non-responsive)

**USING AGENCY:**

Multiple County departments will use these services

**MANAGING AGENCY:**

General Services Administration

**PROJECT MANAGER:**

Daniel Payne, Chief of Security, GSA

**CONTRACT MEASURES:**

The Review Committee of December 28, 2005 did not recommend a Small Business Enterprise (SBE) measure as the services will be paid using some federal funds.

*[Handwritten signature]*

In a meeting (on November 22, 2005) between the County Attorney's Office, Department of Business Development, General Services Administration, and Department of Procurement Management; it was decided to divide the security guard and screening services into two RFPs: RFP 487A and RFP 487B. The option to make MDHA a separate sector was discussed in the meeting. As MDHA facilities are spread all over the geographic boundaries of the County, it would not have been cost effective for the awarded vendor to effectively manage the contract.

RFP 487A was advertised with Small Business Enterprise (SBE) measures. RFP 487B did not have SBE measures as the services will be paid using some federal funds (for MDHA facilities only).

MDHA federal funding for these contracts is covered under Section 3 of the US Department of Housing and Development Act of 1968 for the Miami-Dade Housing Agency (MDHA). Section 3 requires that job training, employment and contracting opportunities be directed toward low and very-low income persons, and to businesses that provide economic opportunities to those persons.

**LIVING WAGE:**

The services being provided are covered under the Living Wage Ordinance.

**USER ACCESS PROGRAM:**

The contract does not contain the 2% User Access Program provision due to the utilization of the Federal funds.

**LOCAL PREFERENCE:**

The Local Preference Ordinance does not apply due to the utilization of the Federal funds.

**ESTIMATED CONTRACT COMMENCEMENT DATE:**

April 1, 2007 if adopted by the Board of County Commissioners, unless vetoed by the Mayor.

**BACKGROUND**

Following the federal court decision in the Hershell Gill case, security guard and screening services have been provided under emergency contract No. EM7797-2/07. GSA manages the current contracts organized in two tiers (sites with security guard services only, and sites with security guard and screening services) and eight geographic sectors. The current contracts became effective on April 1, 2005. The Board of County Commissioners, on November 3, 2005 and June 6, 2008, approved options-to-renew for additional 6-month terms. The current contracts expire on March 31, 2007.

In an effort to improve the County's security services and enhance performance requirements for safeguarding County buildings, the County utilized a Request For Proposals process in order to

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evaluate firms using a combination of qualitative factors. These factors include: prior experience of the firm and its key personnel, financial capability, and quality of service delivery plan and approach. The information on a current *qui tam* action regarding The Wackenhut Corporation, as provided by the County Attorney's Office, was shared with the Evaluation/Selection Committee for consideration in the evaluation process. Consideration of the qualitative factors, combined with negotiations conducted, has resulted in a recommendation that reflects savings and quality factors for the County. In addition to a \$2.5 million negotiated price reduction from the pricing submitted by the recommended vendors, the following reflects the results of the negotiations:

- a) **Scheduling Software:** Contractors will use manpower scheduling software to track the scheduling of guards and to ensure that all posts are staffed by guards qualified to work the designated post. The Contractor will provide user access to this software for GSA Security Management at no additional cost to the County. The system will allow the County to routinely view reports and audit information generated by this software.
- b) **Guard Checks:** Contractors will implement and use available systems, at no additional cost to the County, to ensure that guards are providing coverage and performing duties during all required hours at the assigned posts. This may include the use of guard tour systems or similar radio calls, and/or Global Positioning Systems.
- c) **Tabletop Exercises and Drills:** Contractors will conduct, at no additional cost to the County, tabletop exercises and drills to simulate contingency events based on the County's security plan. These drills and exercises will be used to identify weaknesses and refine the current procedures.
- d) **Customer Satisfaction Program:** Contractors will implement a customer satisfaction program to include a minimum of two customer satisfaction surveys per year to be conducted by the awarded vendors. The County's Project Manager will determine the format for the surveys. Any negative feedback received shall be followed by a corrective action plan to be approved and monitored by the Project Manager.

  
Assistant County Manager

**EXHIBIT "B"**

# Memorandum



**Date:** March 13, 2007 BFC

**To:** Honorable Chairman Bruno A. Barreiro Agenda Item No. 7(A)  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

**Subject:** Response to Budget and Finance Committee Directives Re: Security Guard and Screening Contract Awards under RFP 487A and 487B

On February 13, 2007, the Budget and Finance Committee requested that: 1) the award of contracts under RFP 487A, Security and Guard and Screening Services, and RFP 487B, Security Guard Services (Attachment 1), be deferred to the March Committee agenda; 2) staff consult with the Inspector General's Office and the County Attorney's Office regarding certain proposers on this procurement; and 3) a supplemental item be submitted showing the recommended award structure excluding the firms that are under review.

On February 21, 2007, my staff met with members of the County Attorney's Office, the Inspector General, and staff from the Departments of Business Development, General Services Administration and Procurement Management. Based on a review of the information available to date, the Board of County Commissioners may award Sectors 1E, 2A, 2B, 3A, and 3B under RFP 487A, Sectors 1A and 1B under RFP 487B, and withhold the award for Sectors 1D for RFP 487A and 1C for RFP 487B until all reviews are completed. The security guard services for the two withheld contracts, Sector 1D in RFP 487A and Sector 1C in RFP 487B, would continue to be performed by Delad Security, Inc. and Alanis Security, Inc, respectively, under the existing emergency contract EM7797-2/07.

**Original Staff Recommendation to Award:**

RFP 487A	
TIER 1	
Sector	Recommended Vendor
1D	Security Management Innovations, Inc.
1E	Security Alliance of Florida, LLC
TIER 2	
Sector	Recommended Vendor
2A	50 State Security Service, Inc.
2B	McRoberts Protective Agency, Inc.
TIER 3	
Sector	Recommended Vendor
3A	Barton Protective Services LLC d/b/a Allied Barton Security Services
3B	Security Alliance of Florida, LLC

**Award Structure Based on Committee Direction:**

RFP 487A	
TIER 1	
Sector	Recommended Vendor
1D	Coverage of this sector would be continued with Delad Security under the existing emergency contract EM7797-2/07
1E	Security Alliance of Florida, LLC
TIER 2	
Sector	Recommended Vendor
2A	50 State Security Service, Inc.
2B	McRoberts Protective Agency, Inc.
TIER 3	
Sector	Recommended Vendor
3A	Barton Protective Services LLC d/b/a Allied Barton Security Services
3B	Security Alliance of Florida, LLC

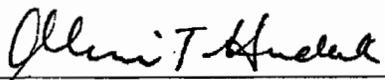
RFP 487B	
Sector	Recommended Vendor
1A	Security Alliance of Florida, LLC
1B	Barton Protective Services LLC d/b/a Allied Barton Security Services
1C	The Wackenhut Corporation

RFP 487B	
Sector	Recommended Vendor
1A	Security Alliance of Florida, LLC
1B	Barton Protective Services LLC d/b/a Allied Barton Security Services
1C	Coverage of this sector would be continued with Alanis Security, Inc. under the existing emergency contract EM7797-2/07

+ 15

Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners  
Page 2

This amendment, consistent with Budget and Finance Committee direction, will allow for continuity of security and screening services to county facilities, minimal disruption to sectors on either the existing and proposed awards, as well as allow for adequate time to resolve the issues raised in Supplemental Memos #1 and #2 presented to the Budget and Finance Committee on February 13, 2007 (Attachment 2). The current Emergency Contract EM7797-2/07 for security and screening services is in effect until September 30, 2007.

  
Glenn T. Huelat  
Assistant County Manager

2  
16

**EXHIBIT "C"**



**Procurement Management**  
 Administration and Fiscal Division  
 111 NW 1st Street • Suite 1300  
 Miami, Florida 33128-1974  
 T 305-375-5289 F 305-375-4726 305-375-5409

miamidade.gov

CLERK OF THE BOARD  
 2007 MAY -8 AM 10:39

CLERK, CREDIT & COUNTY COURTS  
 DADE COUNTY, FLA.  
 #1

May 8, 2007

TO ALL PROPOSERS LISTED BELOW  
 (See Distribution List)

Re: RFP No. 487A, Security Guard and Screening Services  
 RFP No. 487B, Security Guard Services

On March 13, 2007, the Budget and Finance (B&F) Committee amended the County Manager's recommendation for Contract Nos. 487A and 487B by withholding award of one of six sectors in Contract No. 487A (Sector 1D) and one of three in Contract No. 487B (Sector 1C) pending further investigations and audit findings, as well as pending the Department of Business Development decertification process. These amended resolutions (attached) are before the Board of County Commissioners for their consideration on May 22, 2007.

In accordance with Section 1.21 of the RFP and Sections 2-8.3 and 2-8.4 of the Code of Miami-Dade County, please be advised that in light of new developments which surfaced since the County Manager originally filed his recommendations on October 3, 2006 (RFP 487A) and January 2, 2007 (RFP 487B), the County Manager now concurs with the March 13, 2007 recommendations of the B&F Committee.

On behalf of the County, I would like to thank you for your interest in our procurement process and look forward to your continued participation.

Should you have any questions, please feel free to contact me at (305)375-1513 or [nuppal@miamidade.gov](mailto:nuppal@miamidade.gov).

Sincerely,

*Namita Uppal*

Namita Uppal  
 Procurement Contracting Officer  
 Department of Procurement Management

- ADA Coordination
- Agenda Coordination
- Animal Services
- Art in Public Places
- Audit and Management Services
- Aviation
- Building
- Building Code Compliance
- Business Development
- Capital Improvements
- Citizens' Independent Transportation Trust
- Commission on Ethics and Public Trust
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Cultural Affairs
- Elections
- Emergency Management
- Employee Relations
- Empowerment Trust
- Enterprise Technology Services
- Environmental Resources Management
- Fair Employment Practices
- Finance
- Fire Rescue
- General Services Administration
- Government Information Center
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Services
- Medical Examiner
- Metro-Miami Action Plan
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning
- Police
- Procurement Management
- Property Appraisal
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Task Force on Urban Economic Revitalization
- Vizcaya Museum And Gardens
- Water & Sewer

Distribution List:

RFP 487A

JMG Insystem, Inc. d/b/a Sereca Corporation  
Side Bar and Associates  
Feick Security Corporation  
Extreme Security Networks, Corporation  
Delad Security, Inc.  
Guard One Security, Inc.  
American Guard Services, Inc.  
Art Hall Protective Services, Inc.  
Security Alliance of Florida, LLC  
Security Management Innovations, Inc.  
50 State Security Service, Inc.  
McRoberts Protective Agency, Inc.  
Vanguard Security, Inc.  
DSI Security Services  
Milex Corporation (1985), Inc. d/b/a Milex Security Services  
Alanis, Inc. d/b/a Alanis Security  
Safeland Security Services, Inc.  
Communitel Airport Services, Inc. d/b/a Field Force Protective Services  
Corporation  
Masdeu Five Corporation d/b/a General Patrol Services  
Barton Protective Services LLC d/b/a Allied Barton Security Services  
Eagle Lion Security

RFP 487B

Delad Security, Inc.  
Forestville Corporation  
American Guard Services, Inc.  
Barkley Security Agency, Inc.  
DSI Security Services  
Feick Security Corporation  
Union Security Services, Inc.  
Bayus Security Services, Inc.  
JMG InSystems, Inc. d/b/a Sereca Corporation  
Alanis, Inc. d/b/a Alanis Security, Inc.  
Abena Security Corporation  
First American Security Services  
Eagle Lion Security  
Security Alliance of Florida, LLC  
Barton Protective Services LLC d/b/a Allied Barton Security Services  
The Wackenhut Corporation

cc: Clerk of the Board

# Memorandum



Date:

To: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

From: George M. Burgess  
County Manager

Subject: Committee Amended Resolution to Award Contract Nos. 487B-1A & 487B-1B:  
Security Guard Services



**Committee's Amended Resolution:**

**As discussed and approved by the Budget and Finance Committee at their February 13, 2007 and March 13, 2007 meetings, the committee passed an amended resolution awarding two contracts as listed below and withholding award on 487-1C. At the direction of the committee, the award of Sector 1C has been withheld pending an on-going audit being performed by the Audit and Management Department. Coverage for this sector will be provided via an existing emergency contract with Alanis Security, Inc.**

CONTRACT NOS: Contract Nos. 487B-1A and 487B-1B

CONTRACT TITLE: Security Guard Services

DESCRIPTION: These contracts are being awarded to provide security guard services at County facilities organized in three sectors (1A, 1B, and 1C). The facilities covered under these contracts have been separated from other County facilities (covered under RFP No. 487A, Sectors 1E, 2A, 2B, 3A, and 3B) as these facilities will be partially supported using federal funds to pay for security services. Sector 1C will be considered at a later date.

APPROVAL TO ADVERTISE: January 9, 2006

TERM: Three years with two 2-year options-to-renew at the County's sole discretion.

CONTRACT AMOUNT: Approximately \$14.6 million per year depending upon hours of service required.

TIER 1		
Sector	Contract No.	Contract Amount per year
1A	487B-1A	\$4,713,702.82
1B	487B-1B	\$5,030,595.82
1C	Pending	Pending
TOTAL PER YEAR:		\$9,744,298.64

FUNDING SOURCE: Federal funds for Miami-Dade Housing Agency (MDHA)  
County funds for all departments except MDHA

**METHOD OF AWARD:**

An open, competitive Request For Proposals process was used to select the three top-ranked firms.

**VENDORS RECOMMENDED FOR AWARD:**

Sector	Contract No.	Recommended Vendor	Vendor Address	Principal
1A	487B-1A	Security Alliance Of Florida, LLC	8323 NW 12 <sup>th</sup> Street, Suite 218 Doral, FL 33126 (Local)	William Murphy, Vice President
1B	487B-1B	Barton Protective Services LLC d/b/a Allied Barton Security Services	6303 Blue Lagoon Drive, Suite 375 Miami, FL 33126 (Local)	Richard P. Mullan, Vice President Florida Region
1C	487B-1C	Pending	Pending	Pending

**VENDORS NOT RECOMMENDED FOR AWARD:**

1. Delad Security, Inc.
2. Forestville Corporation
3. American Guard Services, Inc.
4. Barkley Security Agency, Inc.
5. DSI Security Services
6. Feick Security Corporation
7. Union Security Services, Inc.
8. Bayus Security Services, Inc.
9. JMG InSystems, Inc. d/b/a Sereca Corporation
10. Alanis, Inc. d/b/a Alanis Security, Inc.
11. Abena Security Corporation (Non-responsive)
12. First American Security Services (Non-responsive)
13. Eagle Lion Security (Non-responsive)

**USING AGENCY:**

Multiple County departments will use these services

**MANAGING AGENCY:**

General Services Administration

**PROJECT MANAGER:**

Daniel Payne, Chief of Security, GSA

**CONTRACT MEASURES:**

The Review Committee of December 28, 2006 did not recommend a Small Business Enterprise (SBE) measure as the services will be paid using some federal funds.

In a meeting (on November 22, 2005) between the County Attorney's Office, Department of Business Development, General Services Administration, and Department of Procurement Management; it was decided to divide the security guard and screening services into two RFPs: RFP 487A and RFP 487B. The option to make MDHA a separate sector was discussed in the meeting. As MDHA facilities are spread all over the geographical boundaries of the County, it would not have been cost effective for the awarded vendor to effectively manage the contract.

RFP 487A was advertised with Small Business Enterprise (SBE) measures. RFP 487B did not have SBE measures as the services will be paid using some federal funds (for MDHA facilities only).

MDHA federal funding for these contracts is covered under Section 3 of the US Department of Housing and Development Act of 1968 for the Miami-Dade Housing Agency (MDHA). Section 3 requires that job training, employment and contracting opportunities be directed toward low and very-low income persons, and to businesses that provide economic opportunities to those persons.

**LIVING WAGE:**

The services being provided are covered under the Living Wage Ordinance.

**USER ACCESS PROGRAM:**

The contract does not contain the 2% User Access Program provision due to the utilization of the Federal funds.

**LOCAL PREFERENCE:**

The local preference ordinance does not apply due to the utilization of the Federal funds.

**ESTIMATED CONTRACT  
COMMENCEMENT DATE:**

Upon award if adopted by the Board of County Commissioners, unless vetoed by the Mayor.

**BACKGROUND**

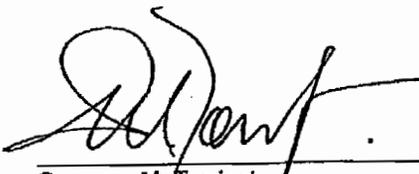
Following the federal court decision in the Hershell Gill case, security guard and screening services have been provided under emergency contract No. EM7797-2/07. GSA manages the current contracts organized in two tiers (sites with security guard services only, and sites with security guard and screening services) and eight geographic sectors. The current contracts expire on September 30, 2007.

In an effort to improve the County's security services and enhance performance requirements for safeguarding County buildings, the County utilized a Request For Proposals process in order to

evaluate firms using a combination of qualitative factors. These factors include: prior experience of the firm and its key personnel, financial capability, and quality of service delivery plan and approach. Consideration of the qualitative factors, combined with negotiations, has resulted in a recommendation that reflects savings and quality factors for the County. In addition to a \$2.5 million negotiated price reduction from the pricing submitted by the recommended vendors, the following reflects the results of the negotiations:

- a) **Scheduling Software:** Contractors will use manpower scheduling software to track the scheduling of guards and to ensure that all posts are staffed by guards qualified to work the designated post. The Contractor will provide user access to this software for GSA Security Management at no additional cost to the County. The system will allow the County to routinely view reports and audit information generated by this software.
- b) **Guard Checks:** Contractors will implement and use available systems, at no additional cost to the County, to ensure that guards are providing coverage and performing duties during all required hours at the assigned posts. This may include the use of guard tour systems, radio calls, and/or Global Positioning Systems.
- c) **Tabletop Exercises and Drills:** Contractors will conduct, at no additional cost to the County, tabletop exercises and drills to simulate contingency events based on the County's security plan. These drills and exercises will be used to identify weaknesses and refine the current procedures.
- d) **Customer Satisfaction Program:** Contractors will implement a customer satisfaction program to include a minimum of two customer satisfaction surveys per year to be conducted by the awarded vendors. The County's Project Manager will determine the format for the surveys. Any negative feedback received shall be followed by a corrective action plan to be approved and monitored by the Project Manager.

As discussed and approved by the Budget and Finance Committee at their February 13, 2007 and March 13, 2007 meetings, the committee passed an amended resolution awarding two contracts as listed above and withholding award on 487-1C. At the direction of the committee, the award of Sector 1C has been withheld pending an on-going audit being performed by the Audit and Management Department. Coverage for this sector will be provided via an existing emergency contract with Alanis Security, Inc.



Susanne M. Torriente  
Assistant County Manager

# Memorandum

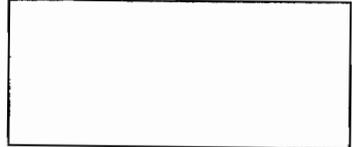


**Date:**

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager *Burgess*

**Subject:** Contract Nos. 487A & 487B: Security Guard and Screening Services



On March 13, 2007, the Budget and Finance (B&F) Committee amended the County Manager's recommendation for Contract Nos. 487A and 487B by withholding award of one of six sectors in Contract No. 487A (Sector 1D) and one of three in Contract No. 487B (Sector 1C) pending further investigations and audit findings, as well as pending the Department of Business Development decertification process. These amended resolutions are before you for consideration. Coverage for the withheld sectors will be provided via existing emergency contracts currently in place.

In light of new developments that have surfaced since I originally filed my recommendation in October 2006, I now concur with the March 13, 2007 recommendations of the B&F Committee.

In accordance with Section 2-8.3 and Section 2-8.4 of the Code and in consultation with the County Attorney's Office, my concurrence with the committee's recommendation gives rise to the right to protest unless waived by a two-thirds (2/3) vote of the members present. In order not to further delay the contract awards for the sectors in Contract Nos. 487A and 487B, which are not currently under investigation or audit review, it is recommended that the Board waive the requirements of Section 2-8.3 and 2-8.4 in connection with this recommendation. When all pending concerns are resolved, the withheld contracts (487A-1D and 487B-1C) will be presented to the Board for consideration.

CLERK OF THE BOARD  
2007 MAY - 8 AM 10:40  
CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

*Susanne M. Torriente*  
Susanne M. Torriente  
Assistant County Manager

**EXHIBIT "D"**

Memorandum



Date: February 13, 2007

To: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

B & F  
Agenda Item No. 3J

From: George M. Burgess  
County Manager

Subject: Recommendation for Approval to Award Contract Nos. 487A -1D, 487A-1E, 487A-2A, 487A-2B, 487A-3A, 487A-3B: Security Guard and Screening Services

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the award of Contract No. 487A-1D to Security Management Innovations, Inc.; 487A-1E to Security Alliance of Florida, LLC; 487A-2A to 50 State Security Service, Inc.; 487A-2B to McRoberts Protective Agency, Inc.; 487A-3A to Barton Protective Services LLC d/b/a Allied Baron Security Services; and 487A-3B to Security Alliance of Florida, LLC to provide security guard and screening services for the General Services Administration (GSA) Department.

CONTRACT NOS: Contract Nos. 487A-1D, 487A-1E, 487A-2A, 487A-2B, 487A-3A, 487A-3B

CONTRACT TITLE: Security Guard and Screening Services

DESCRIPTION: These contracts are being awarded to provide security guard and screening services at County facilities organized in three tiers and six sectors. The services are divided into three tiers (Tier 1, 2, and 3) based on the type of service required. Each tier is divided into two geographic sectors for a combined total of six sectors (1D, 1E, 2A, 2B, 3A, and 3B). The facilities covered under these contracts have been separated from other County facilities (covered under RFP No. 487B; Sectors 1A, 1B, and 1C) that will be partially supported using federal funds to pay for security services.

PROJECT MANAGER: Daniel Payne, Chief of Security, GSA

APPROVAL TO ADVERTISE: January 9, 2006

TERM: Three years with two 2-year options-to-renew at the County's sole discretion.

CONTRACT AMOUNT: Approximately \$26 million per year depending upon hours of service required.

CLERK OF THE BOARD  
2006 OCT - 3 PM 12:01

TIER 1		
Sector	Contract No.	Contract Amount
1D	487A-1D	\$2,611,192.48
1E	487A-1E	\$6,233,425.58

TIER 2		
Sector	Contract No.	Contract Amount
2A	487A-2A	\$4,418,398.98
2B	487A-2B	\$4,524,815.36
TIER 3		
Sector	Contract No.	Contract Amount
3A	487A-3A	\$4,586,965.62
3B	487A-3B	\$3,389,926.08
<b>TOTAL:</b>		<b>\$25,754,724.10</b>

**FUNDING SOURCE:**

Internal charge-back payments to GSA

**METHOD OF AWARD:**

An open, competitive Request For Proposals process was used to select the two top-ranked firms in each tier.

**VENDORS RECOMMENDED FOR AWARD:**

TIER 1		
Sector	Contract No.	Recommended Vendor
1D	487A-1D	Security Management Innovations, Inc.
1E	487A-1E	Security Alliance of Florida, LLC
TIER 2		
Sector	Contract No.	Recommended Vendor
2A	487A-2A	50 State Security Service, Inc.
2B	487A-2B	McRoberts Protective Agency, Inc.
TIER 3		
Sector	Contract No.	Recommended Vendor
3A	487A-3A	Barton Protective Services LLC d/b/a Allied Barton Security Services
3B	487A-3B	Security Alliance of Florida, LLC

**VENDORS NOT RECOMMENDED FOR AWARD:**

**Tier 1**

1. JMG Insystem, Inc. d/b/a Sereca Corporation
2. Felck Security Corporation
3. Side Bar & Associates, Inc.
4. Extreme Security Networks, Corp.
5. Delad Security, Inc.
6. Guard One Security, Inc.
7. American Guard Services, Inc. (Non-responsive)
8. Art Hall Protective Services, Inc. (Non-responsive)

The Department of Business Development determined that American Guard Services, Inc. is not in compliance with the Small Business Enterprise Participation Provisions. Accordingly, the proposal submitted by American Guard Services, Inc. was rendered non-responsive.

The proposal submitted by Art Hall Protective Services, Inc. was rendered non-responsive as the proposal guaranty check submitted was not made payable to the County.

Tier 2

1. Security Management Innovations, Inc.
2. JMG Insystem, Inc. d/b/a Sereca Corporation
3. Vanguard Security, Inc.
4. DSI Security Services
5. Millex Corporation (1985), Inc. d/b/a Millex Security Services
6. Alanis, Inc. d/b/a Alanis Security
7. Guard One Security, Inc.
8. American Guard Services, Inc. (Non-responsive)
9. Safeland Security Services, Inc. (Non-responsive)

The Department of Business Development determined that American Guard Services, Inc. is not in compliance with Small Business Enterprise Participation Provisions. Accordingly, the proposal submitted by American Guard Services, Inc. was rendered non-responsive.

The proposal submitted by Safeland Security Services, Inc. was rendered non-responsive as the required proposal guaranty bond or check was not submitted by the proposer.

Tier 3

1. 50 State Security Service, Inc.
2. Security Management Innovations, Inc.
3. American Guard Services, Inc.
4. Vanguard Security, Inc.
5. Commute! Airport Services, Inc. d/b/a Field Force Protective Services Corp.
6. JMG Insystem, Inc. d/b/a Sereca Corporation
7. Alanis, Inc. d/b/a Alanis Security
8. DSI Security Services
9. Masdeu Five Corporation d/b/a General Patrol Services

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10. Safeland Security Services, Inc. (Non-responsive)

The proposal submitted by Safeland Security Services, Inc. was rendered non-responsive as the required proposal guaranty bond or check was not submitted by the proposer.

Tier not specified by the Proposer  
 Eagle Lion Security (Non-responsive)

The proposal submitted by Eagle Lion Security was rendered non-responsive as the required proposal guaranty bond or check was not submitted by the proposer.

USING AGENCY:

Multiple County departments will use these services.

MANAGING AGENCY:

General Services Administration

CONTRACT MEASURES:

The Review Committee of December 28, 2005 recommended a Small Business Enterprise (SBE) set-aside for Tier 1, an SBE 20% subcontractor goal for Tier 2, and an SBE selection factor for Tier 3 of the solicitation.

Small Business Enterprise (SBE) Measures Assigned to RFP 487A			
Tier	Service Required	Sector(s)	Contract Measure
1	Security Guard Services	1D & 1E	SBE Set-aside
2	Electronic Screening Services alone, or a combination of Screening and Security Guard Services	2A & 2B	20% SBE subcontractor goal
3	Miami International Airport and Seaport: Electronic Screening Services alone, or a combination of Screening and Security Guard Services	3A & 3B	SBE Selection Factor

LIVING WAGE:

The services being provided are covered under the Living Wage Ordinance.

USER ACCESS PROGRAM:

The contract includes the 2% User Access Program provision. The program discount will be collected.

**LOCAL PREFERENCE:**

Applied in accordance with applicable ordinances, but did not affect the outcome.

**ESTIMATED CONTRACT  
COMMENCEMENT DATE:**

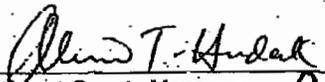
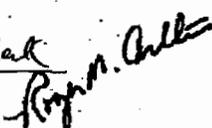
April 1, 2007 if adopted by the Board of County Commissioners, unless vetoed by the Mayor.

**BACKGROUND**

Currently, security guard and screening services are being provided under emergency contract No. EM7797-2/07. GSA manages the current contracts organized in two tiers and eight geographic sectors: security guard services only, and security guard and screening services. The current contracts became effective on April 1, 2005. The Board of County Commissioners, on November 3, 2005 and June 6, 2006, approved options-to-renew for additional 6-month terms. The current contracts expire on March 31, 2007.

In an effort to improve the County's security services and enhance performance requirements for safeguarding County buildings, the County utilized a Request For Proposals process in order to evaluate firms using a combination of qualitative factors. These factors include: prior experience of the firm and its key personnel, financial capability, and quality of service delivery plan and approach. Consideration of these qualitative factors, combined with negotiations conducted by Department of Procurement Management staff has resulted in a recommendation with savings and quality for the County. In addition to the \$1.2 million negotiated price reduction, the following are additional results of the negotiations:

- a) **Scheduling Software:** Contractors will use scheduling software to track the scheduling of guards and to ensure that all posts are staffed by guards qualified to work the designated post. The Contractor will provide user access to this software for GSA Security Management at no additional cost to the County. The system will allow the County to view reports generated by this software.
- b) **Guard Checks:** Contractors will implement and use available systems, at no additional cost to the County, to ensure that guards are providing coverage and performing duties on the assigned posts. This may include the use of guard tour systems or similar, radio calls, or Global Positioning Systems.
- c) **Tabletop Exercises and Drills:** Contractors will conduct, at no additional cost to the County, tabletop exercises and drills to simulate contingency events based on the security plan. These drills and exercises will be used to identify weaknesses and refine the current procedures.
- d) **Customer Satisfaction Program:** Contractors will implement a customer satisfaction program to include a minimum of bi-annual customer satisfaction surveys to be conducted by Contractors. The Contract Administrator will determine the format for the surveys. Any negative feedback received shall eventually be followed by a corrective action plan to be approved by the Contract Administrator.

  
Assistant County Manager 



**Memorandum**



**Date:** February 13, 2007

**To:** Honorable Chairman Bruno A. Barello and Members,  
Board of County Commissioners

**From:** George M. Burgess  
County Manager *Burgess*

**Subject:** Supplemental Information for Recommendation to Award Security Guard and Screening Services Contract Nos. 487A-1D, 487A-1E, 487A-2A, 487A-2B, 487A-3A, 487A-3B

B&F  
Supplement to  
Agenda Item No. 3J

This supplemental report is submitted in order to provide updated information related to the referenced contract subsequent to the County Manager's recommendation to award posted on October 3, 2006. Issues regarding the certification of the small businesses included in this award were raised following the filing of the recommendation.

At the direction of the County Manager's Office, Department of Business Development (DBD) staff conducted a comprehensive review of all certified Small Business Enterprise (SBE) firms that offer security guard and/or security related services. This review was completed following the expedited certification process used in implementing the newly established SBE Program following the federal court decision in the Hershell Gill case. DBD staff performed a comprehensive review of the SBE firms included in this award. The review included ownership details, gross receipts and possible affiliation with other firms. The chart below shows a synopsis of the information collected regarding the firms recommended for award and their respective SBE certification status.

Sector	Contract No.	Recommended Vendor	Contract Measure	Certification Status
1D	487A-1D	Security Management Innovations d/b/a SMI	SBE set-aside	Certified until 02-28-07
1E	487A-1E	Security Alliance of Florida	SBE set-aside	Certified until 09-24-07
2A	487A-2A	50 State Security Service Felck Security Corp.	20% SBE goal	N/A* Certified until 08-31-07
2B	487A-2B	McRoberts Protective Agency Security Alliance of Florida.	20% SBE goal	N/A* Certified until 09-24-07
3A	487A-3A	Barton Protective Services d/b/a Allied Barton Security Services	Selection Factor	N/A*
3B	487A-3B	Security Alliance of Florida	Selection Factor	Certified until 09-24-07

\* Not in the SBE Program

Please note the information received regarding the following firms that are recommended for award:

**Security Management Innovations d/b/a SMI**

- A. Pursuant to Section 2-8.1.1.1 establishing the Small Business Enterprise Program (the SBE Ordinance), a Small Business Enterprise (SBE) is a business entity, certified by DBD, which has an actual place of business in Miami-Dade County and does not exceed certain revenue or employee maximums. To implement the SBE Ordinance, the Board approved Administrative Order 3-41 (A.O.). The A.O. provides that an SBE must be established for at least one year to be eligible for certification.

Security Management Innovations d/b/a SMI ("SMI") established its business in June 2005 and formally requested to be certified as an SBE in March 2006. Applying the provisions of the Ordinance, DBD certified SMI as an SBE although it was not established for a one-year period. The certification initially appeared to have been issued in error because SMI did not meet the requirements of the administrative order implementing the ordinance. More importantly, however, SMI did meet the requirements for certification set forth in the

ordinance. SMI has maintained its certification throughout this process. SMI has now been in business for more than a year and would not be subject to decertification on these grounds. In consultation with the County Attorney's Office, we have determined that SMI's proposal may properly be considered for award.

- B. Through DBD's Certification process, concerns have been raised regarding possible affiliation between various security guard firms and Security Management Innovations d/b/a SMI. As part of the DBD certification process, an Eligibility Review Meeting (ERM) is held. As part of the ERM performed for Security Management Innovations d/b/a SMI, under sworn testimony, firm President, Alex Bocaranda and Vice President, Jose Diaz, stated that another firm, SMI Security Management, Inc., whose owners were Alex Bocaranda and Jose M. Gonzalez, under a verbal agreement, would be financing the payroll of Security Management Innovations d/b/a SMI, the certified SBE firm, for a specified period of time. The agreement entailed that Mr. Bocaranda would collect account receivables for SMI Security Management, Inc. (his previous company), apply those amounts to Security Management Innovations d/b/a SMI payroll (his current company), and thereby provide assistance to his newly formed firm. He also claimed that no direct funds would be coming from SMI Security Management, Inc. A disagreement between the two parties ensued and subsequently the matter was taken to the courts.

In continuing its Certification process, DBD was presented and reviewed information from a Ft. Lauderdale Sun-Sentinel article with information that appears to be inconsistent with the size standard data provided by the SBE firm to the County at the time of certification. The former co-owner of SMI Security Management, Inc., Jose M. Gonzalez, is now the President of JMG Insystem, Inc. d/b/a Sereca Corp. in Miami-Dade County and Serenos Responsables, C.A, of Caracas, Venezuela. The newspaper article quoted Jose M. Gonzalez, identified as Branch Manager of Sereca Security, saying "the impact on the local community would be where jobs, due to the relocation of their offices to the area, would increase from approximately 400 to 1000". The table below shows a breakdown of the firms and their ownership:

Firm Name	Owner(s)	Certification Status
Security Management Innovations d/b/a SMI	Alex Bocaranda - President Jose Diaz - Vice President Alex Anthony - Member/Board of Directors	Certified until 02-28-07
SMI Security Management, Inc.	Alex Bocaranda and Jose M. Gonzalez - Co-Owners	N/A
JMG Insystems, Inc. d/b/a Sereca Corp.	Jose M. Gonzalez - President	As of 01-24-07 Firm is decertified*
Serenos Responsables, C.A. (Venezuela)	Jose M. Gonzalez - President	N/A
Brooks Security, Inc.	Alex Anthony - Owner	N/A

\* Firm is currently decertified for failing to respond to a request from DBD for 2005 corporate income taxes

Furthermore, Security Management Innovations d/b/a SMI has entered into a lease agreement with Brooks Security, Inc. which is owned and operated by Alex Anthony. Mr. Anthony is also on the Board of Directors for Security Management Innovations d/b/a SMI. Security Management Innovations d/b/a SMI is scheduled to be awarded Tier 1, Section 1D, which has an SBE set-aside measure.

2

Honorable Bruno A. Barreiro, and Members,  
Board of County Commissioners  
Page 3

After reviewing all available information regarding the relationships between Security Management Innovations d/b/a SMI, SMI Security Management Inc., JMG Insystems, Inc. d/b/a Sereca Corp., and Brooks Security, Inc., there is not sufficient evidence to confirm affiliation in violation of the ordinance. Therefore, Security Management Innovations d/b/a SMI is currently certified as an SBE. In light of this, and in consultation with the County Attorney's Office, the recommendation to award this contract should proceed.

**Security Alliance of Florida**

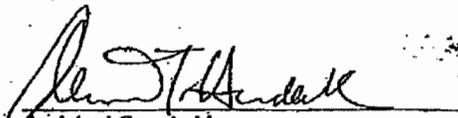
Pursuant to the SBE Ordinance, § 2-8.1.1.1.1 Code of Miami-Dade County, for a firm to be certified as an SBE, its three (3) year average gross revenues cannot exceed five (5) million dollars. However, it is allowed to maintain its certification for a period of one (1) year from the date it is formally notified it has exceeded the size limits. Security Alliance of Florida - protected under this clause - is a certified SBE, and is scheduled to be awarded Section 1E (SBE set-aside), Section 2B (will be meeting the 20% SBE goal under McRoberts Protective Agency), and Section 3B (SBE Selection Factor - where they received an additional ten (10%) percent of the evaluation points on the technical portion of its proposal. This enabled Security Alliance of Florida, consistent with the Code, to be the recommended awardee).

**Felck Security Corp.**

Felck Security Corp. is currently certified as an SBE under §2-8.1.1.1.1, Code of Miami-Dade County. However, an anonymous letter was received by DBD on November 17, 2006 stating a relationship between Vanguard Security Services and Felck Security. To date, this information has not been substantiated.

DBD staff will continue to closely monitor the contracts once awarded.

This supplement also includes attachments related to the protest filed by JMG Insystem, Inc. d/b/a Sereca Corporation. On October 18, 2006, JMG Insystem, Inc. d/b/a Sereca Corporation filed a protest with the Clerk of the Board for RFP 487A. The protest was withdrawn by the proposer on October 27, 2006 and the protest filing fee was returned to the proposer by the County.

  
Assistant County Manager

3

# Memorandum



**Date:** February 13, 2007

**To:** Honorable Chairman Bruno A. Barreiro and Members,  
Board of County Commissioners

**From:** George M. Burgess  
County Manager

Supplement #2 to  
Agenda Item No. 3J

**Subject:** Supplemental Information #2 for the Recommendation to Award Security Guard and Screening Services Contract Nos. 487A-1D, 487A-1E, 487A-2A, 487A-2B, 487A-3A, 487A-3B

This supplemental report is submitted in order to provide additional information to the above referenced award recommendation. The Department of Business Development (DBD) has expressed concerns regarding the possible affiliation of some of the recommended firms as a result of the certification process small business firms are required to participate in. This information has been shared with the County Attorney's Office and with the Office of the Inspector General (OIG).

Specifically, issues were encountered with the certification of two small business firms pursuant to Section 2-8.1.1.1.1 of the Code of Miami-Dade County. Numerous meetings have been held with staff from DBD, the CAO and the Department of Procurement Management. The attached memorandum from the OIG is provided in order to provide their analysis of the information presented by DBD.

In their memorandum, the OIG requested additional review of the information. Upon further review, there remains insufficient evidence to confirm affiliation resulting from no additional information or available resources.

Assistant County Manager

+



# Memorandum

City of Miami, Florida • Phone 305-220-2100 • Fax 305-220-2100  
Miami • Phone 305-220-2100 • Fax 305-220-2100  
Website: www.miamidade.gov

To: Ms. Marsha E. Jackman, Director, Department of Business Development

From: Alan Solowitz, Deputy Inspector General

Date: February 8, 2007

Re: Security Guards and Screening Services Contracts

Per your request, I have reviewed the draft supplemental memorandum regarding the Security Guards and Screening Services contracts. (Attached) On face value, based on the information contained in the memo, there is a basis to suspect an affiliation between Security Management Innovations d/b/a SMI (a SBE certified firm recommended for award of Contract No. 487A-1D) and SMI Security Management, Inc., along with Brooks Security, Inc. The memorandum indicates that "there is not sufficient evidence to confirm affiliation in violation of the ordinance," however, enough questions are raised by the verbal financing agreement between one's two companies (Alex Bocaranda) and the lease agreement between the other principal's two companies (Alex Anthony), which, I believe, warrants additional review by your department's certification group.

Additionally, as you may be aware, the OIG has investigated the third company listed in the table on page 2, IMG Insystems, Inc. d/b/a Seneca Corp. This investigation has been forwarded to the State Attorney's Office for a prosecutive determination.

AS/im

copy document to: 2007 Security Guards Contracts memo

**EXHIBIT "E"**

# Memorandum



CLERK, CIRCUIT & COUNTY COURTS  
STATE COURT, FLA.  
21

2007 MAR 15 PM 4:20

CLERK OF THE BOARD

**Date:** March 15, 2007

**To:** Kay Sullivan, Director  
Clerk of the Board Division

**From:** Oren Rosenthal  
Assistant County Attorney 

**Subject:** Untimely Bid Protests of Feick Security Corporation and 50 State Security Service, Inc. Regarding RFPs 487A and 487B

On March 14, 2007, Feick Security Corporation and 50 State Security Service, Inc. ("Protesters") filed bid protests protesting the County Manager's recommendations to the Board of County Commissioners in the above RFPs. The County Manager's recommendations were filed with the Clerk of the Board on October 3, 2006 for RFP 487A and January 2, 2007 for RFP 487B. Section 2-8.4 (b) of the Code provides that "A written intent to protest shall be filed with the Clerk of the Board ... within three (3) working days of the filing of the Manager's recommendation..." Under the Code, the filing of a County Manager's recommendation triggers the initiation of the bid protest window.

No timely bid protests were filed and heard against the County Manager's October 3, 2006 and January 2, 2007 recommendations.<sup>1</sup> As a result of the lack of bid protests, the County Manager's recommendations for award of RFPs 487A and 487B went before the Budget and Finance Committee on February 13, 2007. On that date, the Budget and Finance Committee deferred the item to the March 13, 2007 Committee with the express direction that staff provide a supplemental report with respect to the Committee's suggestion that the item be bifurcated to allow for award to only those firms not under investigation. That report, together with the original County Manager's recommendations of October 3, 2006 and January 2, 2007, were presented to the March Committee as requested in February. Significantly, while the March item provides an evaluation of the Committee's request, the County Manager did not alter or amend his original recommendations. Accordingly, no new protest window was created.

Protesters' bid protests are now 162 days and 71 days late, respectively. Because Protesters have failed to file the instant protests within, or even near, the dates proscribed in the Code they have waived their right to protest the award. This is particularly true where, as here, the Board has already begun to act on the County Manager's recommendation through its Budget and Finance Committee -- treatment which the Code clearly reserves for awards that have not been heard by a hearing examiner. Accordingly, the protests are untimely and may not be considered. The Clerk of the Board should return the protests and the filing fees to the Protesters.

<sup>1</sup> Although a timely bid protest was originally filed by another proposer, that protest was withdrawn prior to being heard by a hearing examiner.

# Memorandum

MIAMI  
DADE  
COUNTY

Date:

To: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

From: George M. Burgess  
County Manager

Subject: Contract Nos. 487A & 487B: Security Guard and Screening Services

On March 13, 2007, the Budget and Finance (B&F) Committee amended the County Manager's recommendation for Contract Nos. 487A and 487B by withholding award of one of six sectors in Contract No. 487A (Sector 1D) and one of three in Contract No. 487B (Sector 1C) pending further investigations and audit findings, as well as pending the Department of Business Development decertification process. These amended resolutions are before you for consideration. Coverage for the withheld sectors will be provided via existing emergency contracts currently in place.

In light of new developments that have surfaced since I originally filed my recommendation in October 2006, I now concur with the March 13, 2007 recommendations of the B&F Committee.

In accordance with Section 2-8.3 and Section 2-8.4 of the Code and in consultation with the County Attorney's Office, my concurrence with the committee's recommendation gives rise to the right to protest unless waived by a two-thirds (2/3) vote of the members present. In order not to further delay the contract awards for the sectors in Contract Nos. 487A and 487B, which are not currently under investigation or audit review, it is recommended that the Board waive the requirements of Section 2-8.3 and 2-8.4 in connection with this recommendation. When all pending concerns are resolved, the withheld contracts (487A-1D and 487B-1C) will be presented to the Board for consideration.

CLERK OF THE BOARD  
2007 MAY - 8 AM 10:40  
SERK. GABRIEL & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

  
Susanne M. Torriente  
Assistant County Manager



Procurement Management  
Administration and Fiscal Division  
111 NW 1st Street • Suite 1300  
Miami, Florida 33128-1974  
T 305-375-5289 F 305-375-4726 305-375-5409

CLERK OF THE BOARD

2007 MAY -8 AM 10:38

miamidade.gov

CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

May 8, 2007

TO ALL PROPOSERS LISTED BELOW  
(See Distribution List)

Re: RFP No. 487A, Security Guard and Screening Services  
RFP No. 487B, Security Guard Services

On March 13, 2007, the Budget and Finance (B&F) Committee amended the County Manager's recommendation for Contract Nos. 487A and 487B by withholding award of one of six sectors in Contract No. 487A (Sector 1D) and one of three in Contract No. 487B (Sector 1C) pending further investigations and audit findings, as well as pending the Department of Business Development decertification process. These amended resolutions (attached) are before the Board of County Commissioners for their consideration on May 22, 2007.

In accordance with Section 1.21 of the RFP and Sections 2-8.3 and 2-8.4 of the Code of Miami-Dade County, please be advised that in light of new developments which surfaced since the County Manager originally filed his recommendations on October 3, 2006 (RFP 487A) and January 2, 2007 (RFP 487B), the County Manager now concurs with the March 13, 2007 recommendations of the B&F Committee.

On behalf of the County, I would like to thank you for your interest in our procurement process and look forward to your continued participation.

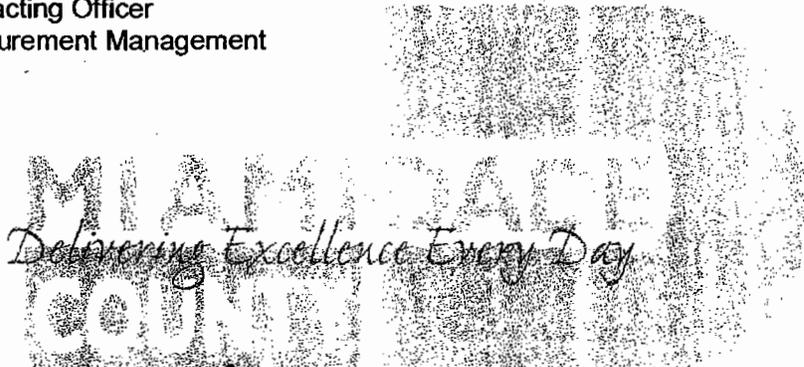
Should you have any questions, please feel free to contact me at (305)375-1513 or [nuppal@miamidade.gov](mailto:nuppal@miamidade.gov).

Sincerely,

*N. Namita Uppal*

Namita Uppal  
Procurement Contracting Officer  
Department of Procurement Management

- ADA Coordination
- Agenda Coordination
- Animal Services
- Art in Public Places
- Audit and Management Services
- Aviation
- Building
- Building Code Compliance
- Business Development
- Capital Improvements
- Citizens' Independent Transportation Trust
- Commission on Ethics and Public Trust
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Cultural Affairs
- Elections
- Emergency Management
- Employee Relations
- Empowerment Trust
- Enterprise Technology Services
- Environmental Resources Management
- Fair Employment Practices
- Finance
- Fire Rescue
- General Services Administration
- Government Information Center
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Services
- Medical Examiner
- Metro-Miami Action Plan
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning
- Police
- Procurement Management
- Property Appraisal
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Task Force on Urban Economic Revitalization
- Vizcaya Museum And Gardens
- Water & Sewer



Distribution List:

RFP 487A

JMG Insystem, Inc. d/b/a Sereca Corporation  
Side Bar and Associates  
Feick Security Corporation  
Extreme Security Networks, Corporation  
Delad Security, Inc.  
Guard One Security, Inc.  
American Guard Services, Inc.  
Art Hall Protective Services, Inc.  
Security Alliance of Florida, LLC  
Security Management Innovations, Inc.  
50 State Security Service, Inc.  
McRoberts Protective Agency, Inc.  
Vanguard Security, Inc.  
DSI Security Services  
Milex Corporation (1985), Inc. d/b/a Milex Security Services  
Alanis, Inc. d/b/a Alanis Security  
Safeland Security Services, Inc.  
Communitel Airport Services, Inc. d/b/a Field Force Protective Services Corporation  
Masdeu Five Corporation d/b/a General Patrol Services  
Barton Protective Services LLC d/b/a Allied Barton Security Services  
Eagle Lion Security

RFP 487B

Delad Security, Inc.  
Forestville Corporation  
American Guard Services, Inc.  
Barkley Security Agency, Inc.  
DSI Security Services  
Feick Security Corporation  
Union Security Services, Inc.  
Bayus Security Services, Inc.  
JMG InSystems, Inc. d/b/a Sereca Corporation  
Alanis, Inc. d/b/a Alanis Security, Inc.  
Abena Security Corporation  
First American Security Services  
Eagle Lion Security  
Security Alliance of Florida, LLC  
Barton Protective Services LLC d/b/a Allied Barton Security Services  
The Wackenhut Corporation

cc: Clerk of the Board

2



**Harvey Ruvin**  
CLERK OF THE CIRCUIT AND COUNTY COURTS  
Miami-Dade County, Florida

**CLERK OF THE BOARD OF COUNTY COMMISSIONERS**  
STEPHEN P. CLARK MIAMI-DADE GOVERNMENT CENTER

SUITE 17-202  
111 N.W. 1st Street  
Miami, FL 33128-1983

Telephone: (305) 375-5126  
Fax: (305) 375-2484

July 2, 2007

Christine L. Welstead, Esq.  
Akerman Senterfitt  
One Southeast Third Avenue  
Miami, Florida 33131-1704

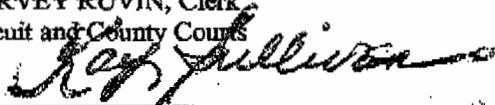
Re: Bid Protest  
RFP 487B – Security Guard and Screening Services  
Protester – The Wackenhut Corporation

Dear Ms. Welstead:

Pursuant to Section 2-8.4 of the Code and Administrative Order 3-21, forwarded for your information is a copy of the Findings and Recommendations filed by the hearing examiner in connection with the foregoing bid protest which was held on June 25, 2007.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Sincerely,  
HARVEY RUVIN, Clerk  
Circuit and County Courts

By   
Kay Sullivan, Director  
Clerk of the Board Division

KS:dc

Attachment

- cc: George Burgess, County Manager (via facsimile)
- Hugo Benitez, Assistant County Attorney (via facsimile)
- Susanne Torricente, Assistant County Manager (via facsimile)
- Oren Rosenthal, Assistant County Atty (via facsimile)
- Miriam Singer, Director, DPM (via facsimile)
- Namita Uppul, Project Manager (DPM) (via facsimile)
- Walter Fogarty, DPM (via facsimile)
- Delad Security, Inc. (via facsimile)
- Forestville Corporation (via facsimile)
- American Guard Services, Inc. (via facsimile)
- Barkley Security Agency, Inc. (via facsimile)
- DSI Security Services (via facsimile)
- Feick Security Corporation (via facsimile)
- Union Security Services, Inc. (via facsimile)
- Bayus Security Services, Inc. (via facsimile)
- JMG InSystems, Inc. d/b/a Sereca Corporation (via facsimile)
- Alanis, Inc. d/b/a Alanis Security, Inc. (via facsimile)
- Abens Security Corporation (via facsimile)
- First American Security Services (via facsimile)
- Eagle Lion Security (via facsimile)
- Security Alliance of Florida, LLC (via facsimile)
- Barton Protective Services LLC d/b/a Allied Barton Security Services (via facsimile)
- The Wackenhut Corporation (via facsimile)

HARVEY RUVIN, CLERK OF THE CIRCUIT AND COUNTY COURTS  
CLERK OF THE BOARD OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA

In re: Security Guard and  
Screening Services  
RFP 487B, Section 1C  
Bid Protest of The Wackenhut  
Corporation

CLERK OF THE BOARD  
2007 JUL -2 AM 8:05  
CLERK OF THE CIRCUIT AND COUNTY COURTS  
MIAMI-DADE COUNTY, FLORIDA

**FINDINGS AND RECOMMENDATIONS OF HEARING EXAMINER**

Pursuant to Section 2-8.4 Miami-Dade County Code and Administrative Order 3-21

This matter was heard before the undersigned Hearing Examiner on June 25, 2007 at 9:30 AM at the Stephen P. Clark Center, 111 N.W. 1st Street, Miami, Florida, upon the bid protest filed by The Wackenhut Corporation (hereinafter known as "Wackenhut") to the County Manager's decision to defer the award of RFP 487B-1C.

Having reviewed the bid protest, the motion to dismiss, the memorandum in opposition to the bid protest, and the exhibits; having heard arguments by counsel; and being otherwise fully advised, I find the bid protest is premature and thus grant the County's Motion to Dismiss. I further find that even if the bid protest were not premature, the County Manager's action in deferring the award of RFP 487B-1C was not arbitrary and capricious, nor based on "illegality, fraud, oppression, or misconduct." *Miami-Dade County v. Church & Tower, Inc.*, 715 So.2d 1084 (Fla. 3d DCA 1998); *Liberty County v. Baxter's Asphalt & Concrete, Inc.*, 421 So. 2d 505, 507 (Fla. 1982).

**I. Background**

On January 9, 2006 the Board of County Commissioners approved the advertisement of RFP 487A and RFP 487B to secure security guard services through six different contracts in

Miami-Dade County. *See* Petitioner Timeline, Tab 4. The stated criteria for evaluating the vendors responding to the RFP included prior experience of the firm and its key personnel, financial capability, and quality of service, delivery plan and approach.

Wackenhut submitted a proposal for Sector 487B-1C and, on February 13, 2007, the County Manager recommended Wackenhut for award of RFP 487B-1C. *See* Petitioner Timeline, Tab 3. The County Manager also recommended the award of 487B-1A and 487B-1B to two other vendors as part of the same consolidated recommendation. *Id.* The Budget and Finance Committee of Miami-Dade County considered this recommendation and requested that staff take additional time to review the bids to determine whether the Board of County Commissioners may award some sectors and withhold others. On March 13, 2007 the Budget and Finance Committee met again and voted to bifurcate the award of the six contracts contained in 487A and 487B. *See* Petitioner Timeline, Tab 7. The County Manager did not alter or amend his original recommendations at that time. In 487B-1C, the Committee deferred the award to Wackenhut while maintaining the awards to the remaining four vendors. *Id.*

On May 8, 2007, the County Manager rescinded his previous award and concurred with the Committee issuing a new recommendation. *See* Motion to Dismiss of Miami-Dade County, Exhibit A. Of significance, that recommendation deferred the award of RFP 487B-1C – the contract previously recommended to Wackenhut – to a later date in order to allow for the County to conclude its pending investigations and conduct its audit. *Id.* (“On March 13, 2007, the Budget and Finance Committee amended the County Manager’s Recommendation for Contract Nos. ... 487B by withholding award of ... one of three [contracts] in Contract No. 487B (Sector 1C) pending further investigations and audit findings...the County Manager now concurs with

the March 13, 2007 recommendations of the B&F Committee"). As a result, there is currently no recommendation for award of the contract that is the subject of this protest.

## II. Findings and Conclusions of Law

### A. Wackenhut's Bid Protest is Premature.

Wackenhut may not file a bid protest because there is presently no recommendation from the County Manager to award, or even reject, bids for the subject contract. The record is clear that the County Manager has elected to defer the decision to recommend award for this contract until it concludes its pending investigations and after concluding an ongoing audit regarding Wackenhut's "billing improprieties". As such, Wackenhut's bid protest may not be heard until such time as the County Manager issues an actual recommendation regarding contract 487B-1C. See Code of Miami-Dade County Section 2-8.4(b) ("A written intent to protest shall be filed ... within three (3) working days of the filing of the Manager's recommendation").

Wackenhut's grounds for protest appear to rely solely on the fact that the County Manager issued an initial recommendation on February 13, 2007 in favor of Wackenhut. See Wackenhut Petition 2-4, Exhibit A. This was made clear at the hearing when Wackenhut conceded that had the May 8, 2007 recommendation (to defer any recommendation) been the only recommendation issued, they would have no ability to protest. The existence of a rescinded recommendation, however, may not now bootstrap a premature protest into one that may be properly heard. Holding otherwise would prevent the County Manager from exercising discretion in the timing of awards and is contrary to the intent of Section 2-8.4 of the Code of Miami-Dade County.

Moreover, permitting this premature bid protest to occur now may be duplicative of a later, properly-filed, protest on any actual recommendation. Although there is no current award

recommendation, Wackenhut is in line as the highest ranking bidder for the award of contract 487B-1C. The County is currently in the process of determining whether Wackenhut is a responsible vendor and capable of receiving the award. See Motion to Dismiss, Exhibit B. Only after its pending investigations concluded, the audit completed and any "billing irregularities" have been properly vetted will the County Manager be in a position to properly recommend a vendor for RFP 487B-1C. At that time, the non-recommended vendors may protest and if the recommended vendor is not ultimately Wackenhut, they would then have a right to protest.

As an aside, upon completion of its pending investigations and ongoing audit of Wackenhut, should the County Manager again recommend Wackenhut as the responsible and capable high bidder, any bid protest at this point would be premature and moot.

Accordingly, Wackenhut's bid protest is dismissed without prejudice with leave to re-file at the appropriate time.

**B. The County Manager did not Act Arbitrarily in Deferring the Award.**

Even if Wackenhut's bid protest were not premature, the protest does not raise an issue that may be heard by a hearing examiner. It is well settled law that a public body has wide discretion in awarding a contract for a public service and that discretion cannot be overturned absent a finding of "illegality, fraud, oppression, or misconduct." *Liberty County v. Baxter's Asphalt & Concrete, Inc.*, 421 So. 2d 505, 507 (Fla. 1982). As such, "the hearing officer's sole responsibility [in reviewing a protest] is to ascertain whether the agency acted fraudulently, arbitrarily, illegally, or dishonestly." *Dep't of Transp. v. Groves-Watkins Constructors*, 530 So. 2d 912, 914 (Fla. 1988); *Miami-Dade County v. Church & Tower, Inc.*, 715 So. 2d 1084, 1089-90 (Fla. 3d DCA 1998) (finding that while bid protest showed substantial disagreement with the action of the commission and the hearing examiner, it fell short of showing arbitrary or

capricious action). Wackenhut's protest does not allege "illegality, fraud, oppression, or misconduct," but rather it merely suggests that the County Manager should act now rather than wait for the investigation to end. Further, Wackenhut argues that because the County Manager made a previous recommendation and later deferred that recommendation, he acted in an arbitrary and capricious manner and suggests that the hearing officer should therefore substitute her uninformed opinion (as to the ongoing pending investigations and audits) by requiring the County Manager to follow through on his prior recommendation. The decision on the timing of a recommendation is precisely the type of discretionary act that Courts caution hearing examiners against attempting to substitute their judgment for that of municipal officials. See *Church & Tower*, 715 So. 2d 1084, 1089. It is rational for the County Manager to withhold an award while he fully investigates any responsibility allegations against a vendor that he deems to be meritorious and it would be improper to disturb that decision. By doing so, even after making a recommendation is not an arbitrary and capricious act as suggested by Wackenhut. As such I uphold the County Manager's deferral.

### III. Recommendations

Based upon the foregoing, I recommend that the County's Motion to Dismiss Wackenhut's bid protest be GRANTED. Alternatively, the Hearing Examiner concludes that the County Manager acted within his discretion to defer the award recommendation. Accordingly, I recommend that Wackenhut's bid protest be DENIED without prejudice with leave to re-file at the appropriate time.

This report of Findings and Recommendations of Hearing Examiner is being filed with the Clerk of the Board on this 29th day of June, 2007.

  
Loree Schwartz Feiler  
Hearing Examiner

Copies Provided via U.S. Mail and Facsimile:

Oren Rosenthal, Esq.  
Miami-Dade County Attorney's Office  
111 N.W. 1st Street, Suite 2810  
Miami, Florida 33128  
Telephone: (305) 375-5744  
Facsimile: (305) 375-5611

Christine L. Welstead, Esq.  
Akerman Senterfitt  
One Southeast Third Avenue  
Miami, Florida 33131-1704  
Telephone: (305) 374-5600  
Facsimile: (305) 374-5095

The Clerk of the Board  
Board of County Commissioners  
111 N.W. 1st Street, Suite 17-202  
Miami, Florida 33128  
Telephone: (305) 375-5126  
Facsimile: (305) 375-2484

MIGUEL DE GRANDY P.A.

ATTORNEYS AT LAW

CLERK OF THE BOARD

2007 MAY 11 PM 3:30

CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

May-11, 2007

3

Kay Sullivan  
Director, Clerk of the Board Division  
111 NW First Street  
Suite 17-202  
Miami, FL 33128-1983

**Re: Bid Protest RFP No. 487A Security Guard and Screening Services**

Dear Ms. Sullivan,

Please be advised that I represent 50 State Security Services and Feick Security in the above-referenced RFP.

On or about May 8, 2007, the Manager filed a Memorandum with your office purporting to be a Recommendation of Award. Said Memorandum informs that a protest process was triggered as a result of its filing.

As you may recall, on March 14, 2007, we filed Bid Protests to a Manager's Recommendation that was presented to the Budget and Finance Committee of the County Commission on March 13, 2007. Said Protests were rejected by your office upon being advised by the County Attorney that the document presented to the Budget and Finance Committee on March 13<sup>th</sup> was not a Manager's Recommendation, and therefore the Protests were untimely filed. We have taken exception to that determination. Nevertheless, in order to preserve our clients' rights, we are hereby filing protest documents within the time limits applicable to the May 8<sup>th</sup> Manager Memorandum.

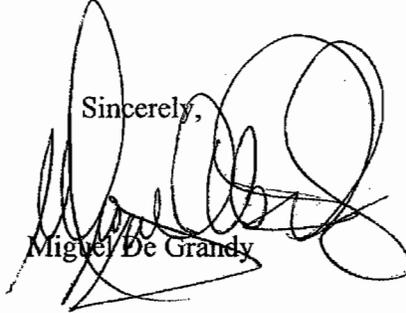
In today's submission, I have included the same Protest Bid Bond checks that were originally tendered with the rejected protests of March 14, 2007 for each respective protest, and incorporated specific grounds for protest within the Notice of Intent Document. Within the additional three days provided by the Code to submit documents, evidence and supplementary information, we will be filing additional documents to supplement the submission that was made to you on March 16<sup>th</sup>, and which is still in the possession of the Clerk of the Board.

Finally, yesterday I copied your office with the correspondence that I sent to Assistant County Attorney Oren Rosenthal, confirming our agreement to abate the setting of the hearing in this matter until after June 5, 2007, since the Manager's Memorandum, which will be presented to the Commission at the June 5<sup>th</sup> Board meeting is requesting a waiver of the protest process. In

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the event that the County Commission refuses to concur by a two-thirds vote with the Manager's Request to waive the protest process, please be advised that my client does not have an objection to consolidation of both Protest Hearings and having them heard by one Hearing Examiner, so long as each proposer is provided the two (2) hours of presentation time allowed by the Code.

If you have any questions do not hesitate to contact me or Nick Mazorra in my office.

Sincerely,  
  
Miguel De Grandy

CC: Oren Rosenthal, Esq.  
Assistant County Attorney

**MIGUEL DE GRANDY P.A.**

ATTORNEYS AT LAW

**HARVEY RUVIN, CLERK OF THE BOARD**

**IN RE: THE PROTEST OF MAY 8,  
2007 RECOMMENDATION OF  
AWARD OF CONTRACT FOR RFP  
NO. 487A AND 487B FOR SECURITY  
GUARD AND SCREENING  
CONTRACT AWARDS**

50 STATE SECURITY SERVICE, INC.,

Petitioner,

v.

MIAMI-DADE COUNTY,  
a political subdivision of  
The State of Florida.

Respondent.

CLERK OF THE BOARD  
2007 MAY 11 PM 3:39  
CLERK, CIRCUIT COUNTY COURTS  
DADE COUNTY, FLA.  
#1

**PETITIONER 50 STATE SECURITY SERVICE, INC'S WRITTEN INTENT  
TO PROTEST AND INCORPORATED GROUND FOR PROTEST**

**Introduction**

COMES NOW, Petitioner 50 State Security Service, Inc. (50 State), by and through undersigned counsel, and pursuant to Sections 2-8.3 and 2-8.4 of the Code of Miami-Dade County (Code), as amended, and Administrative Order 3-21, hereby files the instant Formal Written Bid Protest to the County Manager's Recommendation of Award of Tier 3 in the above-referenced matter:

**MIGUEL DE GRANDY P.A.**

ATTORNEYS AT LAW

50

**Background:**

In the first Recommendation of Award published some time in October 2006<sup>1</sup>, the County Manager recommended two (2) companies for Tier 3 of RFP 487A (the only Contract at issue herein), Barton Protective Services, Inc. (Barton) and Security Alliance of Florida, LLC (Security Alliance). 50 State is ranked third.

Subsequent thereto, new information surfaced which indicated that some companies failed to meet the requirements for certification as a Small Business Enterprise (SBE). Additionally, concerns were raised regarding possible affiliations between companies and other allegations regarding failure to comply with County regulations including willful failure to provide gross receipts information of the companies and affiliates and possible fraudulent activity. Some of these issues are being investigated by the office of the Inspector General (OIG).

Security Alliance willfully failed to comply with several requests for information regarding its gross income and that of its affiliates. On more than one occasion, it was suspended by the Department of Business Development (DBD) for failure to comply with the provisions of the Code regarding disclosure. (As set forth below, the Code required de-certification for such conduct, not suspension.) As of approximately December 31, 2005, Security Alliance ceased to be an SBE company according to the definitions set forth in the County Code. Therefore, it cannot be awarded this Contract that was solicited as an SBE preference contract, in that without the additional points provided for being an SBE, it would not have obtained a first or second place ranking.

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<sup>1</sup> County staff has made contradictory public representations as to the actual date of the filing.

At the February 13<sup>th</sup> Budget and Finance Committee meeting, the Committee deferred the Recommendation, and asked staff to consult with the OIG and others with regard to ongoing investigations, questions, and concerns which surround this procurement process. The Committee also specifically instructed the Manager to consult with the OIG and the County Attorney's Office regarding the issues referenced above, and to determine whether an amended recommendation, excluding the firms under investigation, was appropriate.

On or about March 9, 2007<sup>2</sup>, the Manager issued a new recommendation dated March 13, 2007 wherein the Manager set forth "a supplemental item ... showing the recommended award structure, excluding the firms that are under review".<sup>3</sup> This recommendation contained two (2) charts. One chart is titled "Original Staff Recommendation to Award", and the second chart is titled "Award Structure Based on Committee Direction". The text of this Recommendation states that "based on a review of the information available to date, the Board of County

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<sup>2</sup> Again, the actual date of the filing is uncertain as throughout the day of March 9<sup>th</sup>, undersigned counsel monitored the Agenda which is publicly advertised online, and the Recommendation was not posted. Additionally, the March 13, 2007 recommendation had not been filed with the Clerk of the Board.

<sup>3</sup> This action triggered a new protest process. Section 2-8.4 (b), of the Code of Miami-Dade County, as amended, states:

**A written intent to protest shall be filed with the Clerk of the Board and mailed to all participants in the competitive process and to the County Attorney within three (3) working days of the filing of the Manager's recommendation ... Such written intent to protest shall state the particular grounds on which it is based and shall be accompanied by a filing fee.**

The protester shall then **file all pertinent documents and supporting evidence** with the Clerk of the Board and mail copies to all participants in the competitive process and to the County Attorney **within three (3) working days after the filing of a written intent to protest ... Notwithstanding the above, in the event that a public records request is made within the first three days of the above referenced period, a protester may utilize any public records obtained as evidence or additional grounds for protest, provided that, a) the protester met all the deadlines set forth above, and, b) a supplementary filing is made with the Clerk of the Board within 48 hours of receipt of the records responsive to the request.** (emphasis added)

Commissioners may award Sectors 1E, 2A, 2B, 3A and 3B under RFP 487A, Sectors 1A and 1B under RFP 487B and withhold the award for Sectors 1D for RFP 487A and 1C for RFP 487B until all reviews are completed."

The Manager's March 13, 2007 Memorandum was a Recommendation of Award, as was confirmed by the Chairman of the Budget of Finance Committee on March 13, 2007.<sup>4</sup> On or about March 14, 2007, 50 State filed a timely protest to the Manager's Recommendation that was presented to the Budget and Finance Committee on March 13, 2007. On or about March 16, 2007, the Clerk of the Board sent a letter to undersigned counsel returning the Bid Bond checks and advising us that the County Attorney has instructed the Clerk to reject the protest, because the County did not consider the above-referenced memorandum to be a Manager's Recommendation of Award triggering a protest process.

On or about May 8, 2007, Namita Uppal, Procurement Contracting Officer for the Department of Procurement Management, sent a letter to all proposers asserting that the action that occurred at the Budget & Finance Committee of March 13, 2007 was actually a Committee's

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<sup>4</sup> Miami-Dade County Code of Ordinances, Section 2-8.3 sets forth the mandatory process for issuing a valid recommendation. It states that:

**Whenever a competitive is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Manager shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action. Said recommendation shall be in writing and shall be filed with the Clerk of the Board with copies mailed to all participants in the competitive process, no later to ten days prior to any Commission meeting at which such recommendation is scheduled to be presented.**

In preparing to file this protest, undersigned Counsel propounded a Public Records Request, in writing, to the Clerk of the Board seeking copies and all recommendations on RFP 487A contained in the Clerk's records. As of March 15, 2007, the Clerk of the Board has informed that there is no copy of the second Manager's Recommendation with respect to RFP 487A contained in the files of the Clerk of the Board. Therefore, as set forth *infra* the Manager's second or supplemental recommendation is void *ab initio*, and said recommendations that were presented to the County Commission's Budget and Finance Committee in violation of the requirements of Section 2-8.3, thereby rendering the action of the Committee in regard thereto null and void.

Recommendation (not a Manager's Recommendation), However, the letter also stated that "the Manager now concurs with the March 13, 2007 recommendation of the B&F Committee" and further explained that this concurrence did trigger a protest under the County Code. This letter was accompanied by a Memorandum to County Commissioners by Manager George Burgess again asserting that the action of the Committee on March 13, 2007 was a Committee Recommendation, and that because the Manager now concurred with that recommendation, a new protest period was triggered.

### **Standing**

50 State is a responsible, responsive proposer to the RFP. 50 State is the company next in line for award in Tier 3 of the instant Contract. As a responsible and responsive participant in this RFP process, 50 State has a "substantial interest" in the decision to award the contract. Therefore, 50 State has standing to contest the award. See *Preston Carroll Company, Inc. v. Florida Keys Aqueduct Authority*, 400 So.2d 524 (Fla. 3<sup>rd</sup> DCA 1981); See also, *Couch Construction Company, Inc. v. Department of Transportation*, 361 So.2d 184 (Fla. 1<sup>st</sup> DCA 1978).

### **Particular Grounds For Protest**

#### **A) Grounds affecting the legality of the procurement process and recommendation for award**

- 1) The implementation of the SBE Program with respect to this RFP is arbitrary and capricious in that it allowed firms which concealed affiliation with other firms to maintain a valid certification.
- 2) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that the former Department of Business Development failed to follow the

mandatory provisions of Miami-Dade County Code and decertify all companies that failed to comply with requirements of the Program. Specifically, it temporarily suspended Security Alliance for conduct that required decertification, and for which it decertified SMI.

- 3) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that Miami-Dade County's Code does not allow for temporary suspension of companies that failed to comply with the requirements of the program. Instead, decertification is the only mandatory sanction.
- 4) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that DBD selectively, arbitrarily and capriciously applied the mandatory decertification provisions to some companies but not others based on the same conduct. Specifically, on April 10, 2007, the Department of Business Development decertified Security Management Innovations, Inc. because it "willfully failed to provide full disclosure of your firm's affiliation with Paramount Security, Inc. and Mr. Alex Anthony, Paramount's President", yet it refused to decertify Security Alliance for its failure to disclose affiliated companies.
- 5) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that it allowed companies that were suspended for failure to comply with requirements of the program to participate in an SBE preference contract.
- 6) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that it allowed firms to unilaterally delay the filing of evidence of gross receipts, thereby willfully and unilaterally delaying their graduation period and ultimate decertification, in order to participate in the solicitation.
- 7) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that unauthorized administrative decisions were made to extend SBE Certification of some firms without Commission approval or evidence of continued eligibility.
- 8) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that it allows firms that significantly exceed the gross income limits to participate in the solicitation, contrary to the clear definitions of an SBE Firm in the County Code.
- 9) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that it violates the 14th Amendment of the United States Constitution.
- 10) The Manager's second or supplemental recommendation (i.e. The Memorandum presented to the Budget & Finance Committee on March 13th) is void *ab initio* for failure to follow the requirements of Section 2-8.4, in that it was not properly filed with the Clerk of the Board, as required by the Code.

MIGUEL DE GRANDY P.A.

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ATTORNEYS AT LAW

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11) The third "purported" Manager's Recommendation is void *ab initio* for failure to follow the requirements of Section 2-8.4 of the Miami-Dade County Code. A concurrence with a purported Committee recommendation is not a Manager's Recommendation of Award, as required by said provisions of the Code. Further, to the extent that the Budget and Finance Committee's position was that it was not making a recommendation, but simply accepting a Manager's Report or a new Manager's Recommendation, there is no "Committee Recommendation" in which the Manager can concur; therefore, the May 8, 2007 Memorandum by the Manager is void *ab initio* and does not provide proper notice of the recommended action.

## B) Security Alliance

- 1) Security Alliance is non-responsive, or in the alternative, was improperly awarded preference points as an SBE in that under the definition set forth in Section 2-8.1.1.1.1 of the Code, it ceased to be an SBE on or about December 31, 2005. Therefore, even if a one-year graduation period was applied, it would not be entitled to preference, or contract as an SBE after December 31, 2006.
- 2) Security Alliance is non-responsive or in the alternative, was improperly awarded preference points, because it failed to immediately notify DBD of corporate changes and file timely reports that affect its SBE certification as required by the Code and A.O. 3-41. This conduct requires decertification.
- 3) Security Alliance is non-responsive or in the alternative, was improperly awarded preference points, because it failed comply with several requests for information regarding gross income and affiliations. This conduct requires decertification.
- 4) Security Alliance is non-responsive or in the alternative, was improperly awarded preference points, because it failed comply with additional requests for information from DBD; for example, on October 16, 2006. This conduct requires decertification.
- 5) Security Alliance is non-responsive or in the alternative, was improperly awarded preference points, because it's SBE certification was suspended on October 20, 2006, and other occasions. (As noted above, the grounds for which they were suspended actually required decertification per the mandatory provision of the Miami-Dade County Code).
- 6) Security Alliance is non-responsive or in the alternative, was improperly awarded preference points, because it failed to disclose its ownership interests in Choice Management, Business Risks International, Inc., Protective Security Training Academy, LLC, FC Venture, Inc., Sentry Security Services, LLC, and other companies Sentry Security Services of NC, LLC, and Security Alliance of New York, LLC., and others later identified by the County, as required by the Code and A.O. 3-41. This conduct requires decertification.

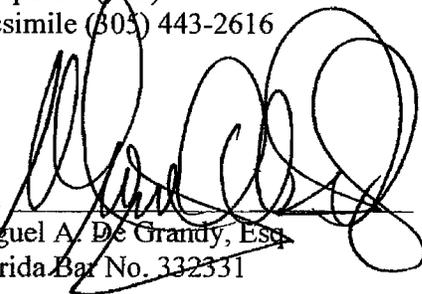
- 7) Security Alliance in non-responsive or in the alternative, was improperly awarded preference points, because it was decertified on December 12, 2006.
- 8) The recommendation to award to Security Alliance as an SBE set aside is arbitrary and capricious because it was deemed to be properly certified as an SBE despite the fatal deficiencies described above.

### Conclusion

Wherefore, Petitioner 50 State respectfully requests that the Hearing Examiner refuse to concur with the Manager's recommendation, based on the grounds set forth above, and affirmatively recommend to the County Commission that it disqualify Security Alliance and proceed to award to the remaining responsive bidders by order of ranking in the RFP process.

Dated: May 11<sup>th</sup>, 2007

MIGUEL DE GRANDY, P.A.  
800 Douglas Road, Suite 850  
Coral Gables, FL 33134-2088  
Telephone (305) 444-7737  
Facsimile (305) 443-2616

By:   
Miguel A. De Grandy, Esq.  
Florida Bar No. 332331

MIGUEL DE GRANDY P.A.

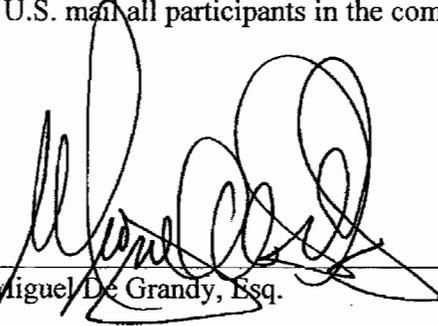
8

ATTORNEYS AT LAW

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy hereof has been furnished via facsimile this 11<sup>th</sup> day of May, 2007 to the County Attorney's Office and to the Clerk of the Board. Additionally, copies have been furnished via U.S. mail all participants in the competitive process of RFP No. 487A (Tier 3).



Miguel De Grandy, Esq.

**MIGUEL DE GRANDY P.A.**

ATTORNEYS AT LAW

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August 27, 2007

Oren Rosenthal Esq.  
Assistant County Attorney  
111 NW 1 Street  
Suite 2810  
Miami, FL 33128

**Sent Via Facsimile & Original via U.S. Mail**  
**(305) 375-5611**

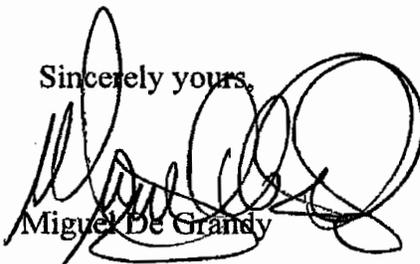
**Re: Withdrawal of 50 State Security's Protest of Recommendation for  
Award in RFP No. 487A for Security Guard Services**

Dear Oren,

As we discussed, attached please find the Agreement to withdraw 50 State Security's Bid Protest to the Recommendation of Award in RFP No. 487A for Security Guard Services. The Agreement details our oral understanding that because the protest process has not commenced and the Hearing Examiner has not invested time and resources in this matter, the County has agreed to refund 50 State Security's \$5,000 protest bond upon withdrawal of the Protest.

Please be so kind as to execute same or have a duly authorized representative of Miami-Dade County execute it on the County's behalf. Once the document has been executed, please be so kind as to mail me a copy and file it with the Clerk of the Board. As per the Agreement, please ask the Clerk to issue the refund check directly to Miguel De Grandy, P.A. (see paragraph 3 of the Agreement executed by 50 State Security).

If you have any questions please do not hesitate to contact me.

Sincerely yours,  
  
Miguel De Grandy

CC: Ted Kretzschmar  
Miriam Singer

Douglas Entrance  
800 Douglas Road, Suite 850, Coral Gables, Florida 33134 P. 305.444.7737 F. 305.443.2616

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**AGREEMENT TO WITHDRAW BID PROTEST BY 50 STATE SECURITY  
TO ADHERE TO THE RECOMMENDATION OF AWARD  
IN RFP NO. 487A FOR SECURITY GUARD SERVICES**

**WHEREAS** 50 State Security submitted responses to RFP No. 487A for Tier 2 and Tier 3, and;

**WHEREAS** 50 State Security is one of the two recommended proposers in Tier 2, and;

**WHEREAS** 50 State Security filed a Bid Protest to the recommendation of award in Tier 3, and;

**WHEREAS** 50 State Security wishes to withdraw its protest to the recommendation of award in Tier 3, and;

**WHEREAS** 50 State Security tendered a \$5,000 Protest Bond to Miami-Dade County, and;

**WHEREAS** Miami-Dade County is willing refund the five thousand dollar (\$5,000) protest bond prior to commencement of the protest and investment of County resources and Hearing Officer resources, and;

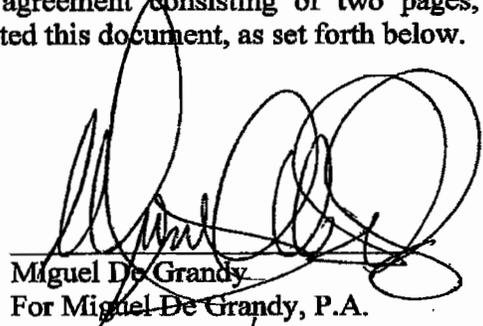
**WHEREAS** the instant agreement shall serve to settle all claims that each party may have against the other with respect the subject matter of the protest;

**NOW THEREFORE** the parties enter into the following agreement:

1. The instant document, when fully executed, shall serve as an irrevocable withdrawal of 50 State Security's protest to the recommendation of award in RFP 487A, Tier 3.
2. Upon receipt of a copy of this document executed by 50 State Security and its counsel, a duly authorized representative of Miami-Dade County and/or the County Attorney's Office shall execute and file this agreement with the Clerk of the Board.
3. Upon filing of this agreement with the Clerk of the Board, the Clerk shall issue a refund check in the amount of \$5,000 to Miguel De Grandy, P.A.

**IN WITNESS THEREOF**, the parties to this agreement consisting of two pages, through their authorized representatives have executed this document, as set forth below.

  
\_\_\_\_\_  
Ted L. Kretzschmar  
For 50 State Security

  
\_\_\_\_\_  
Miguel De Grandy  
For Miguel De Grandy, P.A.

8/22/07  
DATE

8/27/07  
DATE

\_\_\_\_\_  
Oren Rosenthal - Assistant County Attorney  
For Miami-Dade County

\_\_\_\_\_  
DATE

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MIGUEL DE GRANDY P.A.

ATTORNEYS AT LAW

CLERK OF THE BOARD

2007 MAY 11 PM 3:38

CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

May 11, 2007

Kay Sullivan  
Director, Clerk of the Board Division  
111 NW First Street  
Suite 17-202  
Miami, FL 33128-1983

**Re: Bid Protest RFP No. 487A Security Guard and Screening Services**

Dear Ms. Sullivan,

Please be advised that I represent 50 State Security Services and Feick Security in the above-referenced RFP.

On or about May 8, 2007, the Manager filed a Memorandum with your office purporting to be a Recommendation of Award. Said Memorandum informs that a protest process was triggered as a result of its filing.

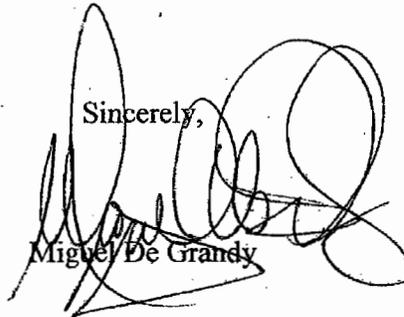
As you may recall, on March 14, 2007, we filed Bid Protests to a Manager's Recommendation that was presented to the Budget and Finance Committee of the County Commission on March 13, 2007. Said Protests were rejected by your office upon being advised by the County Attorney that the document presented to the Budget and Finance Committee on March 13<sup>th</sup> was not a Manager's Recommendation, and therefore the Protests were untimely filed. We have taken exception to that determination. Nevertheless, in order to preserve our clients' rights, we are hereby filing protest documents within the time limits applicable to the May 8<sup>th</sup> Manager Memorandum.

In today's submission, I have included the same Protest Bid Bond checks that were originally tendered with the rejected protests of March 14, 2007 for each respective protest, and incorporated specific grounds for protest within the Notice of Intent Document. Within the additional three days provided by the Code to submit documents, evidence and supplementary information, we will be filing additional documents to supplement the submission that was made to you on March 16<sup>th</sup>, and which is still in the possession of the Clerk of the Board.

Finally, yesterday I copied your office with the correspondence that I sent to Assistant County Attorney Oren Rosenthal, confirming our agreement to abate the setting of the hearing in this matter until after June 5, 2007, since the Manager's Memorandum, which will be presented to the Commission at the June 5<sup>th</sup> Board meeting is requesting a waiver of the protest process. In

the event that the County Commission refuses to concur by a two-thirds vote with the Manager's Request to waive the protest process, please be advised that my client does not have an objection to consolidation of both Protest Hearings and having them heard by one Hearing Examiner, so long as each proposer is provided the two (2) hours of presentation time allowed by the Code.

If you have any questions do not hesitate to contact me or Nick Mazorra in my office.

Sincerely,  
  
Miguel De Grandy

CC: Oren Rosenthal, Esq.  
Assistant County Attorney

**MIGUEL DE GRANDY P.A.**

ATTORNEYS AT LAW

HARVEY RUVIN, CLERK OF THE BOARD

IN RE: THE PROTEST OF MAY  
8, 2007 RECOMMENDATION OF  
AWARD OF CONTRACT FOR RFP  
NO. 487A AND 487B FOR SECURITY  
GUARD AND SCREENING  
CONTRACT AWARDS

FEICK SECURITY CORPORATION,

Petitioner,

v.

MIAMI-DADE COUNTY,  
a political subdivision of  
The State of Florida.

Respondent.

CLERK OF THE BOARD  
2007 MAY 11 PM 3:39  
CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

**PETITIONER FEICK SECURITY CORPORATION'S  
WRITTEN INTENT TO PROTEST AND INCORPORATED GROUNDS FOR PROTEST**

**Introduction**

COMES NOW, Petitioner Feick Security Corporation (Feick), by and through undersigned counsel, and pursuant to Sections 2-8.3 and 2-8.4 of the Code of Miami-Dade County (Code), as amended, and Administrative Order 3-21, hereby files the instant Formal Written Bid Protest to the County Manager's Recommendation of Award of Tier 1 in the above-referenced matter.

**MIGUEL DE GRANDY P.A.**

ATTORNEYS AT LAW

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**Background:**

In the first Recommendation of Award published some time in October 2006<sup>1</sup>, the County Manager recommended two (2) companies for Tier 1 of RFP 487A (the only Contract at issue herein), Security Management Innovations, Inc. (SMI) and Security Alliance of Florida, LLC (Security Alliance). Feick was originally ranked forth, behind JMG Inystem, Inc. d/b/a Sereca Corporation (Sereca).

Subsequent thereto, new information surfaced which indicated that SMI failed to meet the requirements for certification as a Small Business Enterprise (SBE) in that it was not in existence for at least one (1) year prior to certification, as required by Administrative Order 3-41. Additionally, concerns were raised regarding possible affiliations between SMI and other companies that appeared to be inconsistent with the size standard data provided by SMI to the County at time of certification. Finally, on April 10<sup>th</sup> 2007, SMI was de-certified by the Department of Business Development (DBD) for willful failure to disclose affiliates as required by the provisions of Miami-Dade County's Code.

Sereca, one of the companies that may be affiliated with SMI, was investigated by the Office of Inspector General (OIG). The OIG forwarded information it has gathered regarding Sereca to the State Attorney's Office for determination of potential criminal activity.

Finally, like SMI, Security Alliance willfully failed to comply with several requests for information regarding its gross income and that of its affiliates. On more than one occasion, it was suspended by the Department of Business Development for failure to comply with the provisions of the Code regarding disclosure. (As set forth below, the Code required de-certification for such conduct, not suspension.) As of approximately December 31, 2005,

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<sup>1</sup> County staff has made contradictory public representations as to the actual date of the filing.

Security Alliance ceased to be an SBE company according to the definitions set forth in the County Code. Therefore, it cannot be awarded this contract that was solicited as a set-aside only for properly certified SBE firms.

At the February 13<sup>th</sup> Budget and Finance Committee meeting, the Committee deferred the Manager's Recommendation, and asked staff to consult with the OIG and others with regard to ongoing investigations, questions, and concerns which surround this procurement process. The Committee also instructed the Manager to consult with the OIG and the County Attorney's Office regarding the issues referenced above, and to determine whether an amended recommendation, excluding the firms under investigation, was appropriate.

On or about March 9, 2007<sup>2</sup>, the Manager issued a new recommendation dated March 13, 2007 wherein the Manager set forth "a supplemental item... showing the recommended award structure, excluding the firms that are under review".<sup>3</sup> This recommendation contained two (2)

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<sup>2</sup> Again, the actual date of the filing is uncertain as throughout the day of March 9<sup>th</sup>, undersigned counsel monitored the Agenda which is publicly advertised online, and the Recommendation was not posted. Additionally, that recommendation had not been filed with the Clerk of the Board.

<sup>3</sup> This action triggered a new protest process. Section 2-8.4 (b), of the Code of Miami-Dade County, as amended, states:

**A written intent to protest shall be filed with the Clerk of the Board and mailed to all participants in the competitive process and to the County Attorney within three (3) working days of the filing of the Manager's recommendation ... Such written intent to protest shall state the particular grounds on which it is based and shall be accompanied by a filing fee.**

**The protester shall then file all pertinent documents and supporting evidence with the Clerk of the Board and mail copies to all participants in the competitive process and to the County Attorney within three (3) working days after the filing of a written intent to protest ... Notwithstanding the above, in the event that a public records request is made within the first three days of the above referenced period, a protester may utilize any public records obtained as evidence or additional grounds for protest, provided that, a) the protester met all the deadlines set forth above, and, b) a supplementary filing is made with the Clerk of the Board within 48 hours of receipt of the records responsive to the request. (emphasis added)**

charts. One chart is titled Original Staff Recommendation to Award, and the second chart is titled Award Structure Based on Committee Direction. The text of this Recommendation states that "based on a review of the information available to date, the Board of County Commissioners may award Sectors 1E, 2A, 2B, 3A and 3B under RFP 487A, Sectors 1A and 1B under RFP 487B and withhold the award for Sectors 1D for RFP 487A and 1C for RFP 487B until all reviews are completed."

The Manager's March 13, 2007 Memorandum was a Recommendation of Award, as confirmed by the Chairman of the Budget of Finance Committee on March 13, 2007.<sup>4</sup> This new Recommendation of Award sought to award solely to Security Alliance (Sector 1E, Tier 1), leaving Sector 1D of Tier 1 of the Contract available for award. In the interim, the new Recommendation of Award stated that coverage of Sector 1D of Tier 1 would be continued with Deland Security under an existing emergency contract.

In effect, the new Recommendation of Award excluded SMI as a result of ongoing investigations and a series of questions and concerns, set forth *infra* as substantive grounds.

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<sup>4</sup> Miami-Dade County Code of Ordinances, Section 2-8.3 sets forth the mandatory process for issuing a valid recommendation. It states that:

**Whenever a competitive is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Manager shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action. Said recommendation shall be in writing and shall be filed with the Clerk of the Board with copies mailed to all participants in the competitive process, no later to ten days prior to any Commission meeting at which such recommendation is scheduled to be presented.**

In preparing to file the March 13<sup>th</sup> protest, undersigned Counsel propounded a Public Records Request, in writing, to the Clerk of the Board seeking copies and all recommendations on RFP 487A contained in the Clerk's records. As prefaced earlier, as of March 15, 2007, the Clerk of the Board had informed that there was no copy of the second Manager's Recommendation with respect to RFP 487A contained in the files of the Clerk of the Board. Therefore, as set forth *infra* the Manager's second or supplemental recommendation was void *ab initio*, and said recommendations that were presented to the County Commission's Budget and Finance Committee were in violation of the requirements of Section 2-8.3, thereby rendering the action of the Committee on March 13<sup>th</sup> in regard thereto null and void.

However, it failed to exclude or disqualify Security Alliance for the same violation(s) of the provisions of the Code for which SMI was ultimately de-certified on April 10<sup>th</sup> 2007; to wit, failure to disclose information regarding its affiliates.

As noted in the accompanying memorandum to the new Recommendation of Award, the OIG has referred Sereca, the 3<sup>rd</sup> place company, to the State Attorney's Office for criminal investigation surrounding this process. Thus, as the company next-in-line for award of the instant Contract, Feick had a right to protest this new Recommendation of Award .

On or about March 14, 2007, Feick filed a timely protest to the Manager's Recommendation that was presented to the Budget and Finance Committee on March 13, 2007. On or about March 16, 2007, the Clerk of the Board sent a letter to undersigned counsel returning the Bid Bond check and advising us that the County Attorney has instructed them to reject the protest, since the County did not consider the above-referenced memorandum to be a Manager's Recommendation of Award triggering a protest process.

On or about May 8, 2007, Namita Uppal, Procurement Contracting Officer for the Department of Procurement Management, sent a letter to all proposers asserting that the action that occurred at the Budget & Finance Committee of March 13, 2007 was actually a Committee's Recommendation (not a Manager's Recommendation), However, the letter also stated that "the Manager now concurs with the March 13, 2007 recommendations of the B&F Committee" and further explained that this concurrence did trigger a protest under the County Code. This letter was accompanied by a Memorandum to County Commissioners by Manager George Burgess again asserting that the action of the Committee on March 13, 2007 was a Committee Recommendation, and that because the Manager now concurred with that recommendation, a new protest period was triggered.

## Standing

Feick is a responsible, responsive proposer to the RFP. Feick is the company next in line for award Sector 1D, Tier 1 of the instant Contract. As a responsible and responsive participant in this RFP process, Feick has a "substantial interest" in the decision to award the contract. Therefore, Feick has standing to contest the award. See *Preston Carroll Company, Inc. v. Florida Keys Aqueduct Authority*, 400 So.2d 524 (Fla. 3<sup>rd</sup> DCA 1981); See also, *Couch Construction Company, Inc. v. Department of Transportation*, 361 So.2d 184 (Fla. 1<sup>st</sup> DCA 1978).

## Particular Grounds For Protest

### A) Grounds affecting the legality of the procurement process and recommendation for award

- 1) The implementation of the SBE Program with respect to this RFP is arbitrary and capricious in that it allowed firms which concealed affiliation with other firms to maintain a valid certification.
- 2) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that the former Department of Business Development failed to follow the mandatory provisions of Miami-Dade County Code and decertify all companies that failed to comply with requirements of the Program. Specifically, it temporarily suspended Security Alliance for conduct that required decertification, and for which it decertified SMI.
- 3) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that Miami-Dade County's Code does not allow for temporary suspension of companies that failed to comply with the requirements of the program. Instead, decertification is the only mandatory sanction.
- 4) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that DBD selectively, arbitrarily and capriciously applied the mandatory decertification provisions to some companies but not others based on the same conduct. Specifically, on April 10, 2007, the Department of Business Development decertified Security Management Innovations, Inc. because it "willfully failed to provide full

disclosure of your firm's affiliation with Paramount Security, Inc. and Mr. Alex Anthony, Paramount's President", yet it refused to decertify Security Alliance for its failure to disclose affiliated companies.

- 5) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that it allowed companies that were suspended for failure to comply with requirements of the program to participate in an SBE preference contract.
- 6) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that it allowed firms to unilaterally delay the filing of timely evidence of gross receipts, thereby willfully and unilaterally delaying their graduation period and ultimate decertification, in order to participate in the solicitation.
- 7) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that unauthorized administrative decisions were made to extend SBE Certification of some firms without Commission approval or evidence of continued eligibility.
- 8) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that it allows firms that significantly exceed the gross income limits to participate in the solicitation, contrary to the clear definitions of an SBE Firm in the County Code.
- 9) The implementation of the SBE Program with regard to this RFP is arbitrary and capricious in that it violates the 14th Amendment of the United States Constitution.
- 10) The Manager's second or supplemental recommendation (i.e. The Memorandum presented to the Budget & Finance Committee on March 13th) is void *ab initio* for failure to follow the requirements of Section 2-8.4, in that it was not properly filed with the Clerk of the Board, as required by the Code.
- 11) The third "purported" Manager's Recommendation is void *ab initio* for failure to follow the requirements of Section 2-8.4 of the Miami-Dade County Code. A concurrence with a purported Committee recommendation is not a Manager's Recommendation of Award, as required by said provisions of the Code. Further, to the extent that the Budget and Finance Committee's position was that it was not making a recommendation, but simply accepting a Manager's Report or a new Manager's Recommendation, there is no "Committee Recommendation" in which the Manager can concur; therefore, the May 8, 2207 Memorandum by the Manager is void *ab initio* and does not provide proper notice of the recommended action.

B) SMI

MIGUEL DE GRANDY P.A.

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- 1) SMI is non-responsive because it was not appropriately certified as an SBE by the Department of Business Development in that it had not been in existence for one year prior to applying for certification, as required by A.O. 3-41.
- 2) SMI is non-responsive because it failed to timely disclose a professional affiliation with another proposer, Sereca, which the OIG is investigating for potential fraud against the County and is currently under investigation by the State Attorney's Office.
- 3) SMI is non-responsive because it failed to timely disclose a financing arrangement with Sereca.
- 4) SMI is non-responsive because it failed to timely disclose that it had entered into a lease agreement with Brooks Security.
- 5) SMI is non-responsive because it failed to timely provide financial documentation required under the SBE program.
- 6) SMI is nonresponsive because its SBE certification was suspended on November 2, 2006.
- 7) SMI is non-responsive because it substantially exceeds the size standard requirements for SBE certification.
- 8) SMI is not responsive because it was decertified on or about April 10<sup>th</sup> by DBD for willful failure to disclose affiliated companies.
- 9) SMI is non-responsive because it is subject to debarment.
- 10) The initial recommendation to award to SMI as an SBE set aside is arbitrary and capricious because it was deemed to be properly certified as an SBE despite the fatal deficiencies described above.

**C) Security Alliance**

- 1) Security Alliance is non-responsive, in that under the definition set forth in 2-8.1.1.1.1 of the Code, it ceased to be an SBE on or about December 31, 2005. Therefore, even if a one-year graduation period was applied, it would not be entitled to preference or contract as an SBE after December 31, 2006.
- 2) Security Alliance is non-responsive because it failed to immediately notify DBD of corporate changes and file timely reports that affect its SBE certification as required by the Code and A.O. 3-41. This conduct requires decertification.
- 3) Security Alliance is non-responsive because it failed comply with several requests for information regarding gross income and affiliations. This conduct requires decertification.

- 4) Security Alliance is non-responsive because it failed comply with additional requests for information from DBD; for example, on October 16, 2006. This conduct requires decertification.
- 5) Security Alliance is non-responsive because it's SBE certification was suspended on October 20, 2006, and other occasions. (As noted above, the grounds for which they were suspended actually required decertification per the mandatory provision of the Miami-Dade County Code).
- 6) Security Alliance is non-responsive because it failed to disclose its ownership interests in Choice Management, Business Risks International, Inc., Protective Security Training Academy, LLC, FC Venture, Inc., Sentry Security Services, LLC, Sentry Security Services of NC, LLC, and Security Alliance of New York, LLC., as required by the Code and A.O. 3-41, as well as other affiliations later identified by the County. This conduct requires decertification.
- 7) Security Alliance in non-responsive because it was decertified on December 12, 2006.
- 8) The recommendation to award to Security Alliance as an SBE set aside is arbitrary and capricious because it was deemed to be properly certified as an SBE despite the fatal deficiencies described above.

**D) Sereca**

- 1) Sereca is nonresponsive because it failed to meet the mandatory requirements for SBE certification in a "set-aside" Contract.
- 2) Sereca is nonresponsive because it's SBE certification expired on February 28, 2006.
- 3) Sereca is nonresponsive because it failed to file timely reports and information to the County.
- 4) Sereca is nonresponsive because its SBE certification was suspended on October 24, 2006.
- 5) Sereca is nonresponsive because it failed to disclose required information from the County concerning its ownership interests and affiliates with other companies.
- 6) Sereca is nonresponsive because it underreported its gross revenues to the County.
- 7) Sereca is nonreponsive because it failed to disclose required information to the County in the instant solicitation.

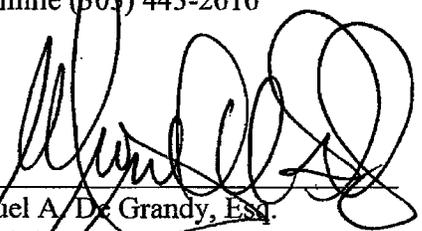
- 8) Sereca is non-responsive because it is subject to debarment.
- 9) The recommendation to award to award to Sereca as an SBE set aside is arbitrary and capricious because it was deemed to be properly certified as an SBE despite the fatal deficiencies described above.

### Conclusion

Wherefore, Petitioner Feick Security respectfully requests that the Hearing Examiner refuse to concur with the new recommendation, based on the grounds set forth above, and affirmatively recommend to the County Commission that it disqualify SMI, Sereca, and Security Alliance and proceed to award to the remaining responsive and responsible bidders by order of ranking in the RFP process.

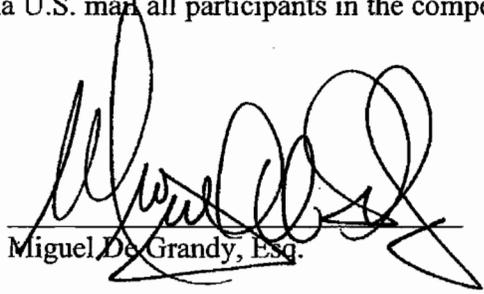
Dated: May 11<sup>th</sup>, 2007

MIGUEL DE GRANDY, P.A.  
800 Douglas Road, Suite 850  
Coral Gables, FL 33134-2088  
Telephone (305) 444-7737  
Facsimile (305) 443-2616

By:   
Miguel A. De Grandy, Esq.  
Florida Bar No. 332331

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy hereof has been furnished via facsimile this 11<sup>th</sup> day of May, 2007 to the County Attorney's Office and to the Clerk of the Board. Additionally, copies have been furnished via U.S. mail all participants in the competitive process of RFP No. 487A (Tier 1).

  
Miguel De Grandy, Esq.

# Memorandum

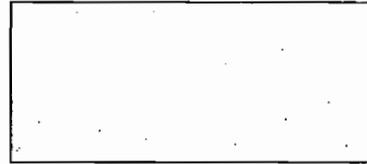


Date:

To: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

From: George M. Burgess  
County Manager

Subject: Contract Nos. 487A & 487B: Security Guard and Screening Services



On March 13, 2007, the Budget and Finance (B&F) Committee amended the County Manager's recommendation for Contract Nos. 487A and 487B by withholding award of one of six sectors in Contract No. 487A (Sector 1D) and one of three in Contract No. 487B (Sector 1C) pending further investigations and audit findings, as well as pending the Department of Business Development decertification process. These amended resolutions are before you for consideration. Coverage for the withheld sectors will be provided via existing emergency contracts currently in place.

In light of new developments that have surfaced since I originally filed my recommendation in October 2006, I now concur with the March 13, 2007 recommendations of the B&F Committee.

In accordance with Section 2-8.3 and Section 2-8.4 of the Code and in consultation with the County Attorney's Office, my concurrence with the committee's recommendation gives rise to the right to protest unless waived by a two-thirds (2/3) vote of the members present. In order not to further delay the contract awards for the sectors in Contract Nos. 487A and 487B, which are not currently under investigation or audit review, it is recommended that the Board waive the requirements of Section 2-8.3 and 2-8.4 in connection with this recommendation. When all pending concerns are resolved, the withheld contracts (487A-1D and 487B-1C) will be presented to the Board for consideration.

CLERK OF THE BOARD  
2007 MAY - 8 AM 10:40  
SERK. SHIRLEY S. COUNTY COURTS  
DADE COUNTY, FLA.  
#1

  
Susanne M. Torriente  
Assistant County Manager



Procurement Management  
 Administration and Fiscal Division  
 111 NW 1st Street • Suite 1300  
 Miami, Florida 33128-1974  
 T 305-375-5289 F 305-375-4726 305-375-5409

CLERK OF THE BOARD

2007 MAY -8 AM 10:38

miamidade.gov

CLERK, CIRCUIT & COUNTY COURTS  
 DADE COUNTY, FLA.  
 #1

May 8, 2007

TO ALL PROPOSERS LISTED BELOW  
 (See Distribution List)

Re: RFP No. 487A, Security Guard and Screening Services  
 RFP No. 487B, Security Guard Services

On March 13, 2007, the Budget and Finance (B&F) Committee amended the County Manager's recommendation for Contract Nos. 487A and 487B by withholding award of one of six sectors in Contract No. 487A (Sector 1D) and one of three in Contract No. 487B (Sector 1C) pending further investigations and audit findings, as well as pending the Department of Business Development decertification process. These amended resolutions (attached) are before the Board of County Commissioners for their consideration on May 22, 2007.

In accordance with Section 1.21 of the RFP and Sections 2-8.3 and 2-8.4 of the Code of Miami-Dade County, please be advised that in light of new developments which surfaced since the County Manager originally filed his recommendations on October 3, 2006 (RFP 487A) and January 2, 2007 (RFP 487B), the County Manager now concurs with the March 13, 2007 recommendations of the B&F Committee.

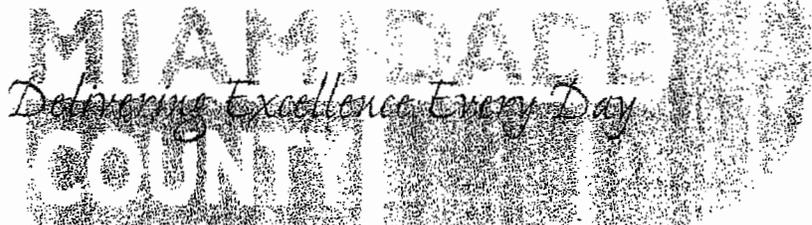
On behalf of the County, I would like to thank you for your interest in our procurement process and look forward to your continued participation.

Should you have any questions, please feel free to contact me at (305)375-1513 or [nuppal@miamidade.gov](mailto:nuppal@miamidade.gov).

Sincerely,

*Namita uppal*

Namita Uppal  
 Procurement Contracting Officer  
 Department of Procurement Management



- ADA Coordination
- Agenda Coordination
- Animal Services
- Art in Public Places
- Audit and Management Services
  - Aviation
  - Building
- Building Code Compliance
- Business Development
- Capital Improvements
- Citizens' Independent Transportation Trust
- Commission on Ethics and Public Trust
  - Communications
- Community Action Agency
- Community & Economic Development
  - Community Relations
  - Consumer Services
- Corrections & Rehabilitation
  - Cultural Affairs
  - Elections
- Emergency Management
  - Employee Relations
  - Empowerment Trust
- Enterprise Technology Services
- Environmental Resources Management
  - Fair Employment Practices
  - Finance
  - Fire/Rescue
- General Services Administration
- Government Information Center
  - Historic Preservation
  - Homeless Trust
  - Housing Agency
  - Housing Finance Authority
  - Human Services
- Independent Review Panel
- International Trade Consortium
  - Juvenile Services
  - Medical Examiner
- Metro-Miami Action Plan
- Metropolitan Planning Organization
  - Park and Recreation
  - Planning and Zoning
  - Police
- Procurement Management
  - Property Appraisal
  - Public Library System
  - Public Works
  - Safe Neighborhood Parks
  - Seaport
  - Solid Waste Management
- Strategic Business Management
  - Team Metro
  - Transit
- Task Force on Urban Economic Revitalization
- Vizcaya Museum And Gardens
- Water & Sewer

Distribution List:

RFP 487A

JMG Insystem, Inc. d/b/a Sereca Corporation  
Side Bar and Associates  
Feick Security Corporation  
Extreme Security Networks, Corporation  
Delad Security, Inc.  
Guard One Security, Inc.  
American Guard Services, Inc.  
Art Hall Protective Services, Inc.  
Security Alliance of Florida, LLC  
Security Management Innovations, Inc.  
50 State Security Service, Inc.  
McRoberts Protective Agency, Inc.  
Vanguard Security, Inc.  
DSI Security Services  
Milex Corporation (1985), Inc. d/b/a Milex Security Services  
Alanis, Inc. d/b/a Alanis Security  
Safeland Security Services, Inc.  
Communitel Airport Services, Inc. d/b/a Field Force Protective Services  
Corporation  
Masdeu Five Corporation d/b/a General Patrol Services  
Barton Protective Services LLC d/b/a Allied Barton Security Services  
Eagle Lion Security

RFP 487B

Delad Security, Inc.  
Forestville Corporation  
American Guard Services, Inc.  
Barkley Security Agency, Inc.  
DSI Security Services  
Feick Security Corporation  
Union Security Services, Inc.  
Bayus Security Services, Inc.  
JMG InSystems, Inc. d/b/a Sereca Corporation  
Alanis, Inc. d/b/a Alanis Security, Inc.  
Abena Security Corporation  
First American Security Services  
Eagle Lion Security  
Security Alliance of Florida, LLC  
Barton Protective Services LLC d/b/a Allied Barton Security Services  
The Wackenhut Corporation

cc: Clerk of the Board

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**MIGUEL DE GRANDY P.A.**

ATTORNEYS AT LAW

March 11, 2008

Fara Diaz  
Clerk of the Board  
111 N.W. 1st Street  
Miami, Florida

**SENT VIA FACSIMILE**  
**(305) 375-2484**

**RE: Feick Security Bid Protest on Recommendation of Award in RFP No. 487A  
for Security Guard and Screening Services**

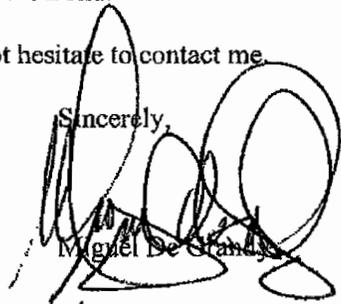
Dear Ms. Diaz:

As you know, there is a pending protest on the above-referenced Recommendation for Award that we filed in December of last year. My understanding is that, to date, said Protest Hearing has not been scheduled due to the Administration's assessment that the recommendation being protested is, in fact, unlawful. This is the third protest that Feick has filed challenging three (3) separate Procurement Department Recommendations on the same RFP. On each occasion, the Procurement Department has refused to proceed to Hearing as a result of the fatal legal flaws in the respective recommendations.

As a small company and Certified SBE in Miami-Dade County, Feick can no longer continue to invest significant legal resources, only to be denied its Due Process opportunity to present and prove its case. Therefore, please be advised that Feick Security hereby withdraws its protest and will make its arguments directly to the County Commission at the appropriate time. Please accept this correspondence as a request to withdraw our protest and return our Protest Bond.

If you have any questions, do not hesitate to contact me.

Sincerely,



Miguel De Grandy

cc: The Honorable Board of County Commissioners  
The Honorable Carlos Alvarez, Mayor of Miami-Dade County  
George Burgess, County Manager  
Susy Torriente, Assistant County Manager  
Oren Rosenthal, Esq., Assistant County Attorney

**Douglas Entrance**  
800 Douglas Road, Suite 850, Coral Gables, Florida 33134 P. 305.444.7737 F. 305.443.2616