

Memorandum



Date: October 7, 2008

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

Agenda Item No. 8(O)(1)(E)

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

Subject: Resolution Waiving Formal Bid Procedures for a Non-competitive Contract
Modification for Security Guard and Screening Services

This package, listed as Agenda Item No. 3(H) on the September 9, 2008 Budget and Finance Committee meeting agenda, was amended by the Committee in order to make Item 4.1-Security Guard and Screening Services a stand-alone item.

Recommendation

It is recommended that the Board of County Commissioners waive competitive bidding procedures for the attached contract modification to purchase Security Guard and Screening Services pursuant to Section 2-8.1 of the County Code and Section 4.03(D) of the Home Rule Charter, in the best interest of Miami-Dade County. ***Contract amount and department allocation represent the maximum spending authority based on estimated past usage. This action does not guarantee that the total contract amount/value will be expended by County departments and/or agencies.***

This item is being presented to the Board separately to ensure continued availability of services. Detailed information is noted in the item.

Scope

The impact of the item in the accompanying Bid Waiver Package is countywide in nature.

Fiscal Impact/Funding Source

The accompanying Bid Waiver Package states the funding source for the department utilizing the contract. ***Funding will be expended only if departmental budgets can support the expenditures approved in their Resource Allocation Plan adopted annually by the Board.***

Track Record/Monitor

There are past performance issues with Forestville Corporation and Delad Security, Inc. Details are noted in the item. The department's contract manager is reflected in the item.

Delegated Authority

If this item is approved, the County Mayor or the County Mayor's designee will have the authority, in his discretion, to extend the contract in accordance with the terms and conditions of the contract listed in the accompanying Bid Waiver Package.

Background

Section 1 SOLE SOURCES

A sole source purchase is the procurement of a good or service under Administrative Order 3-38 for which there is no other vendor who can compete to provide the good or service, and an equal product or service is not available from any other supplier.

There are no items listed in this section.

Section 2 BID WAIVERS

A bid waiver is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is determined to be in the best interest of the County.

There are no Items listed in this section.

Section 3 EMERGENCY PURCHASES

An emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community, or the preservation of public properties, would not be possible using other purchasing methods described in Administrative Order 3-38.

There are no Items listed in this section.

Section 4 NON-COMPETITIVE CONTRACT MODIFICATIONS

A non-competitive contract modification is a supplemental allocation for goods or services that exceeds the scope of the original contract allocation, or a modification of an established non-competitive contract, representing a waiver of the competitive bidding process under Administrative Order 3-38.

Item 4.1: Security Guard and Screening Services is to modify this emergency contract for additional time and spending authority for security guard and screening services for General Services Administration. The amount being requested is **\$4,900,000**.

- *This item is time sensitive as the current contract expires on September 30, 2008. Therefore, it is being presented separately for Board approval to ensure continued availability of security guard and screening services until the replacement contract for Sectors 1A and 1D is awarded.*

Section 5 CONFIRMATION (UNAUTHORIZED) PURCHASES

A confirmation purchase is a ratification action approving an unauthorized purchase in accordance with Administrative Order 3-38.

There are no Items listed in this section.



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: October 7, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(O)(1)(E)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 8(O)(1)(E)

Veto _____

10-7-08

Override _____

RESOLUTION NO. _____

RESOLUTION WAIVING FORMAL BID
PROCEDURES FOR A NON-COMPETITIVE
CONTRACT MODIFICATION FOR SECURITY
GUARD AND SCREENING SERVICES IN THE
AMOUNT OF \$4,900,000 AND AUTHORIZING THE
COUNTY MAYOR OR COUNTY MAYOR'S
DESIGNEE TO AWARD SAME

WHEREAS, the County Mayor or County Mayor's designee recommends to this Board to waive formal bid procedures for the purchase of Security Guard and Screening Services which cannot be purchased under normal bid procedures,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds it is in the best interest of Miami-Dade County to waive formal bid procedures for one non-competitive contract modification for Security Guard and Screening Services and to authorize the County Mayor or County Mayor's designee to award such contract, pursuant to Section 4.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code by a two-thirds (2/3s) vote of the Board members present.

The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Hugo Benitez

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SECTION #4
NON-COMPETITIVE CONTRACT MODIFICATIONS

Item 4.1

Contract No: EM7797-2/07-2

Contract Title: **Security Guard and Screening Services**

Description: To modify this emergency contract for additional time and spending authority for security guard services for the General Services Administration (GSA). This modification will extend Sectors 1A and 1D for six months with prorated funding. Sector 1A was included in Request for Proposals (RFP) 487B and Sector 1D was included in RFP 487A.

Type of Change: Additional time and spending authority

Existing Allocation: **\$82,423,988 for two years**

Increase By/Managing

Agency/Funding Source: \$ 4,900,000 for GSA – Internal Service Funds

Modified Allocation: **\$87,323,988 for 30 months**

Current Expiration: September 30, 2008

Modified Expiration: March 31, 2009 (additional six months)

Vendors:

• Forestville Corp.
(Local vendor)

Address

6990 S.W. 8th Street
Miami, FL 33144

Principal

Ricardo Gasteazoro

• Delad Security, Inc.
(Local vendor)

6073 N.W. 167th Street
Suite C-10
Miami Lakes, FL 33015

Adeola M. Akanni

Performance Data:

Forestville Corporation

- 181 contract violations imposed by the using department which resulted in the assessment of liquidated damages in the amount of \$61,800 per the terms and conditions of the contract.
- June 15, 2006 - Vendor Non-Performance – Failure to comply with contract requirement to provide a Contractor Field Supervisor for all shifts.

DeLad Security Inc.

- 237 contract violations imposed by the using department which resulted in the assessment of liquidated damages in the amount of \$45,700 per the terms and conditions of the contract.

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Compliance Data: There are no compliance issues with these two firms.

Contract Measure: No measure

Local Preference: Not applicable

Living Wage: The Living Wage Ordinance does apply.

User Access Program: This contract includes the User Access Program provision. The 2% program discount is being collected on all purchases.

Contract Managers: Maria Hevia, Department of Procurement Management
Lucy Romano, General Services Administration

Contract Effective Date: Upon approval by the Board and expiration of the mayoral veto period.

REASON OF CHANGE

Authorization is requested for additional time and spending authority to ensure continued security guard services for Sectors 1A and 1D at various facilities managed by General Services Administration (GSA). This contract became effective on April 1, 2005. Since then, the Board has approved several options-to-renew and extensions resulting in a current contract expiration of September 30, 2008. The award of all sectors including 1A and 1D was expected to take place October 1, 2008.

On May 20, 2008, the Board approved the award of the replacement contracts resulting from RFP487A and RFP487B. The Board rejected the award of Sector 1A from RFP487B and directed the Department of Procurement Management (DPM) to issue a replacement solicitation. Bid number 8773-2/15 was opened on August 13, 2008 and is currently under evaluation. Therefore additional time and spending authority is required to ensure continuity of services.

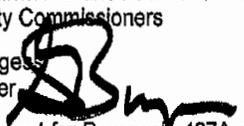
The award of Sector 1D of RFP487A (Set-Aside Sector for Certified Small Business Enterprise) was deferred due to the recommended proposer losing their Small Business Enterprise (SBE) certification. The Board directed DPM to determine the responsibility of next highest ranked certified SBE with the capacity to perform on the contract. As noted in the attached August 20, 2008 memorandum to the Board, DPM conducted a responsibility review of the sixth ranked firm and found them non-responsible. A responsibility review is currently being conducted of the seventh ranked firm, therefore requiring additional time and spending authority to ensure continuity of services for this sector.

Memorandum



Date: August 20, 2008

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

From: George M. Burgess
County Manager 

Subject: Update on Request for Proposals 487A and 487B: Security Guard and Screening Services Contracts

On May 6 and June 3, 2008, the Board of County Commissioners directed staff to take certain actions regarding the Request for Proposals 487A and 487B: *Security Guard and Screening Services Contracts*. This memorandum is an update on the implementation of the Board's actions.

487A

Sector 1D

The Board deferred award of this sector pending staff evaluation of next-ranked vendor(s). The Department of Procurement Management (DPM) has conducted a responsibility review of the sixth-ranked vendor, Extreme Security Networks, Corp., and has found them to be non-responsible (see attachment). DPM is now conducting a responsibility review of the seventh-ranked vendor, Delad Security, Inc. Currently, coverage for this sector is provided via an emergency contract, which expires September 30, 2008. Should the replacement contract not be executed prior to expiration of the current emergency contract, an extension of this emergency contract will be presented to the Board in September.

Sector 1E

The Board directed award of this sector to Feick Security. No further action is necessary. Work is anticipated to commence on September 1, 2008.

Sector 2A

The Board directed award of this sector to 50 State Security. No further action is necessary. Work is anticipated to commence on September 1, 2008.

Sector 2B

The Board directed award of this sector to McRoberts Security, pending submission and acceptance of a substitute Small Business Enterprise firm. McRoberts Security has submitted their substitution request to the Department of Small Business Development. The substitution has been approved. Work is anticipated to commence on September 1, 2008.

Sector 3A

The Board directed award of this sector to Allied Barton. No further action is necessary. Work is anticipated to commence on September 1, 2008.

Sector 3B

The Board deferred award of this sector, pending staff evaluation of the next-ranked vendor(s). The user department for this sector, Seaport Department, is currently reviewing its security operations and assessing the department's needs as well as those of its tenants. Once the assessment is completed, a recommendation will be provided to the Board for approval.

*Honorable Chairman Bruno A. Barreiro and Members,
Board of County Commissioners
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487B

Sector 1A

The Board directed the rejection and re-solicitation of this sector. The solicitation has been drafted and was advertised on July 24, 2008. A pre-bid conference took place on August 4, 2008. The bid opening is scheduled for August 13, 2008. Currently, coverage for this sector is provided via an emergency contract, which expires September 30, 2008. Should the replacement contract not be executed prior to expiration of the current emergency contract, an extension of this contract will be presented to the Board in September.

Sector 1B

The Board directed award of this sector to Allied Barton. Allied Barton confirmed acceptance of this sector via a letter dated June 11, 2008. No further action is necessary. Work is anticipated to commence on September 1, 2008.

Sector 1C

The Board directed award of this sector to Security Alliance. No further action is necessary. Work is anticipated to commence on September 1, 2008.

I will keep you apprised of the progress made as we continue to finalize these important contracts. Should you have questions, please contact DPM Director Miriam Singer at 305-375-5502 or me directly at 305-375-1880.

Attachment

c: Honorable Carlos Alvarez, Mayor
R. A. Cuevas, Jr., County Attorney
Denis Morales, Chief of Staff, Office of the Mayor
Susanne M. Torriente, Assistant County Manager
Ysela Llorca, Assistant County Manager
Bill Johnson, Director, Seaport Department
Wendi Norris, Director, General Services Administration
Miriam Singer, Director, Department of Procurement Management

Memorandum



Date: August 12, 2008

To: Miriam Singer
Director
Department of Procurement Management

Thru: Amos Roundtree
Purchasing Division Director
Department of Procurement Management

From: Norma S. Armstrong
Procurement Contracting Officer
Department of Procurement Management

Subject: Responsibility Determination for Extreme Security Networks on RFP No. 487A Sector 1D, Security Guard and Screening Services for General Services Administration

On May 6, 2008, the Board of County Commissioners deferred award of Sector 1D of the referenced solicitation and directed staff to assess the next highest ranked firm for its ability to provide services for the sector. Sector 1D under Tier 1 (under RFP 487A) was identified as a set-aside for SBE firms. Based on the extensive history of this RFP the first four firms have been eliminated from competition for a variety of reasons and one firm is receiving an award. The next highest ranked firm would be the sixth ranked out of eight firms.

Following the the Board's direction on Sector 1D, the Department of Procurement Management (DPM), in consultation with General Services Administration (GSA) and the Finance Department, has been conducting responsibility reviews of the remaining vendors that proposed for Sector 1D of RFP No. 487A. As a result of the original selection committee evaluation process conducted by the County, Extreme Security Networks (Extreme), the sixth ranked vendor, remained in contention for award of Sector 1D. An assessment of Extreme's past experience and financial records has been conducted by DPM. Additionally, as required in the RFP, a site visit was conducted at the Extreme offices.

RFP No. 487A included two minimum requirements: 1) Proposers shall have class "B" Security Agency or "BB" Security Agency Branch Office Licenses issued by the State of Florida and 2) Proposers shall have a stationary base station/office where the Central Dispatch is located. The Dispatch Center shall have at least five phone lines: four dedicated phone lines and one additional line for fax and or computer. On May 23, 2008, County staff conducted a site visit at Extreme's offices. At the site visit it was noted that Extreme currently had only two dedicated phone lines, one computer and one fax line. Extreme is not in compliance with the minimum requirements per the RFP. Extreme does have the appropriate license on file with the State of Florida.

On the site visit at Extreme's office, County staff was provided a tour of the facility. There was a main office area, which serves as the dispatch center. The remaining areas at Extreme are used for storage of various types of equipment that Extreme uses as part of their hi-tech surveillance work. In order to support services required for the Sector 1D, Extreme would have to substantially increase its staff complement. It did not appear that Extreme has sufficient room at its facility to provide training or required management of additional staff.

In conducting the responsibility review, DPM carefully reviewed information from the following sources: Florida Department of State Division of Corporations, MyFlorida.com for license search and the statewide judgments search; Miami-Dade County Clerk of the Courts website for civil litigation and criminal actions; Google search engine; Dun and Bradstreet Credit Reports; review of financial records

Miriam Singer
Request for Responsibility Determination
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(including tax returns and letters of credit), and interviews of references. Additionally, to further determine the responsibility of Extreme, DPM met with the firm on June 12, 2008, to ask specific questions regarding the firm's finances and experience. At the company's request, DPM and GSA Management met with Extreme again on July 23, 2008 to make a presentation regarding their experience.

Extreme is presently providing services to the County for Security Alarm and Card Access Systems-Prequalification (Contract No. 6276-4/08-4). Extreme has been advised that they are in default of Contract No. 6276-4/08-4 for not complying with the necessary insurance requirements.

In the organizational structure provided by Extreme in their proposal responding to the referenced solicitation, the company notes 10 permanent employees, including the company president, one assistant/accountant, one project manager, one firearms instructor/consultant and six field staff. As noted earlier, award of Sector 1D would require that Extreme add a significant number of field staff and management. An estimated 200 staff are required to properly support this Sector. It does not appear that Extreme has sufficient management staff or structure to address the needs of this Sector.

DPM's review also included Extreme's previous work experience with regard to the type of services required for Sector 1D. GSA anticipates that Sector 1D would be serviced by traditional security guards. Extreme utilizes a number cameras and surveillance equipment in lieu of actual security guards. Most of the references provided by Extreme were for surveillance and corporate individual/special event security detail. The number of hours to be provided for Sector 1D is approximately 3,200 per month. This includes the use of armed and unarmed security guards. Extreme reports they are currently providing 1,052 hours of armed and unarmed security guard services and 2,420 hours of what is identified as "random security hours" for a variety of companies at different locations.

Additionally, it should be noted that Extreme's experience with projects that have a significant number of hours is for special events, on an as needed or random basis. None of the projects identified by Extreme have a comparable number of hours or scope.

Extreme has supplied DPM with the following financial documents:

- 1) Form 1120S, US Income Tax Return for an S Corporation for 2004 (included with the proposal)
- 2) Form 1120S, US Income Tax Return for an S Corporation for 2006, the 2007 return was unavailable
- 3) letter from SunTrust Bank indicating a \$50,000 line of credit (no balance was provided)
- 4) letter from Bank of America currently indicating a \$50,000 line of credit with \$5,822 being available
- 5) letter from Summar Financial LLC, noting that Extreme had entered a financial transaction whereby Summar would provide factoring to Extreme and that Summar would provide a pre-approved credit limit of \$500,000 for Miami-Dade County only.

The County estimates that the monthly costs for Sector 1D are approximately \$325,548. Based on the information provided by Extreme, they do not appear to have sufficient cash flow to support the necessary operational resources to effectively provide the services required for Sector 1D.

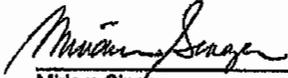
Based on the review of Extreme's past experience, management staff, and financial capacity, Extreme does not presently have in place all the necessary features to establish its capacity to handle Sector 1D. It is therefore recommended that the firm be deemed not responsible to provide the services required for Sector 1D.

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If you have any questions, please contact me at (305) 375-5683. Thank you for your attention to this matter.

APPROVED

Date:



Miriam Singer
Director
Department of Procurement Management

8/12/08

NOT APPROVED

Date:

Miriam Singer
Director
Department of Procurement Management

c: Susanne M. Torriente, Chief Assistant County Manager
Oren Rosenthal, Assistant County Attorney
Wendy Norris, Director, General Services Administration
Daniel Payne, Chief of Security, General Services Administration