

Memorandum



Date: November 17, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Supplement to
Agenda Item No.
11(A)27

From: 
Carlos Alvarez
Mayor


George M. Burgess
County Manager

Subject: Recommendation to Waive the Competitive Process and Bid Protest Procedures conducted pursuant to Resolution R-1374-08 and Recommending Procedures for the Negotiations with Proposers from previous process

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the accompanying Resolution which will 1) waive all competitive bid procedures pursuant to 4.03(D) of the Home Rule Charter and Section 2-8.1 of the Miami-Dade County Code by a two-thirds vote of the Board members present, as being in the best interest of the County and 2) waive the bid protest procedures, pursuant to the requirements of Section 2-8.4 of the Miami-Dade County Code by a two-thirds vote of the Board members present, as being in the best interest of the County. Furthermore, it is recommended that the Board approve the procedures set forth in this memorandum for purposes of evaluating and presenting the Board with the best value proposal.

Background

Resolution R-1374-08, sponsored by Commissioner Sally Heyman, and adopted by the full Board on December 2, 2008, allocated \$10,592,307 of Building Better Communities General Obligation Bond (GOB) funds from Project 249 to fund the development of multi-family rental housing on privately owned land in District 4 through a grant pursuant to a Request for Proposals (RFP) that is subject to future Board approval. Furthermore, the Resolution requested that certain requirements and preferences be included as criteria in the RFP.

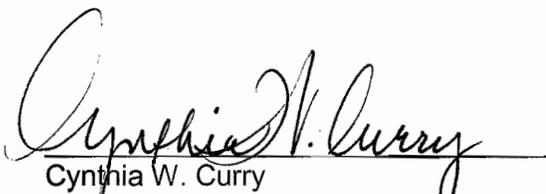
As part of the annual Consolidated RFA for federal, state, and local funding released by the Department of Housing and Community Development (DHCD), staff included the solicitation for District 4 GOB funds in an effort to expedite under one competitive process. Subsequent to its release, staff encountered technical issues with the GOB funding portion of the RFA. Staff believes that this competitive process for the GOB funding portion of the RFA needs to be rejected in order to address the technical issues and resume with a process to allocate GOB District 4 funds.

Procedures

The administration's professional recommendation as to the evaluation/negotiation process going forward is as follows:

1. A Negotiation Committee will be appointed by the County Manager, but subject to change as necessary. The team will consist of the Department Director, or designee, from the Department of Procurement Management (to serve as the Negotiation Team Chair), General Services Administration, Office of Capital Improvements, Homeless Trust, and Small Business Development. The negotiation team may consult technical advisors, as necessary.

2. All applicants from the GOB portion of the Consolidated RFA will be invited to a publicly noticed meeting. At the meeting, the applicants will receive written notice of the evaluation process. The written notice will also include a request for updates to the developers' applications and other documentation the County may require with the date, time, and place that the response is due. Failure of the applicant to submit any required information will be taken into account in their ranking. Applicants will be allowed to comment on the process and ask questions at the meeting.
3. Applicants will be allowed to submit any subsequent comments or inquiries on the process in writing within a time period prescribed by the Department of Procurement Management (DPM). The Negotiation Committee reserves the right to make any modifications to the evaluation process which it determines are necessary to address any identified concern or which it otherwise determines to be in the best interest of the County in developing its best value recommendation. Any such modifications will be simultaneously communicated to all proposers in writing. DPM will respond to applicants' written inquiries, as necessary. The responses will be provided in writing to all applicants.
4. The Negotiation Committee will meet with each responding applicant individually, in alphabetical order, to conduct negotiations to determine which application offers Miami-Dade County the best value in advancing the interests and policies of Miami-Dade County. In making that determination, the Negotiation Committee will apply the criteria set forth in the adopted resolution and the criteria identified in the Consolidated RFA, but will not utilize numerical scoring. The relative weight and importance of each identified criterion shall be determined in the discretion of the Negotiation Committee and shall be explained in the written recommendation to be forwarded to the Board of County Commissioners.
5. The Negotiation Committee will rank the applicants and make a best value recommendation to include, at a minimum, the strengths/weaknesses of the applicants. The recommendation will be in writing and will contain a narrative explanation of the reasons for the recommendation and ranking. This recommendation will be forwarded to the County Manager through DPM.
6. Following review and evaluation, the County Mayor or the County Mayor's designee will submit a recommendation to the Board by no later than February 2010 for a) the allocation of District 4 GOB funding to the top ranked applicant, and b) the request to negotiate all necessary agreements, subject to funding availability and an underwriting review analysis.


Cynthia W. Curry
Senior Advisor to the County Manager