

Memorandum



Date: January 21, 2010

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

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

From: George M. Burgess
County Manager

Subject: Award of Contract No 7661-5/19: Tree Trimming and Removal Services

RECOMMENDATION

It is recommended that the Board of County Commissioners approve award of this contract to the vendors listed below to provide tree trimming and removal services for various County departments.

CONTRACT NUMBER: 7661-5/19
CONTRACT TITLE: Tree Trimming and Removal Services
TERM: Five years with five, one-year options-to-renew
APPROVAL TO ADVERTISE: June 10, 2009
CONTRACT AMOUNT: \$5,375,000
*Should the County choose to exercise the options-to-renew, the cumulative value will be \$10,750,000.

MANAGING AGENCIES AND FUNDING SOURCES:

<u>Department</u>	<u>Allocation</u>	<u>Funding Source</u>	<u>Contract Manager</u>
Public Works	\$5,000,000	General Fund/ Proprietary Funds	David Cardenas
Seaport	\$ 375,000	Proprietary Funds	Phil Rose
Total	<u>\$5,375,000</u>		

PREVIOUS CONTRACT AMOUNT: \$1,433,600 for one-year

METHOD OF AWARD:

GROUP I: Trimming and Removal of Trees

Award of Group I will be made to all responsive and responsible bidders who meet the pre-qualification requirements as specified in the solicitation for participation in future spot market competitions. Additional qualified vendors may be added at any time during the contract term.

GROUP II: Tree Removal including disposal (for specific size trees)

Award of Group II will be made to up to three responsive and responsible bidders offering the lowest price per item.

VENDORS RECOMMENDED FOR AWARD:

Vendor	Address	Principal	Award
Crodon, Inc. (Local vendor)	11767 S. Dixie Hwy #429 Miami, FL 33173	Mark Donnelly	Group I: Prequalified Group II: Secondary for Items 1 through 4
Weed-A-Way, Inc (Local vendor)	6011 Rodman St. Suite 208 Hollywood, FL 33023	Monday Okotogbo	Group I: Prequalified Group II: Primary for Items 1 through 4

PERFORMANCE DATA:

There are no performance issues with the recommended firms.

COMPLIANCE DATA:

There are no compliance issues with the recommended firms.

VENDORS NOT RECOMMENDED FOR AWARD:

The following vendors are not Certified Small Business Enterprises therefore they are not in compliance with the solicitation requirements.

- A Native Services, Inc.
- All Florida Tree & Landscaping Services, Inc.
- Bannerman Landscaping, Inc.
- Carswell Property Maintenance, Inc.
- Innovative Environmental Services, Inc.
- Sanchez Arango Construction Co.

CONTRACT MEASURES:

Small Business Enterprise Set Aside

LIVING WAGE:

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

USER ACCESS PROGRAM:

The User Access Program provision will apply. The 2% program discount will be collected on all purchases where permitted by funding source.

LOCAL PREFERENCE:

The Local Preference will be applied in accordance with the Ordinance where permitted by funding source.

**ESTIMATED CONTRACT
COMMENCEMENT DATE:**

Upon approval by the Board of County Commissioners and expiration of the Mayoral veto period.

BACKGROUND

This contract provides tree trimming and removal services required by the Public Works and Seaport departments. Services include tree pruning, tree removal, clearing and trimming of shrubs, replanting leaning or fallen trees, and stump grinding.

Group I is for tree trimming services and removal and disposal of trimmings. Group II is for removal and disposal of tree trunks only.


Assistant County Manager.



MEMORANDUM

(Revised)

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

DATE: January 21, 2010

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

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

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(o)(1)(G)
1-21-10

RESOLUTION NO. _____

RESOLUTION APPROVING AWARD OF CONTRACT NO. 7661-5/19: TREE TRIMMING AND REMOVAL SERVICES, TO CRODON, INC., AND WEED-A-WAY, INC., IN THE AMOUNT OF \$5,375,000; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE THE CONTRACTS AND TO EXERCISE ANY RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the award of Contract no. 7661-5/19: Tree Trimming and Removal Services to Crodon, Inc., and Weed-A-Way, Inc., in the amount of \$5,375,000 and authorizes the County Mayor or designee to execute the contracts and to exercise any renewal and cancellation provisions contained therein.

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:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 2010. 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.

D.F.

Daniel Frastai



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

December 21, 2009

Ms. Angela Tomasetti, Owner
A Native Tree Service, Inc.
15733 S.W. 117th avenue
Miami, Florida 33177

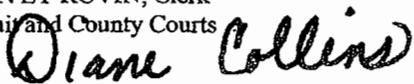
Re: Bid Protest – Contract No. 7661-5/19
Tree Trimming and Removal Services

Dear Ms. Tomasetti:

Pursuant to Section 2-8.4 of the Code and Implementing Order 3-21, forwarded for your information is a copy of the Findings and Recommendation filed by the hearing examiner in connection with the foregoing bid protest hearing held on December 17, 2009.

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 
Diane Collins, Acting Division Chief
Clerk of the Board Division

DC/fcd
Attachments

cc: George Burgess, County Manager (via email)
Ysela Llort, Assistant County Manager (via email)
Hugo Benitez, Assistant County Attorney (via email)
Danny Frastai, Assistant County Attorney (via email)
Miriam Singer, Director, Department of Procurement Management (via email)
Michael Laughlin, Sr. Procurement Contracting Agent, DPM (via email)
Walter Fogarty, DPM (via email)
Esther Calas, P.E., Director, Public Works Dept. (via email)
David Cardenas, Contract Manager, Public Works Dept. (via email)
Bill Johnson, Director, Port of Miami (via email)
Phil Rose, Contract Manager, Port of Miami (via email)
Penelope Townsley, Director, SBD (via email)
A Native Tree Services, Inc. (via US mail)
All Florida Tree and Landscaping, Inc. (via US mail)
Bannerman Landscaping, Inc. (via US mail)
Carswell Property Maintenance, Inc. (via US mail)
Crodon, Inc. (via US mail)
Innovative Environmental Services, Inc. (via US mail)
Sanchez Arango Construction, Co. (via US mail)
Weed-A-Way (via US mail)

**CLERK OF THE BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

CLERK OF THE BOARD

2019 DEC 21 AM 7:34

**In Re: Bid Protest
Contract No. 7661-5/19
Tree Trimming and Removal Services**

CLERK OF CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
01

**A Native Tree Service,
Bid Protestor,**

vs.

**Miami-Dade County, a political
Subdivision of the State
Of Florida,
Respondent.**

FINDINGS OF FACT AND RECOMMENDATIONS OF HEARING EXAMINER

This matter came before me as Hearing Examiner, pursuant to Section 2-8.4 of the Code of Miami-Dade County, on the bid protest filed by A NATIVE TREE SERVICE (hereinafter referred to as "Native Tree") challenging Miami-Dade County's ("County") decision to disqualify Native Tree from consideration for award of the above referenced project. Specifically, Native Tree is protesting the decision of the County's Department of Small Business Development's ("SBD") denial to have their current Small Business Enterprise ("SBE") certification made retroactive to the date when the bid was due for the above referenced project. Based upon the facts and reasons set forth below, the bid protest of Native Tree is denied.

FINDINGS OF FACT

The County, through the Department of Procurement Management (DPM), issued an Invitation to Bid ("ITB") No. 7661-5/19 to acquire tree trimming and removal services for various County departments. The ITB was issued as an SBE set aside which meant that only SBE's were permitted to bid. An SBE is a vendor that has met certain County

requirements and as a result is provided certain benefits including the ability to bid on contracts that are set aside for bidding solely by SBEs. In order to be able to participate in such a bid, the vendor must have a valid SBE certification at the time of the bid submittal, the bid award and throughout the duration of the contract. In the case at hand, after receiving bids from several vendors, DPM issued a standard request to SBD to confirm which of the vendors bidding on this contract were certified SBEs. In a letter from Penelope Townsley, Director of SBD, to Miriam Singer, Director of DPM, dated September 16, 2009, SBD responded to DPM's request by indicating that a number of the bidding vendors were not certified SBEs. Native Tree was one of those vendors that SBD indicated was not a certified SBE at the time of the bid submittal and as a result was disqualified by DPM from further consideration for this bid award.

Native Tree was subsequently able to obtain certification as an SBE from SBD on October 26, 2009. The certification was not made retroactive and as a result Native Tree was not properly certified during the period of the bid submittal for this ITB. Native Tree appealed the denial of their request to have the SBE certification made retroactive to include the time period of the bid submittal of the ITB pursuant to the County rules in Administrative Order 3-41 for appealing such a decision. A hearing was held presided by an independent hearing examiner and the appeal was denied. Native Tree has now filed this Protest seeking the exact same relief that was sought at the appeal hearing from the hearing examiner, namely that Native Tree be reinstated as a certified SBE vendor for the time period in question.

FINDINGS AND RECOMMENDATION

To the extent that Native Tree is seeking to revisit the issue that was already litigated before a separate and independent hearing examiner, Native Tree is barred from doing so under the Doctrine of Collateral Estoppel. Under the Doctrine of Collateral Estoppel, a party may not re-litigate issues that have already been decided. The elements required under the doctrine are: 1.) an identical issue presented at a prior hearing; 2.) that the issue was a necessary and critical part of the prior determination; 3.) that there was a full and fair opportunity to litigate that issue; 4.) that the parties in the two proceedings are identical and; 5.) that the issue was actually litigated. See *Rich v. State*, 14 So. 3d 1104 (Fla. 1st DCA 2009). By Native Tree's own admission the issue presented at this protest is identical to the issue presented at the appeal, to-wit: whether Native Tree should have been certified during the period of bid submittal. This issue was a critical and necessary part of the prior determination because in order to be considered for award of this ITB, a vendor must have been certified as an SBE at the time of bid submittal. This was an absolute and critical requirement. Native Tree was given a full and fair opportunity to litigate that issue before an independent hearing examiner. The parties to the prior hearing and this hearing are identical and Native Tree was given a full opportunity to litigate the issue at the prior hearing. It is clear that the Doctrine of Collateral Estoppel prevents Native Tree from raising this issue in this forum. The matter was resolved by an independent hearing examiner and the undersigned is therefore not permitted to rehear and/or permit re-litigation of the same issue.

To the extent that Native Tree argues that DPM or the County acted improperly in disqualifying them from consideration is also denied. Government decisions made

regarding competitive procurement are given wide deference. The Florida Supreme Court stated, "[a] public body has wide discretion in soliciting and accepting bids for public improvements and its decision, whether based on an honest exercise of this discretion will not be overturned by a court even if it may appear erroneous and even if reasonable persons disagree. *Liberty County v. Baxter's Asphalt & Concrete, Inc.*, 421 So.2d 505, 507 (Fla. 1982). In *Liberty* the court stated that absent a finding that there was illegality, fraud, oppression or misconduct on the part of the government entity, "it was clearly within the commission's discretion to award the subject bid..." Furthermore, "only a showing of clear illegality will entitle an aggrieved bidder to judicial relief... Judicial intervention in an agency decision... is limited to those few occasions where fraud or corruption has influenced the conduct of officials." *Department of Transportation v. Groves-Watkins Constructors*, 530 So.2d 912, 913-914 (Fla. 1988). Thus it is clear that the sole responsibility of a hearing officer in this matter is to ascertain whether the DPM or SBD acted fraudulently, arbitrarily, illegally or dishonestly.

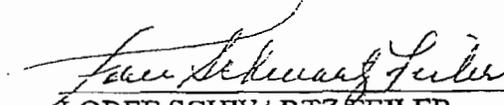
Native Tree argued that they were not notified of the fact that they had been graduated from the SBE program and had they known that fact would have timely submitted all of the documents required in the application including the IRS tax returns. Assuming this to be true (as the County did not contest this fact), the actions of the County of not notifying Native Tree of their graduation was already litigated as part of the issue in the appeal hearing already held before an independent hearing examiner. Notwithstanding, there was no requirement of the DPM or SBD to notify Native Tree and further, it is incumbent upon the vendor to know its status and to comply with the SBE requirements at all times. But more importantly, the failure to notify Native Tree that they

had graduated from the SBE program does not rise to the level of illegality, fraud, dishonesty or arbitrariness on the part of the County.

It is clear from the facts that the County, through DPM, acted well within its authority in disqualifying Native Tree from consideration for award of this bid. In conclusion, the bid documents required that all bidders be certified SBE vendors at the time of bid submittal. Pursuant to DPM's request, SBD responded that Native Tree was not a certified SBE during the period in question and DPM properly disqualified them from consideration. There is no evidence that the County acted in an illegal, dishonest, arbitrary or fraudulent manner. In fact, had the County allowed Native Tree to remain in consideration for the award of the ITB, the County's actions would have been illegal, arbitrary and contrary to the requirements of the bid documents.

Based upon these facts and findings, I recommend that the Bid Protest filed by A Native Tree Service be denied.

Dated this 10th day of December, 2009


LOREE SCHWARTZ FEILER
Hearing Examiner

Conformed Copies sent via Email and Facsimile to:
Angela Tomasetti, A Native Tree Service at CEVENSEN@NATIVETREE.COM and
305-259-6993
Daniel Frastai, Assistant County Attorney, at FRASTAI@MIAMIDADE.GOV and
305-375-5634



MEMORANDUM

TO: LISTED DISTRIBUTION

DATE: December 4, 2009

FROM: Diane Collins, Acting Division Chief
Clerk of the Board Division

SUBJECT: Bid Protest – Contact No. 7661-5/19
Tree Trimming & Removal Services

Diane Collins

Pursuant to Section 2-8.4 of the Code and Implementing Order 3-21, Bid Protest Procedures, a bid protest was filed in the Clerk of the Board's Office on Wednesday, November 25, 2009, in connection with the foregoing Contract. The protest was filed by Angela Tomasseti, Owner, representing Native Tree Service, Inc.

A filing fee in the amount of \$5,000.00 was submitted with the bid protest.

If you have any questions pertaining to this protest, please contact my assistant in charge of bid protest procedures Fara C. Diaz at Ext. 1293.

DC/fcd
Attachments

DISTRIBUTION:

Board of County Commissioners
George Burgess, County Manager
Ysela Lllort, Assistant County Manager
Hugo Benitez, Assistant County Attorney
Danny Frastai, Assistant County Attorney
Charles Anderson, Commission Auditor
Miriam Singer, Director, DPM
Michael Laughlin, Sr. Procurement Contracting Agency, DPM
Walter Fogarty, DPM
Esther Calas, P.E., Director, PWD
David Cardenas, Contract Manager, PWD
Bill Johnson, Director, Seaport
Phil Rose, Contract Manager, Seaport
Penelope Townsley, Director, SBD

Native Tree Service, Inc.
15733 SW 117 Avenue
Miami, FL 33177
305-238-1178 phone
305-238-8878 fax

CLERK OF THE BOARD

2009 NOV 25 PM 12:49

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

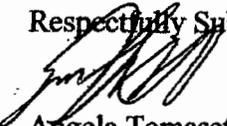
November 24th, 2009

Dear Clerk of the Board,

In accordance with the procedures contained in sections 2-8.3 and 2-8.4 of the county code, as amended, and as established in Administrative Order No. 3-21, I hereby intend to protest the award of contract # 7661-5/19 Tree Trimming and Removal Services on the grounds that my company should not have any performance issues nor compliance issues and our submitted bid is lower than the companies that were recommended for the award.

Along with this written intent to protest, I am submitting a filing fee, payable to the Clerk of the Board.

Respectfully Submitted,


Angela Tomasetti
Owner - A Native Tree Service, Inc.

CC: County Attorney

Distribution List:

All Florida Tree & Landscaping, Inc; Bannerman Landscaping, Inc; Carswell Property Maintenance, Inc; Crodon, Inc; Innovative Environmental Services, Inc; Sanchez Arango Construction, Co; Weed-A-Way, Inc

A Native Tree Service
15733 SW 117 Avenue
Miami, FL 33177
305-238-1178 Ofc
305-238-8878 Fax

CLERK OF THE BOARD

2009 DEC -2 PM 3:38



CLERK OF THE BOARD
DADE COUNTY, FLA.
#1

December 2, 2009

Dear Clerk of the Board,

In accordance with the procedure contained in sections 2-8.3 and 2-8.4 of the county code, as amended, and established in Administrative Order No. 3-21, we are submitting for filing all pertinent documents and supporting evidence for a formal bid protest of the award of Contract 7661-5/19.

We submitted our re-certification package on May 21, 2009. As was done in previous re-certifications, included in this package was a letter for an extension on our 2008 Corporate Tax Returns as it was not completed at this time.

On July 13, 2009, not having heard from MDC-SBD regarding the re-certification we contacted Angel Maldonado to check the progress. He told us that the department was backed up and the file had not yet been reviewed. Since we were submitting a bid for Contract 7661-5/19 that was due on July 15, 2009 he advised that we send a letter (copy enclosed) outlining this information and asking to expedite the approval process.

Shortly thereafter, I received a phone call from Mr. Maldonado telling me that according to the information in my re-certification package my firm exceeded the applicable maximum size standard for certification as an SBE. I immediately assured him that this was inaccurate and asked if I could submit any other financial documentation to prove our 2008 financial standing. He told me the only acceptable documentation was our 2008 IRS tax return and to just submit it when it was ready.

We then received notification of non-eligibility for continuing certification as an SBE on August 5, 2009 (letter dated July 24, 2009 – copy enclosed).

As per SBE requirements, I sent a written appeal on August 6, 2009 (copy enclosed).

On September 4, 2009, I sent an E-mail to Michael Laughlin (copy enclosed) to again appeal since there was no contact regarding my first attempt.

Throughout this process, I was in constant contact with SBD and spoke with several different people who told me to submit my 2008 IRS tax returns when ready and everything would be resolved at that time. Even after I requested several times whether I could submit any other acceptable financial documents in place of the tax return, I was told no.

On October 14, 2009, I sent my completed tax return to Laurie Johnson.

I received notification from Penelope Townsley, Director of SBD (copy enclosed) that my firm was officially certified as an SBE as of October 19, 2009.

I spoke with Ms Johnson again and expressed to her the importance of eliminating the gap in our SBE certification, as the "graduation" should have never happened. At that time, she told me that I could have submitted a financial document showing the financial standing of our company in place of the tax return that we were on an extension with the IRS for. I replied that I had asked whether I could do this several times and was told by different people in the SBD that there was no substitute document. Had I been informed of this

document, I could have easily submitted it thereby avoiding the confusion and issues that we have been dealing with concerning our incorrect graduation of the program. She apologized to me and explained that she had been out of the office during these times and that had she been able to talk to me herself she would have informed me of this acceptable financial document.(see fax enclosed as follow up of phone conversation)

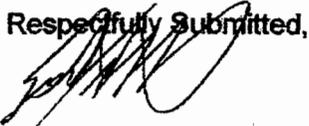
At this point, Ms. Johnson informed me that the appeals hearing for our SBE status had already been set and that I would have to bring this other financial document with me at that time.

I attended the appeals hearing on November 10, 2009 before Administrative hearing Officer, Melvin Rubin, Esq. and aside Mr. Rudolf Griffith, SBD where I stated my case and submitted all supporting documentation in order to have my company certified in the SBE program as of July 1, 2009. At the end of the hearing, I asked Mr. Rubin when he would make his ruling. His response to me was "It depends on how I feel". I pressed him for a more specific time frame as this is our livelihood and of the utmost importance to us. He then replied "one to one and a half weeks". It has now been more than three weeks and I have been notified that there is still no decision.

We have been in compliance with all documentation and timetables as requested by SBD in order to have our company re-certified as of July 1, 2009. Please consider that the financial documentation shows that our company, in fact, did not exceed the eligibility requirements and should have never been graduated from the SBE program. Furthermore, had I been given the correct information, in a timely fashion, we could have presented the SBD with this information, thereby avoiding the confusion and issues that we have been dealing with.

In closing, please review and consider all the information we have submitted and come to the same conclusion as we have which is that A Native Tree Service, Inc was prematurely and incorrectly graduated from the SBE program and that we should be reinstated without prejudice.

Respectfully Submitted,


Angela Tomasetti
Owner – A Native Tree Service, Inc.

CC: County Attorney

Distribution List:

All Florida Tree & Landscaping, Inc; Bannerman Landscaping, Inc; Carswell Property Maintenance, Inc; Crodon, Inc; Innovative Environmental Services, Inc; Sanchez Arango Construction, Co; Weed-A-Way, Inc

A Native Tree Service
15733 SW 117 Avenue
Miami, FL 33177
305-238-1178 Ofc
305-238-8878 Fax



CLERK OF THE BOARD

2009 DEC -2 PM 3:38

cevensen@nativetree.com

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

July 13, 2009

RE: Business Enterprise Re-Certification

Attention: Angel Maldonado,

I have submitted my re-certification paperwork on May 21, 2009. At this time, I would request that it be expedited due to a bid that we are currently participating in. The information on that bid is as follow:

Bid Name: Tree Trimming and Removal Services for various Miami-Dade County Departments

Bid Number: 7661-5/19

Due Date: 7-15-09

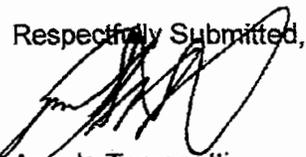
Issue Date: 6-18-09

Issuing Dept: Department of Procurement Management

Contact Name: Jose Sanchez

I appreciate your help with this matter.

Respectfully Submitted,


Angela Tomasetti
Owner - A Native Tree Service, Inc.



Carlos Alvarez, Mayor

July 24, 2009

Angela Tomasetti
A Native Tree Service, Inc.
15733 SW 117 Avenue
Miami, FL 33177

Dear Ms. Tomasetti:

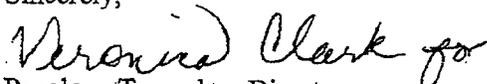
The Department of Small Business Development (SBD) has reviewed your application for re-certification as a Small Business Enterprise (SBE). Based on our review, it has been determined that your firm, **A Native Service, Inc.**, **no longer meets the eligibility requirements for continued certification as a SBE.**

Administrative Order 05-29 which governs the SBE program states in part: *"Small Business Enterprise (SBE)" means a business entity certified by SBD, providing goods and services; which has an actual place of business in Miami-Dade County and whose three (3) year average annual gross revenues do not exceed two million (\$5,000,000) dollars. Representation as to a business entity's average gross revenues and payroll shall be subject to audit."... Any SBE/Micro Enterprise that exceeds the size limits shall immediately be graduated from the program after formal written notification. Such SBE/Micro Enterprises shall be allowed to remain through the contract period on awarded contracts and any options to renew on the contract. The graduated firm shall not be eligible for any new contracts under the SBE program under the existing certification.*

The information submitted for review indicates that your firm and its affiliates most recent three (3) years gross receipts average is \$5,468,199. Since your firm exceeds the applicable maximum size standard of \$5 million, **A Native Tree Service, Inc.** is ineligible for certification as a SBE. Please be advised that ~~your firm is not eligible to respond to any new proposals under the SBE program, as of July 15, 2009.~~ Your firm is allowed to complete any currently awarded agreements through the duration of the contract period. If you disagree with this decision you may submit a written appeal to the Director of SBD within fifteen (15) days of this letter.

We are pleased that your firm has been successful as a SBE and benefited from Miami-Dade County's business assistance programs. We wish you continued success in your future endeavors. In order to measure graduated firms' sustainability, the Board of County Commissioners has directed that firms continue to submit financial information as to gross revenue and bonding capacity to SBD annually for three (3) years thereafter in order to further the County's ability to assess the effectiveness of the program. This information will assist SBD to monitor graduated firms' success in the open market and need for assistance and/or need for re-entry to the small business programs. Please contact the Certification Unit at (305) 375-3111, if you have any questions regarding this matter.

Sincerely,


Penelope Townsley, Director
Department of Small Business Development
C: File

Native Tree Service, Inc.
15733 SW 117 Avenue
Miami, FL 33177
305-238-1178 phone
305-238-8878 fax

August 6th, 2009

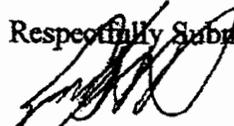
Re: A Native Tree Service, Inc
SBE Re-Certification

Dear Ms. Townsley,

This letter is in response to the notification that our company no longer meets the eligibility requirements for continued SBE certification dated July 24th, 2009. I would first like to point out that although the notification was dated July 24th, 2009, it was not mailed until August 3rd and received by us on August 5th, 2009. This gave us only 2 days to respond.

We disagree with this decision and ask that you accept this letter as our written appeal. Please let me know what my next step should be to resolve this.

Respectfully Submitted,



Angela Tomasetti
Owner - A Native Tree Service, Inc.

Angela Tomasetti

From: Angela Tomasetti
Sent: Friday, September 04, 2009 2:01 PM
To: 'mlaughl@miamidade.gov'
Subject: SBE Certification

Dear Mr. Laughlin,

On August 5th, 2009, I received a notification that my company no longer meets eligibility requirements for SBE recertification. The notice was dated July 24th, but not mailed until August 3rd. It stated that if I disagree with this decision, I could submit a written appeal to the Director within 15 days of the letter. It was signed by Penelope Townsley as Director. Since we disagree with this decision, I submitted to Ms Townsley, a letter as written appeal on August 6th, 2009. Additionally, I confirmed that her office received my letter through Veronica Clarke and was told that someone would be in touch with me to set up a meeting for me to come in and straighten this out. As of yet I have not heard from anyone.

Today I received a fax reiterating that we were not SBE recertified and that I could appeal within 2 days. I am somewhat confused by this as I have already submitted a written appeal.

Please accept this email as yet another written appeal and request for meeting. Let me know what my next step would be to resolve this matter. Thank you very much for your help with this matter.

Respectfully Submitted,
Angela Tomasetti
A Native Tree Service - Owner

Sent this email
I called
Mr. Laughlin office to
get a fax # but got
his voicemail.
I left a message

9/4/2009



Carlos Alvarez, Mayor

Small Business Development
111 NW 1st Street • 19th Floor
Miami, Florida 33128-1906
T 305-375-3111 F 305-375-3160

miamidade.gov

October 26, 2009

Dayne Tomasetti
A NATIVE TREE SERVICE, INC.
15733 SW 117th Ave
Miami, FL 33177-0000

CERT. NO: 11642
APPROVAL DATE(s): 10/19/2009 - SBE
EXPIRATION DATE: 10/31/2010

Dear Mr. Tomasetti:

Small Business Development (SBD) has completed the review of your application and attachments submitted for certification. Your firm is officially certified as a Small Business Enterprise (SBE) in the categories listed below.

This certification is valid for twelve (12) months, expiring as noted above. This certification affords your company the opportunity to benefit from participation in county contracts with small business measures. Please note the trade categories listed below. These are the only sheltered market areas that your company is eligible to bid or participate in under your current certification.

If any changes occur within your company during the certification period (such as ownership, address, telephone number, trade category, licensing, technical certification, bonding capacity, or if the business ceases to exist) you are required to notify this department in writing, immediately. It is of critical importance that current information regarding your company be updated. All inquiries or changes related to this certification should be directed to the SBD Certification Unit. An application for re-certification (a much shorter process) must be submitted and forwarded to this office within four (4) weeks of the referenced expiration date. Should your firm fail to re-certify, or lose its certification for any reason, the ability to work on contracts with measures will be affected.

Sincerely,

Penelope Townsley, Director
Small Business Development

CATEGORIES: (Your firm may bid or participate on contracts only under these categories)

- GROUND MAINTENANCE: MOWING, EDGING, PLANT (NOT TREE) TRIMMING, ETC. (SBE)
LANDSCAPING (INCLUDING DESIGN, FERTILIZING, PLANTING, ETC., BUT NOT GROUND MAINTENANCE OR TREE TRIMMING SERVICES) (SBE)
TREE TRIMMING AND PRUNING SERVICES (SBE)
WEED AND VEGETATION CONTROL (INCLUDING AQUATIC WEED CONTROL) (SBE)
TREE AND SHRUB REMOVAL SERVICES (SBE)
GARBAGE/TRASH REMOVAL, DISPOSAL AND/OR TREATMENT (SBE)
BLENDED OR DRY MIX, COMMERCIAL* (SBE)
CHEMICAL ROOT STIMULATORS (SBE)
FERROUS SULFATE AND CHELATES OF IRON AND ZINC (SBE)
FERTILIZER COMBINED WITH FUNGICIDE AND/OR INSECTICIDE (SBE)
FERTILIZER SPIKES, TREE AND SHRUB (SBE)
FERTILIZERS, LIQUID, ALL TYPES (EXCEPT ANHYDROUS AMMONIA) (SBE)
FORMULATIONS AND COMPONENTS (FERTILIZER) NOT OTHERWISE LISTED (SBE)
GRANULATED OR PELLETIZED, COMMERCIAL (SBE)
LIMESTONE, AGRICULTURAL (SBE)
MURIATE OF POTASH (POTASSIUM CHLORIDE) (SBE)
ORGANIC BASE (INCLUDING MANURE AND GUANO) (SBE)
PHOSPHATE, AGRICULTURAL (INCLUDING TRIPLE SUPERPHOSPHATE) (SBE)
FERTILIZERS AND SOIL CONDITIONERS (SBE)
MISCELLANEOUS SERVICES (SBE)

DBDR0020 v20090710



Carlos Alvarez, Mayor

Procurement Management
111 NW 1st Street • Suite 1300
Miami, Florida 33128-1974
T 305-375-5289 F 305-375-4407 305-372-6128

CLERK OF THE BOARD
2009 NOV 20 AM 11:52
CLERK OF THE BOARD
MIAMI-DADE COUNTY, FLA.
#1
miamidade.gov

November 20, 2009

All Responding Vendors (See Distribution List)

SUBJECT: 7661-5/19 Tree Trimming and Removal Services

Dear Vendors:

Evaluation of bids tendered in response to the above cited solicitation has been completed. The County Manager or designee has recommended award as shown in the attached document.

This notice is provided in accordance with Section 1.12 of the solicitation and Section 2-8.4 of the Code of Miami-Dade County. Our provision of this notice also serves to confirm the lifting of the Cone of Silence from this procurement action as dictated by Section 2-11.1(t) of the County Code.

We appreciate the participation of all vendors who responded to the subject action. If you have any questions please contact me at 305-375-2037 email mlaughl@miamidade.gov

Sincerely,

MIAMI-DADE COUNTY, FLORIDA

Michael Laughlin
Sr. Procurement Contracting Agent

Distribution List: A Native, Inc; All Florida Tree & Landscaping, Inc; Bannerman Landscaping, Inc; Carswell Property Maintenance, Inc; Crodon, Inc; Innovative Environmental Services, Inc; Sanchez Arango Construction, Co; Weed-A-Way, Inc.

Attachment: County Manager Award Recommendation

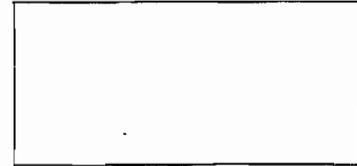
cc: Clerk of the Board

Delivering Excellence Every Day

Memorandum



Date:



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

From: George M. Burgess
County Manager

Subject: Award of Contract No 7661-5/19: Tree Trimming and Removal Services

RECOMMENDATION

It is recommended that the Board of County Commissioners approve award of this contract to the vendors listed below to provide tree trimming and removal services for various County departments.

CONTRACT NUMBER: 7661-5/19
CONTRACT TITLE: Tree Trimming and Removal Services
TERM: Five years with five, one-year options-to-renew
APPROVAL TO ADVERTISE: June 10, 2009
CONTRACT AMOUNT: \$5,375,000
*Should the County choose to exercise the options-to-renew, the cumulative value will be \$10,750,000.

MANAGING AGENCIES AND FUNDING SOURCES:

<u>Department</u>	<u>Allocation</u>	<u>Funding Source</u>	<u>Contract Manager</u>
Public Works	\$5,000,000	General Fund/ Proprietary Funds	David Cardenas
Seaport	\$ 375,000	Proprietary Funds	Phil Rose
Total	<u>\$5,375,000</u>		

PREVIOUS CONTRACT AMOUNT: \$1,433,600 for one-year

METHOD OF AWARD:

GROUP I: Trimming and Removal of Trees

Award of Group I will be made to all responsive and responsible bidders who meet the pre-qualification requirements as specified in the solicitation for participation in future spot market competitions. Additional qualified vendors may be added at any time during the contract term.

GROUP II: Tree Removal including disposal (for specific size trees)

Award of Group II will be made to up to three responsive and responsible bidders offering the lowest price per item.

VENDORS RECOMMENDED FOR AWARD:

Vendor	Address	Principal	Award
Crodon, Inc. (Local vendor)	11767 S. Dixie Hwy #429 Miami, FL 33173	Mark Donnelly	Group I: Prequalified Group II: Secondary for Items 1 through 4
Weed-A-Way, Inc (Local vendor)	6011 Rodman St. Suite 208 Hollywood, FL 33023	Monday Okotogbo	Group 1: Prequalified Group II: Primary for Items 1 through 4

PERFORMANCE DATA:

There are no performance issues with the recommended firms.

COMPLIANCE DATA:

There are no compliance issues with the recommended firms.

VENDORS NOT RECOMMENDED FOR AWARD:

The following vendors are not Certified Small Business Enterprises therefore they are not in compliance with the solicitation requirements.

- A Native Services, Inc.
- All Florida Tree & Landscaping Services, Inc.
- Bannerman Landscaping, Inc.
- Carswell Property Maintenance, Inc.
- Innovative Environmental Services, Inc.
- Sanchez Arango Construction Co.

CONTRACT MEASURES:

Small Business Enterprise Set Aside

LIVING WAGE:

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

USER ACCESS PROGRAM:

The User Access Program provision will apply. The 2% program discount will be collected on all purchases where permitted by funding source.

LOCAL PREFERENCE:

The Local Preference will be applied in accordance with the Ordinance where permitted by funding source.

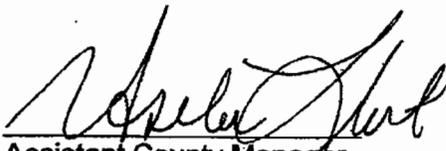
**ESTIMATED CONTRACT
COMMENCEMENT DATE:**

Upon approval by the Board of County Commissioners and expiration of the Mayoral veto period.

BACKGROUND

This contract provides tree trimming and removal services required by the Public Works and Seaport departments. Services include tree pruning, tree removal, clearing and trimming of shrubs, replanting leaning or fallen trees, and stump grinding.

Group I is for tree trimming services and removal and disposal of trimmings. Group II is for removal and disposal of tree trunks only.


Assistant County Manager.

TREND DATA
Tree Trimming and Removal Services

Contract Number:	7661-5/19
Title:	Tree Trimming and Removal Services
Description:	The purpose of this contract is to purchase specialized tree trimming and removal services.
Proposed Contract Allocation:	\$5,375,000 for the five year term
How needs were/are being met (Contract, term, allocation, and releases)	Needs are being met through Contract No. 068-GG06. The contract term is October 1, 2009 through September 4, 2010.

Department	Replacement Contract Requested Allocation	Current Contract 068-GG06 10/01/09 – 09/04/10		Previous Contract 7661-4/09-4 10/01/08 – 09/30/09	
		Allocation	Amount Released	Allocation	Amount Released
Public Works	\$5,000,000	\$475,000	\$0	\$1,228,000	\$908,952.40
Seaport	\$ 375,000	\$ 15,000	\$0	\$ 205,600	\$ 35,000.40
Total	\$5,375,000	\$490,000	\$0	\$1,433,600	\$943,952.40

Vendors previously awarded:	A Native Tree Services, Inc SFM Services, Inc.
Changes in Scope from prior Contract:	None
Changes in Method of Award from prior Contract:	None
Changes in measures from prior contract:	The current contract has no measures. The replacement contract is Small Business Enterprise Set Aside 100%.
For Contract Modifications Complete the Following	
Current expiration:	
Modified expiration:	

**SECTION # 1
AWARD OF COMPETITIVE CONTRACTS**

CONTRACT #: 7661-5/19

AGENT/OFFICER: Michael Laughlin		DATE: 10/01/2009	
TITLE: Tree Trimming and Removal Service			
DESCRIPTION: Tree Trimming and Removal Services.			
PURPOSE: To purchase Tree trimming and removal services for various Miami-Dade County Departments.			
CONSOLIDATION OF CONTRACTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes, how many? (List on separate page)			
Department(s):	Allocation(s):	Funding Source	Project Manager
Public Works	\$ 5,000,000	General Funds	Orky Rodriguez
Seaport	\$ 375,000	Proprietary Funds	Phillip Rose
	\$5,375,000.00		
Term of Contract :	Five (5) Years		
Option to Renew:	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES 5 OTR(s) each having a term of 12 Month(s) Other OTR Terms:		
Number of Solicitations Downloaded:	160		
Number of Offers Received:	8		

Special Conditions: Insurance Type I Performance/Payment Bond **Living Wage:** YES NO
Method of Award: Pre-qualification Gp-1 Other Method of Award: Primary, Secondary, Tertiary Gp-2

SBE Measures:	<input type="checkbox"/> None <input type="checkbox"/> Preference <input checked="" type="checkbox"/> Set Aside <input type="checkbox"/> Goal <input type="checkbox"/> Selection Factor	<input type="checkbox"/> SBE <input type="checkbox"/> Micro Enterprise <input checked="" type="checkbox"/> SBE <input checked="" type="checkbox"/> Micro Enterprise <input type="checkbox"/> SBE <input type="checkbox"/> Micro Enterprise <input type="checkbox"/> SBE <input type="checkbox"/> Micro Enterprise	Previous Award Based on Measure*: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes, specify type: * Not Applicable to RFP actions
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Did SBE Preference Affect the Outcome of the Award: YES NO (If yes, provide detail in comments)
Did Local Preference Affect the Outcome of the Award: YES NO (If yes, provide detail in comments)
Were any of the offers withdrawn, or determined to be non-responsive or non-responsible:
 YES NO If yes, provide a detailed explanation in the comments section
Awarded to Lowest Responsive and Responsible Vendor: YES NO (If not, provide detail in comments)
Was the Incumbent(s) Notified: YES NO (If not, provide detail in comments)
Can Additional Vendors Be Added During Contract Period: YES NO
UAP Included: YES NO • Will CITT Funds be used? YES NO
 • Will Federal Funds be used? YES NO
 • If UAP is not included, Attach written approval to waive UAP and provide an explanation in the "Comments" section

Vendor: Crodon, Inc. 208252887-01	Competency of Vendor Visit Required <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Filing Date: Meeting Date:
Vendor: Weed-A-Way 650894412-01	Competency of Vendor Visit Required <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Filing Date: Meeting Date:
Vendor:	Competency of Vendor Visit Required <input type="checkbox"/> YES <input type="checkbox"/> NO Filing Date: Meeting Date:

Note: A Competency of Vendor Visit must be conducted on all local vendors doing business with the County for the first time

New Contract Value:	\$ 5,375,000 for 5 Year(s) 0 Month(s)
Previous Contract Value:	\$ 1,433,600 for 1 Year(s) 0 Month(s)
Background/Need to Know:	

Title: Tree Trimming and Removal Services

SECTION # 1

AWARD OF COMPETITIVE CONTRACTS

CONTRACT #: 7661-5/19

Potential Issues:

Provide a detailed explanation in the "comments" section if:

- (1) Any of the responses received were withdrawn or determined to be non-responsive or non-responsible
- (2) Award was not made to the lowest priced responsive and responsible vendor
- (3) Fewer than four (4) responses were received
- (4) Ten (10%) percent or more difference from previous contract due to: TIME PRICING USAGE OTHER
- (5) The incumbent(s) was not notified
- (6) SBE preference affected outcome of award
- (7) Local Preference affected outcome of award. Include Best & Final information, if applicable.
- (8) UAP was not included

Comments: A SBE Set Aside measure for Group I and Group II were approved for this contract and has affected the outcome of the award due to the following: Crodon, Inc. and Weed-A-Way, Inc. were the only two bidders who were certified by the Department of Small Business Development (SBD) as Micro/SBE bidders and is being recommended for award as prequalified bidders in Group I. Weed-A-Way, Inc. is being recommended for award as Primary for Group 2, and Crodon is being recommended for award as Secondary for Group 2. The following bidders were not awarded Group I or Group 2 due to the following: A. Native Tree Service, Inc; All Florida Tree & Landscaping, Inc; Creswell Property Maintenance, Inc; Innovative Environmental Services, Inc; and Sanchez Arango Construction Co. are not certified SBE firms. Bannerman Landscaping, Inc. was not a certified SBE firm at the time of bid submittal. These bidders however can become eligible to participate on the SBE Set Aside portion for Group I once they have received SBD Certification approval.

Attach Award Recommendation – To Be Filed with Clerk of Board (over \$250K) or Posted with Vendor Assistance Unit (\$25K-\$250K)

Title: Tree Trimming and Removal Services

SECTION # 1 AWARD OF COMPETITIVE CONTRACTS

CONTRACT #: 7661-5/19

Milestone Tracker	Date	Contract Approval Record
Solicitation Issued on the Web	6/18/2009	<p>Contract #: <u>7661-5/19</u></p> <p><i>[Signature]</i> _____ Date: <u>10/14/09</u> Procurement Agent/ Contracting Officer</p> <p><i>[Signature]</i> _____ Date: <u>10/16/09</u> Procurement Supervisor/ Senior Contracting Officer</p> <p>Other Required Approvals (check applicable blocks)</p> <p><input type="checkbox"/> Procurement Manager: <i>[Signature]</i> Date: <u>10/16/09</u></p> <p><input type="checkbox"/> Division Director: <i>[Signature]</i> Date: <u>10/15/09</u></p> <p><input type="checkbox"/> DPM Deputy Director: _____ Date: _____</p> <p><input type="checkbox"/> DPM Director: _____ Date: _____</p> <p><input type="checkbox"/> County Manager Approval Date: _____ (attach a copy of CMO approval document)</p> <p>Vendor Assistance Unit: _____ Date: _____</p> <p>County Attorney (if required): _____ Date: _____</p>
Due Date for Vendor Responses	7/15/2009	
Selection Committee Memo Issued (Applies to RFP Process)		
Bid Evaluation Form Forwarded to Department	8/20/2009	
Bid Evaluation Form Returned by Department	8/26/2009	
Award Recommendation Issued by Agent for Management Approval	10/01/2009	
Award Recommendation approved by DPM Management		
Award Recommendation approved by CMO		
Award Recommendation Filed with the Clerk of the Board or Posted with Vendor Assistance		
BCC Committee Date (for contracts over \$1M)		
BCC Date (for contracts over \$1M)		
Award Compliance (Insurance, Registration, Bonds, AAP) Completed		
P.O. Issued		
Solicitation Canceled/ All Responses Rejected		

Hold Bid Deposit for Vendor(s):

Comment Record From Award Approval Process, Contract # 7661-5/19

Date	Initials	Comment

Title: Tree Trimming and Removal Services

SECTION # 1

AWARD OF COMPETITIVE CONTRACTS

CONTRACT #: 7661-5/19
