

Memorandum

MIAMI-DADE
COUNTY

Date: January 21, 2010

Supplement to
Agenda Item No.
801G

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

From: George M. Burgess
County Manager



Subject: Supplement to Contract Award Recommendation for Contract No.7661-5/19:
Tree Trimming and Removal Services

This supplement is presented to report that during the bid protest period, A Native Tree Services, Inc, the second lowest bidder for Group II filed a bid protest on November 25, 2009 regarding the subject contract award. In accordance with the bid protest procedures, a hearing examiner was appointed and a hearing was conducted on December 17, 2009. The Hearing Examiner upheld the County Manager's recommendation.

The solicitation was advertised on June 18, 2009. Eight proposals were received on July 15, 2009. The Bids were submitted to Small Business Development (SBD) for Compliance Review on August 25, 2009. On September 16, 2009, a Compliance Review Memo was issued indicating A Native Tree Services was not certified as a Small Business Enterprise (SBE).

A Native Tree Services protested the award recommendation based on the following claims:

1. A Native Tree Services should not have graduated from the SBE program as they have all financial documentation showing they did not exceed the SBE eligibility threshold.
2. A Native Tree Services reapplied for SBE certification on May 21, 2009 and was approved as a Certified SBE on October 26, 2009. However their approval should have been retroactive to July 1, 2009.

The Hearing Examiner, Loree Schwartz Feiler, concluded that the County Manager's recommendation was appropriate and should be upheld. There was no evidence that the County acted in bad faith or that the public officials involved were influenced by fraud or corruption. The Protester failed to prove that the County acted illegally, arbitrarily, dishonestly, or fraudulently. It is the noncompliance with the SBE Certification Requirements that has confirmed A Native Tree Services ineligible for bid award. For these reasons, It was recommended that the bid protest filed by A Native Tree Services be denied.



Assistant County Manager