

Memorandum



Date: March 2, 2010

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

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

From: George M. Burgess
County Manager

Subject: Ratification of Contract Amendments for Eleven Sites and Termination for Convenience of Contracts with Four Vendors Within Contract No. 6869-0/14: Landscaping and Lawn Maintenance Services for Miami-Dade Public Housing Agency

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the ratification of contract amendments for eleven of twenty-three sites (120, 130, 160, 170, 180, 210, 260, 280, 291, 320, and 340) awarded within Contract No. 6869-0/14: Landscaping and Lawn Maintenance Services for the Miami-Dade Public Housing Agency (MDPHA). It is also recommended that the Board approve the ratification of the termination for convenience of contracts with four vendors. This action is necessary to correct errors made during the bid evaluation that resulted in inaccurate awards. The amendments include an extension of time to make each term consistent with the original award.

FISCAL IMPACT

The solicitation required the award of the contract to be made to the three lowest, priced, responsive, responsible vendors, designated as primary, secondary, or tertiary, on a site-by-site basis. Based on the corrections to the bid tabulation resulting in the original award recommendations presented to the Board, an additional \$24,546 is required.

BACKGROUND

On July 2, 2009, the Board of County Commissioners approved a recommendation to award the referenced contract for landscaping services for 23 MDPHA sites. Thirty-nine bids were received in response to the solicitation. The bids were tallied and evaluated to identify primary, secondary and tertiary awardees. The resulting recommendation to award was posted with the Clerk of the Board on May 21, 2009. No protests were received. The Budget, Planning and Sustainability Committee forwarded the award recommendation to the Board on June 9, 2009 with a favorable recommendation. The Board awarded the contract on July 2, 2009.

On October 22, 2009, Statewide Maintenance/Striping, Inc (Statewide), the primary vendor identified for award of three sites (170, 240 and 340) advised the County it would withdraw from the contract because of its inability to provide the required services. Statewide representatives visited each site prior to submitting a bid. Following the award, the company advised that they misunderstood the scope of services required and, as such, could not continue to provide service at the price they bid. This action prompted the Department of Procurement Management (DPM) to identify the secondary vendor for these sites in order to provide continuity of services. This review resulted in a finding that the secondary vendor awarded at site 170 did not offer prices for all items and should have been deemed non-responsive, and therefore should not have been recommended for award.

Immediately following the discovery of the error, two staff teams independently performed comprehensive audits of the entire bid file and tallies to verify the awards were accurate. In addition, the DPM Director requested that the Audit and Management Services Department conduct an independent audit. That audit has been completed, corrections have been made, and the accuracy of the resulting recommendations has been confirmed. These recommendations have been implemented through the contract amendments that are presented in this item for ratification. Staff moved forward with amending the contracts immediately in order to correct the errors and ensure uninterrupted service to those residents residing in the affected housing units.

The most damaging errors were caused by reliance on an inaccurate bid tally to formulate the award recommendation as well as misapplication of the vendors' preference pursuant to Section 3 of the U.S. Housing and Urban Development Act of 1968 (sites 320 and 340). The errors that caused the incorrect award of these sites are significant and have adversely affected the procurement process. This Administration has no tolerance for errors of this type. The DPM and MDPHA Directors are pursuing appropriate disciplinary actions in regard to this matter.

Appropriate quality control measures continue to be implemented for preventative actions and accountability. Immediate corrective actions have been taken to avoid any such instance in the future. Process checklists have been enhanced to ensure that each vendor's bid has been reviewed in detail for every aspect of responsiveness. Responsiveness reviews include confirmation that bids received contain all required information and signatures. The checklist review will also ensure the vendor has submitted all applicable affidavits and documents necessary to determine vendors are capable of delivering the goods and/or services required by the County. Training sessions with front line staff on software programs used to create bid tallies will be held. Staff will be required to document, and confer, on any modifications to a bid tally before they are made. Supervisory staff will conduct independent reviews of bid tallies to ensure accuracy in the bid evaluation process. Staff has been instructed to work from a single document on a shared drive, and will not use e-mail versions prior to finalizing tallies. Staff is conducting market research to ascertain the feasibility of purchasing auditing software that will allow for even more effective data analysis to ensure accuracy.

Staff sought advice from the County Attorney's Office (CAO) to identify the appropriate corrective action, consistent with legal requirements, to minimize exposure to the County. Consistent with CAO advice, all affected vendors were contacted in order to secure concurrence in the re-award of contracts for the eleven sites to the correct firms based on the accurate evaluation of the bids. Letters were sent to each vendor in this regard. Staff has confirmed that the vendors who receive the new awards have the capability to perform the services. DPM has also worked with MDPHA staff to confirm that the application of Section 3 requirements is accurate, and to notify the U.S. Department of Housing and Urban Development of a smooth transition to minimize disruption to operations. In addition, an updated guidance document will be provided to MDPHA staff responsible for reviewing application of U.S. Department of Housing and Urban Development Section 3 requirements.

The following table depicts the vendors that should have been recommended for award, and those who were incorrectly awarded. It is respectfully requested that the Board: a) approve the ratification of contract amendments for sites 120, 130, 160, 170, 180, 210, 260, 280, 291, 320 and 340 within Contract No. 6869-0/14: Landscaping and Lawn Maintenance Services, with an extension of time to make each term consistent with the original award b) approve the termination for convenience of the contracts issued in error to S & V Tree & Stump Grinding Services, Inc., and Kasdem Service, Inc. (vendors who will not receive awards as a result of, and agreed to, the contract amendments and c) approve the termination for convenience of the contracts issued to Carswell Property Maintenance, Inc., and McIntyre Maintenance, Inc. (vendors who will not receive awards as a result of, and did not agree to the contract amendments).

Vendors which should have been awarded	Correct Dollar Amount To Be Awarded	Vendors who were awarded incorrectly or withdrew subsequent to award	Incorrect Dollar Amount Awarded and Reason for Error
Site 120			
One Choice Property Maintenance Services, Inc. 3590 S. State Road 7 Suite 37 Miramar, FL 33023 (Local vendor)	\$17,880.00 (Primary)	Next Era Landscaping LLC (formerly A & J Kleeberg, LLC) 3031 Fortune Way Suite A15 Wellington, FL 33414 (Non-local vendor)	\$14,940.00 (Primary) (Did not offer unit prices for lines A through G)
Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$18,810.00 (Secondary)	One Choice Property Maintenance Services, Inc. 3590 S. State Road 7 Suite 37 Miramar, FL 33023 (Local vendor)	\$17,880.00 (Secondary)
KCD Lawn Service 12555 Biscayne Boulevard North Miami, FL 33181 (Local vendor)	\$24,807.00 (Tertiary)	Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$18,810.00 (Tertiary)
Site 130			
One Choice Property Maintenance Services, Inc. 3590 S. State Road 7 Suite 37 Miramar, FL 33023 (Local vendor)	\$26,790.00 (Primary)	One Choice Property Maintenance Services, Inc. 3590 S. State Road 7 Suite 37 Miramar, FL 33023 (Local vendor)	\$26,790.00 (Primary)
Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$28,080.00 (Secondary)	Next Era Landscaping LLC (formerly A & J Kleeberg, LLC) 3031 Fortune Way Suite A15 Wellington, FL 33414 (Non-local vendor)	\$27,072.00 (Secondary) (Did not offer unit prices for lines F and G)
Statewide Maintenance/Striping, Inc. 2396 W 77th Street Hialeah, FL 33016 (Local vendor)	\$30,084.00 (Tertiary)	Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$28,080.00 (Tertiary)

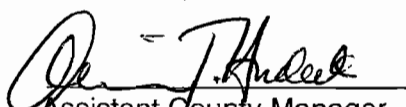
Vendors which should have been awarded	Correct Dollar Amount To Be Awarded	Vendors who were awarded incorrectly or withdrew subsequent to award	Incorrect Dollar Amount Awarded and Reason for Error
Site 160			
Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$18,540.00 (Primary)	S & V Tree & Stump Grinding Services, Inc. 2491 NW 154th Street Miami Gardens, FL 33054 (Local vendor)	\$6,750.00 (Primary) (Did not bid all items)
One Choice Property Maintenance Services, Inc. 3590 S. State Road 7 Suite 37 Miramar, FL 33023 (Local vendor)	\$19,620.00 (Secondary)	Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190 Street Miami, FL 33187 (Local vendor)	\$18,540.00 (Secondary)
L & G Neighborhood, Inc. 5951 S.W. 185 Way Southwest Ranches, FL 33332 (Local Vendor)	\$22,204.80 (Tertiary)	One Choice Property Maintenance Services, Inc. 3590 S. South Road 7 Suite 37 Miramar, FL 33023 (Local vendor)	\$19,620.00 (Tertiary)
Site 170			
Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$55,890.00 (Primary)	Statewide Maintenance/Striping, Inc. 2396 W 77th Street Hialeah, FL 33016 (Local vendor)	\$32,676.00 (Primary) (Note: This vendor withdrew subsequent to award.)
Next Era Landscaping LLC (formerly A & J Kleeberg, LLC) 3031 Fortune Way, Suite A15 Wellington, FL 33414 (Non-local vendor)	\$68,508.00 (Secondary)	S & V Tree & Stump Grinding Services, Inc. 2491 NW 154th Street Miami Gardens, FL 33054 (Local vendor)	\$39,960.00 (Secondary) (Did not bid all items)
KCD Lawn Service 12555 Biscayne Boulevard North Miami, FL 33181 (Local vendor)	\$69,690.00 (Tertiary)	Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$55,890.00 (Tertiary)
Site 180			
Statewide Maintenance/Striping, Inc. 2396 W 77th Street Hialeah, FL 33016 (Local vendor)	\$32,676.00 (Primary)	Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$27,360.00 (Primary) (Input error on bid tally)
Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$54,900.00 (Secondary)	Statewide Maintenance/Striping, Inc. 2396 W 77th Street Hialeah, FL 33016 (Local vendor)	\$31,056.00 (Secondary) (Input error on bid tally)

Vendors which should have been awarded	Correct Dollar Amount To Be Awarded	Vendors who were awarded incorrectly or withdrew subsequent to award	Incorrect Dollar Amount Awarded and Reason for Error
Site 180 (Continued)			
Next Era Landscaping LLC (formerly A & J Kleeberg, LLC) 3031 Fortune Way Suite A15 Wellington, FL 33414 (Non-local vendor)	\$63,858.06 (Tertiary)	Groundskeepers, Inc. 1760 W 76th Street Hialeah, FL 33014 (Local vendor)	\$60,424.20 (Tertiary) (Did not bid all items)
Site 210			
Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$31,464.00 (Primary)	Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$31,464.00 (Primary)
L & G Neighborhood, Inc. 5951 SW 185th Way Southwest Ranches, FL 33332 (Local vendor)	\$38,595.60 (Secondary)	Kasdem Service, Inc. 5729 SW 18th Street Suite #3 Hollywood, FL 33023 (Local vendor)	\$37,677.66 (Secondary) (Did not bid all items)
Statewide Maintenance/Striping, Inc. 2396 W. 77 Street Hialeah, FL 33016 (Local Vendor)	\$45,366.00 (Tertiary)	L & G Neighborhood, Inc. 5951 S.W. 185 Way Southwest Ranches, FL 33332 (Local Vendor)	\$38,595.60 (Tertiary)
Site 240			
One Choice Property Maintenance Services, Inc. 3590 S. State Road 7 Suite 37 Miramar, FL 33023 (Local vendor)	\$21,450.00 (Primary)	Statewide Maintenance/Striping, Inc. 2396 W. 77 Street Hialeah, FL 33016 (Local Vendor)	\$19,716.00 (Primary) (Note: This vendor withdrew subsequent to award.)
Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$23,490.00 (Secondary)	One Choice Property Maintenance Services, Inc. 3590 S. State Road 7 Suite 37 Miramar, FL 33023 (Local vendor)	\$21,450.00 (Secondary)
Crodon, Inc. 11767 South Dixie Highway #429 Miami, FL 33173 (Local Vendor)	\$30,540.00 (Tertiary)	Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$23,490.00 (Tertiary)
Site 260			
One Choice Property Maintenance Services, Inc. 3590 S. State Road 7 Suite 37 Miramar, FL 33023 (Local vendor)	\$8,670.00 (Primary)	One Choice Property Maintenance Services, Inc. 3590 S. State Road 7 Suite 37 Miramar, FL 33023 (Local vendor)	\$8,670.00 (Primary)

5

Vendors which should have been awarded	Correct Dollar Amount To Be Awarded	Vendors who were awarded incorrectly or withdrew subsequent to award	Incorrect Dollar Amount Awarded and Reason for Error
Site 260 (Continued)			
Next Era Landscaping LLC (formerly A & J Kleeberg, LLC) 3031 Fortune Way, Suite A15 Wellington, FL 33414 (Non-local vendor)	\$11,952.00 (Secondary)	L & G Neighborhood, Inc. 5951 SW 185th Way Southwest Ranches, FL 33332 (Local vendor)	\$11,505.24 (Secondary) (input error on bid tally)
Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$12,150.00 (Tertiary)	Next Era Landscaping LLC (formerly A & J Kleeberg, LLC) 3031 Fortune Way Suite A15 Wellington, FL 33414 (Non-local vendor)	\$11,952.00 (Tertiary)
Site 280			
One Choice Property Maintenance Services, Inc. 3590 S. State Road 7 Suite 37 Miramar, FL 33023 (Local vendor)	\$8,220.00 (Primary)	Carswell Property Maintenance, Inc. 6600 NW 27th Avenue Suite 113 Miami, FL 33147 (Local vendor)	\$4,980.00 (Primary) (Input error on tally summary)
Howard's Lawn & Maintenance Service, Inc. 16155 SW 117th Avenue Bay 24 Miami, FL 33177 (Local vendor)	\$10,527.24 (Secondary)	One Choice Property Maintenance Services, Inc. 3590 S. State Road 7 Suite 37 Miramar, FL 33023 (Local vendor)	\$8,220.00 (Secondary)
Next Era Landscaping LLC (formerly A & J Kleeberg, LLC) 3031 Fortune Way Suite A15 Wellington, FL 33414 (Non-local vendor)	\$10,710.00 (Tertiary)	Howard's Lawn & Maintenance Service, Inc. 16155 SW 117th Avenue Bay 24 Miami, FL 33177 (Local vendor)	\$10,527.24 (Tertiary)
Site 291			
Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$33,390.00 (Primary)	S & V Tree & Stump Grinding Services, Inc. 2491 NW 154th Street Miami Gardens, FL 33054 (Local vendor)	\$32,130.00 (Primary) (Vendor did not bid all items)
One Choice Property Maintenance Services, Inc. 3590 S. State Road 7 Suite 37 Miramar, FL 33023 (Local vendor)	\$34,860.00 (Secondary)	Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190th Street Miami, FL 33187 (Local vendor)	\$33,390.00 (Secondary)

Vendors which should have been awarded	Correct Dollar Amount To Be Awarded	Vendors who were awarded incorrectly or withdrew subsequent to award	Incorrect Dollar Amount Awarded and Reason for Error
Site 291 (Continued)			
Statewide Maintenance/Striping, Inc. 2396 W 77th Street Hialeah, FL 33016 (Local vendor)	\$45,582.00 (Tertiary)	One Choice Property Maintenance Services, Inc. 3590 S. State Road 7 Suite 37 Miramar, FL 33023 (Local vendor)	\$34,860.00 (Tertiary)
Site 320			
Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190 th Street Miami, FL 33187 (Local vendor)	\$58,050.00 (Primary)	Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190 th Street Miami, FL 33187 (Local vendor)	\$58,050.00 (Primary)
Howard's Lawn & Maintenance Service, Inc. 16155 SW 117 th Avenue Bay 24 Miami, FL 33177 (Local vendor)	\$61,509.54 (Secondary)	McIntyre Maintenance, Inc. 26235 SW 130 th Place Miami, FL 33032 (Local vendor)	\$67,260.00 (Secondary) (Section 3 preference misapplied)
Royal Tree Service, Inc. 15751 SW 106 th Terrace Suite 305 Miami, FL 33196 (Local vendor)	\$63,619.08 (Tertiary)	Howard's Lawn & Maintenance Service, Inc. 16155 SW 117 th Avenue Bay 24 Miami, FL 33177 (Local vendor)	\$61,509.54 (Tertiary)
Site 340			
Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190 th Street Miami, FL 33187 (Local vendor)	\$82,800.00 (Primary)	Statewide Maintenance/Striping, Inc. 2396 W 77 th Street Hialeah, FL 33016 (Local vendor)	\$68,748.00 (Primary) (Note: This vendor withdrew subsequent to award)
L & G Neighborhood, Inc. 5951 SW 185 th Way Southwest Ranches, FL 33332 (Local vendor)	\$94,372.38 (Secondary)	Daysi Ynigo Landscaping & Lawn Service, LLC 20280 SW 190 th Street Miami, FL 33187 (Local vendor)	\$82,800.00 (Secondary)
One Choice Property Maintenance Services, Inc. 3590 S. State Road 7, Suite 37 Miramar, FL 33023 (Local vendor)	\$94,920 (Tertiary)	McIntyre Maintenance, Inc. 26235 SW 130 th Place Miami, FL 33032 (Local vendor)	\$103,800.00 (Tertiary) (Section 3 preference was misapplied)


Assistant County Manager

7



MEMORANDUM

(Revised)

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

DATE: March 2, 2010

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

A handwritten signature in black ink, appearing to read "RAC", is written over the printed name of the County Attorney.

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

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

A handwritten number "8" is written at the bottom of the page.

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(O)(1)(D)
3-2-10

RESOLUTION NO. _____

RESOLUTION REQUESTING RATIFICATION OF
CONTRACT AMENDMENTS FOR ELEVEN SITES AND
TERMINATION FOR CONVENIENCE OF CONTRACTS
WITH FOUR VENDORS WITHIN CONTRACT NO. 6869-
0/14: LANDSCAPING AND LAWN MAINTENANCE
SERVICES FOR MIAMI-DADE PUBLIC HOUSING
AGENCY

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 a) approve
the ratification of contract amendments for sites 120, 130, 160, 170, 180, 210, 260,
280, 291, 320 and 340 within Contract No. 6869-0/14: Landscaping and Lawn
Maintenance Services, with an extension of time to make each term consistent with
the original award, b) approve the termination for convenience of the contracts issued
in error to S & V Tree & Stump Grinding Services, Inc., and Kasdem Services, Inc.
(vendors who will not receive awards as a result of, and agreed to, the contract
amendments and c) approve the termination for convenience of the contracts issued to
Carswell Property Maintenance, Inc., and McIntyre Maintenance, Inc. (vendors who
will not receive awards as a result of, and not agree, to the contract amendments).

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
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

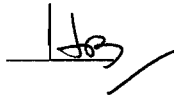
The Chairperson thereupon declared the resolution duly passed and adopted this
2nd day of March, 2010. This resolution shall become effective ten (10) days after the
date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective
only upon an override by this Board.

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.



Hugo Benitez