Memorandum

MIAMI-DADE COUNTY

Date: April 20, 2010

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

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

From: George M. Burgess
County Manager

Subject: Recommendation for Approval to Award Contract No. 0688-3/14: Food Catering Services (Head Start Program)

RECOMMENDATION

It is recommended that the Board of County Commissioners approve award of this contract to Classic Caterers Inc. as a primary vendor, and to Greater Miami Caterers Inc. as a secondary vendor to provide food catering services for the Community Action Agency's Head Start Program.

CONTRACT NUMBER: 0688-3/14

CONTRACT TITLE: Food Catering Services (Head Start Program)

TERM: Two years with three, one-year options-to-renew

APPROVAL TO ADVERTISE: August 14, 2009

METHOD OF AWARD: To the responsive and responsible bidder(s) offering the lowest aggregate price.

CONTRACT AMOUNT: $5,105,000 for a two year term
If the County chooses to exercise the three, one year options-to-renew, the total contract value will be $12,762,500.

PREVIOUS CONTRACT AMOUNT: $2,000,000 for a one year term

DEPARTMENT, ALLOCATION AND FUNDING SOURCE:

Department	Allocation	Funding Source	Contract Manager
Community Action Agency	$5,105,000	Federal Funds/ General Fund	Ruthe White

VENDORS RECOMMENDED FOR AWARD:

Vendor	Address	Principal	Award
Classic Caterers Inc. (Local Vendor)	5201 Blue Lagoon Drive, Suite 270 Miami, FL 33126	ILS Group, LLC	Primary
Greater Miami Caterers Inc. (Local Vendor)	4001 N W 31st Avenue Miami, FL 33142	Jacqueline Butler	Secondary

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:	Gaby's Café Inc. - Bidder deemed non-responsible for inability to demonstrate the capacity to perform per bid specifications. RBNW Enterprises Inc. D.B.A. Jazz Café and Grill-Bidder deemed non-responsive due to failure to sign the bid proposal signature page.
REVIEW COMMITTEE:	August 05, 2009: Item #5-01
CONTRACT MEASURES:	No measure due to Federal funding source.
LIVING WAGE:	The services being provided are covered under the Living Wage Ordinance.
USER ACCESS PROGRAM:	The User Access Program provision will not apply due to the funding source.
LOCAL PREFERENCE:	The Local Preference will not apply due to the funding source.
ESTIMATED CONTRACT COMMENCEMENT DATE:	Upon approval by the Board and expiration of the Mayoral veto period.

BACKGROUND

This contract is used by the Community Action Agency to provide breakfast, lunch and snacks to children that are 1-5 years old that participate in the Head Start Program. There are approximately 2,514 children currently enrolled in the Program of which 576 are fed breakfast and lunch by the Miami-Dade County School Board. In addition, meals are provided to parents at two activities per month.

Four bids were received in response to a competitive solicitation process from the following vendors: (1) Classic Caterers Inc. (2) Gaby's Cafe Inc. (3) Greater Miami Caterers Inc., and (4) RBNW Enterprises, Inc. dba Jazz Café and Grille.

The County Attorney's Office (CAO) deemed RBNW Enterprises Inc, d/b/a Jazz Café and Grille, non-responsive due to failure to sign the signature page of the solicitation. The execution of this form constitutes the unequivocal offer of the proposer to be bound by the terms of its proposal. There were no other executed documents which clearly bound the proposer to the terms of its offer, therefore the offer could not be considered. (Copy of CAO opinion is attached).

The policy of the Department of Procurement Management (DPM) is to conduct, whenever feasible, a responsibility site visit for first time County vendors providing goods or services. Gaby's Café does not have any prior contractual experience with Miami Dade County; therefore, CAA and DPM staff conducted a site visit on September 22, 2009.

During the site visit, the vendor's equipment was inspected to assess the capacity of the facility to provide the required meals. The observations at the site visit raised concerns as to the capacity of Gaby's Café to perform the work under this contract. The size of the kitchen is not suitable for the preparation of the required quantities of meals. The vendor had no plan as to how the meals would be packaged. This vendor's current operations entail curbside food services, and three private sector contracts for 700 elderly lunch meals. These contracts would run concurrent with the County's contract term. There are significant concerns that Gaby's Café does not have the capacity to prepare and deliver the meals required by CAA on a daily basis.

Due to these concerns, staff scheduled a responsibility meeting with Mrs. Yudaisy B. Hernandez, President of Gaby's Café. This meeting was scheduled to provide Gaby's Café an opportunity to satisfy issues raised regarding the firm's capacity to handle the requirements under this contract. Gaby's Café staff has no previous operational experience with programs funded by the Department of Health, Bureau of Child Nutrition Programs. The funding for this Program is performance based (reimbursement based on the number of meals served) Gaby's Café was unfamiliar with significant requirements of the solicitation and was not able to satisfactorily address concerns regarding the firm's ability to comply with these requirements. Some of these requirements are: the production of records detailing food items, unit portions, weight of delivered food, providing the child nutritional product labeling, and providing the meals utilizing biodegradable paper products. Additionally, Gaby's Café was provided two opportunities to submit a delivery schedule, also required in the solicitation, and both submittals were incomplete and unacceptable. Gaby's Café is therefore deemed non-responsible.

Pricing for each meal has been affected by the frequent changes in the menu items, the rising cost of certain food items, including baby food and baby formula, the requirement of using biodegradable products versus styrofoam products, and the increased cost of required insurance.

Attachment(s)

Cynthia W. Curry
Special Assistant for Social Services

Memorandum

MIAMI COUNTY

Date: September 17, 2009

To: Sherry Clentscale
Procurement Contracting Officer

From: Oren Rosenthal
Assistant County Attorney

Subject: Responsiveness of Proposals – ITB No. 0688-0/14: Title Food Catering Services (Head Start Program)

You have asked this office if proposals from RBNW Enterprises Inc D.B.A. Jazz Café & Grille ("Jazz") and Gaby's Cafe Inc. ("Gaby") are responsive to ITB No. 0688-0/14: Title Food Catering Services ("ITB"). You ask if Jazz's failure to sign their proposal renders their proposals not responsive. You also asked if Gaby's failure to provide a registration with the Department of Health, Bureau of Child Care Nutrition Services renders their bid not responsive. For the reasons set forth below, we conclude that Jazz's bid is not responsive to the ITB and Gaby's bid is responsive but must provide the required registration as a condition of award.

FACTS

We rely on the ITB and the information provided in your memorandum to this office dated September 16, 2009 which is attached hereto.

You indicate that one bidder, Jazz, failed to submit a signed Bid Submittal Form and did not provide a signed cover page or proposal bond to secure their proposal. The Bid Submittal form stated that "Failure to sign this page shall render your Bid non-responsive" and "By signing this document, the bidder agrees to all Terms and Conditions of this Solicitation and the resulting contract."

You also indicate that Gaby is not a registered provider of children's meals with the Department of Health, Bureau of Child Care Nutrition Services. Section 2.6(b) of the ITB requires: "Pursuant to Florida Administrative Code 64F-17.004, the Successful Bidder must be registered with the Florida Department of Health, Bureau of Child Nutrition Programs as an approved caterer in order to provide meals to participating child care centers."

DISCUSSION

Jazz's proposal is not responsive because its failure to sign the Bid Submittal Form denies the County of any assurance that the proposal will be entered into if accepted by the County and would prevent the County from proceeding against Jazz in the event that Jazz refuses to honor its proposal. Generally, an unsigned proposal may be considered responsive if it "is accompanied by other material indicating the bidder's intention to be bound by the unsigned bid (such as the submission of a bid guarantee or a letter signed by the bidder, with the bid, referring to and clearly identifying the bid itself)." *48 C.F.R. 14.405 (c)(1)*. Jazz's proposal did not include a cover letter and a bid bond was not required by the solicitation. As such, there is no evidence of Jazz's intent to be bound to the proposal.

This opinion is consistent with prior opinions from this office finding that failure to sign a proposal is a material defect rendering the proposal nonresponsive.

Gaby's failure to submit a registration in accordance with Section 2.6(b) of the ITB is not an issue of responsiveness. Section 2.6(b)'s requirement that the "Successful Bidder" be registered with the state is a condition of award not of bidding. As such Gaby may provide proof of registration any time before DPM is prepared to make its recommendation to the Board for award. Should Gaby fail to provide proof of registration or if DPM is unable to verify that Gaby is a registered vendor, then Gaby may be found not responsible.

Oren Rosenthal

Memorandum

MIAMI COUNTY

Date: September 16, 2009

To: Hugo Benitez
Assistant County Attorney
County Attorney's Office

From: Sherry Clentscale, CPPB
Senior Procurement Contracting Agent
Department of Procurement Management

Subject: Request for Responsiveness Determination on ITB No. 0688-0/14: Title Food Catering Services (Head Start Program)

On August 26, 2009 bids were received for the subject solicitation and subsequently reviewed for responsiveness. One of the bidders was RBNW Enterprises Inc D.B.A. Jazz Cafe & Grille. Upon review of RBNW Enterprises Inc D.B.A. Jazz Cafe & Grille's bid, it was noted that the bidder failed to sign the bid or otherwise provide an assurance that the bidder intended to be bound by its bid (copy of bid attached hereto).

All food service management companies intending to provide meals for children in participating child care centers shall submit to the Department of Health, Bureau of Child Care Nutrition Services, documentation evidencing appropriate state approval to operate a food service facility. (Section 509.241.500.12 or 381.0072, F.S.)

County bid no. 0688-0/14 requires vendors to be listed on the State of Florida's approved caterers list in accordance with the State of Florida's Administrative code **64F-17.004 Food Service Management Companies.** Gaby's Cafe Inc. is not listed on the State of Florida's approved caterers list.

Please advise whether the subject proposals are non-responsive.

If you have any questions, please contact me at (305) 375-3900. Thank you for your attention to this matter.

Attachment

Referenced Bid
Approved Caterers list

MIAMI-DADE COUNTY

BID NO.: 0688-3/14

SECTION 4
BID SUBMITTAL FORM

Submit Bid To:
CLERK OF THE BOARD
Stephen P. Clark Center
111 NW 1st Street
17th Floor, Suite 202
Miami, Florida 33128-1983

OPENING: 2:00 P.M.
Wednesday
August 26, 2009

PLEASE QUOTE PRICES F.O.B. DESTINATION, FREIGHT ALLOWED, LESS TAXES, DELIVERED INMIAMI-DADE COUNTY, FLORIDA

NOTE: Miami-Dade County is exempt from all taxes (Federal, State, Local). Bid price should be less all taxes. Tax Exemption Certificate furnished upon request.

Issued by:SC	DPM Purchasing Division	Date Issued: 8/13/09	This Bid Submittal Consists of Pages 37 through 41

Sealed bids subject to the Terms and Conditions of this Invitation to Bid and the accompanying Bid Submittal. Such other contract provisions, specifications, drawings or other data as are attached or incorporated by reference in the Bid Submittal, will be received at the office of the Clerk of the Board at the address shown above until the above stated time and date, and at that time, publicly opened for furnishing the supplies or services described in the accompanying Bid Submittal Requirement.

FOOD CATERING SERVICES (HEADSTART PROGRAM)

A Bid Deposit in the amount of **N/A** of the total amount of the bid shall accompany all bids
A Performance Bond in the amount of **N/A** of the total amount of the bid will be required upon execution of the contract by the successful bidder and Miami-Dade County

DO NOT WRITE IN THIS SPACE

ACCEPTED _____ HIGHER THAN LOW _____

NON-RESPONSIVE _____ NON-RESPONSIBLE _____

DATE B.C.C. _____ NO BID _____

ITEM NOS. ACCEPTED _____

COMMODITY CODE: 961-15

Sherry Clentscale Sr. Procurement Agent

FIRM NAME: RBNW ENTERPRISES, INC
DBA JAZZ CAFE& GRILLE

RETURN ONE ORIGINAL AND TWO COPIES OF BID SUBMITTAL PAGES AND AFFIDAVITS. THE BIDDER MAY, AT ITS OWN OPTION, ALSO PROVIDE THE EXCEL FILE CONTAINING THE INFORMATION ON THE VENDOR PRICING DOCUMENT ON CD or DISKETTE. THE FILE TO BE PROVIDED IS TO BE DOWNLOADED AT http://services.miamidade.gov/DPM/SolicitationList.aspx

FAILURE TO COMPLETE THE CERTIFICATION REGARDING LOCAL PREFERENCE ON PAGE 41 OF SECTION 4, BID SUBMITTAL FORM SHALL RENDER THE VENDOR INELIGIBLE FOR LOCAL PREFERENCE
FAILURE TO SIGN PAGE 41 OF SECTION 4, BID SUBMITTAL FORM, WILL RENDER YOUR BID NON-RESPONSIVE

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MIAMI-DADE COUNTY

BID NO.: 0688-3/14

BID SUBMITTAL FOR:

FIRM NAME: RBNW ENTERPRISES, INC/ DBA JAZZ CAFE & GRILLE

We propose to furnish all labor, materials, supplies, serving equipment, transportation, supervision, and services necessary to furnish food catering services consisting of breakfast, hot lunch, and P.M. snack for children and hot lunch for adults during school days at various sites throughout Miami-Dade County for the cost per meal as follows:

Item no.	Estimated Quantities	Description	Unit Price	Extended Price
1	14,100 Each	Infant's Breakfast	$ 1.28 Each	$ 18,048
2	14,100 Each	Infant's Lunch	$ 2.59 Each	$ [illegible]
3	14,100 Each	Infant's P.M. Snack	$ 1.17 Each	$ 16,497
4	[illegible] Each	Children's [illegible] (3-5 Years)	$ .59 Each	$ 601,800
5	1,020,000 Each	Children's Lunch (3-5 Years)	$ 2.00 Each	$ [illegible],040,000
6	1,020,000 Each	Children's P.M. Snack (3-5 Years)	$ .59 Each	$ 601,800
7	140,000 Each	Toddler Breakfast (1-3 Years)	$ .68 Each	$ 95,200

MIAMI-DADE COUNTY

BID NO.: 0688-3/14

BID SUBMITTAL FOR:

FIRM NAME: RBNW ENTERPRISES, INC/ DBA JAZZ CAFE & GRILLE

Item no.	Estimated Quantities	Description	Unit Price	Extended Price
8	140,000	Toddler Lunch	$ 1.67	$ 233,800
	Each	(1-3 Years)	Each	
9	140,000	Toddler P.M. Snack	$ .59	$ 82,600
	Each	(1-3 Years)	Each	
10	164,000	Adult's Lunch	$ 2.44	$ 400,160
	Each		Each	
11	288,000	Adult/Youth Snack	$ .68	$ 195,840
	Each		Each	
12	164,000	Adult's Breakfast	$ 1.11	$ 182,040
	Each		Each	
13	10,000	Parent Involvement Meals	$ 9.73	$ 97,300
	Each		Each	
14	4,576	Nutrition Educa[illegible] Activities Items	$ [illegible]	$ 62,[illegible].54
	Each		Each	
		Total Items 1 thru 14		$ 4,684,383.84

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SECTION 4
BID SUBMITTAL FOR:

FOOD CATERING SERVICES (HEADSTART PROGRAM)

ACKNOWLEDGEMENT OF ADDENDA

INSTRUCTIONS: COMPLETE PART I OR PART II, WHICHEVER APPLIES

PART I:

LIST BELOW ARE THE DATES OF ISSUE FOR EACH ADDENDUM RECEIVED IN CONNECTION WITH THIS BID

Addendum #1, Dated AUGUST 21, 2009

Addendum #2, Dated _____

Addendum #3, Dated _____

Addendum #4, Dated _____

Addendum #5, Dated _____

Addendum #6, Dated _____

Addendum #7, Dated _____

Addendum #8, Dated _____

PART II:

☐ NO ADDENDUM WAS RECEIVED IN CONNECTION WITH THIS BID

FIRM NAME: [illegible] ENTERPRISES, INC., DBA [illegible] GRILLE

AUTHORIZED SIGNATURE: Robert W. White DATE: 08/24/09

TITLE OF OFFICER: PRESIDENT

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MIAMI-DADE COUNTY

BID SUBMITTAL FORM

Bid Title: **FOOD CATERING SERVICES (HEADSTART PROGRAM)**

By signing this Bid Submittal Form the Bidder certifies that it satisfies all legal requirements (as an entity) to do business with the County, including all Conflict of Interest and Code of Ethics provisions in Section 2-11 of the Miami-Dade County Code. Any County employee or member of his or her immediate family seeking to contract with the County shall seek a conflict of interest opinion from the Miami-Dade County Ethics Commission prior to submittal of a Bid response or application of any type to contract with the County by the employee or his or her immediate family and file a copy of that request for opinion and any opinion or waiver from the Board of County Commissioners with the Clerk of the Board. The affected employee shall file with the Clerk of the Board a statement in a form satisfactory to the Clerk disclosing the employee's interest or the interest of his or her immediate family in the proposed contract and the nature of the intended contract at the same time as or before submitting a Bid, response, or application of any type to contract with the County. Also a copy of the request for a conflict of interest opinion from the Ethics Commission and any corresponding opinion, or any waiver issued by the Board of County Commissioners, must be submitted with the response to the solicitation.

In accordance with Sec. 2-11.1(s) of the County Code as amended, prior to conducting any lobbying **regarding this solicitation, the Bidder must file the appropriate form with the Clerk of the Board stating that a particular lobbyist is authorized to represent the Bidder.** Failure to file the appropriate form in relation to each solicitation may be considered as evidence that the Bidder is not a responsible contractor.

The Bidder confirms that this Bid is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a Bid for the same goods and/or services and in all respects is without collusion, and that the Bidder will accept any resultant award. Further, the undersigned acknowledges that award of a contract is contingent upon vendor registration. Failure to register as a vendor within the specified time may result in your firm not being considered for award.

Pursuant to Miami-Dade County Ordinance 94-34, any individual, corporation, partnership, joint venture or other legal entity having an officer, director, or executive who has been convicted of a felony during the past ten (10) years shall disclose this information prior to entering into a contract with or receiving funding from the County.

☐ **Place a check mark here only if bidder has such conviction to disclose to comply with this requirement.**

COUNTY USER ACCESS PROGRAM (UAP): Joint purchase and entity revenue sharing program

For the County's information, the bidder is requested to indicate, at 'A' and 'B' below, its general interest in participating in the Joint Purchase Program of the County User Access Program (UAP) described in Section 2.21 of this contract solicitation, if that section is present in this solicitation document. Vendor participation in the Joint Purchase portion of the UAP is **voluntary**, and the bidder's expression of general interest at 'A' and 'B' below is for the County's information only and **shall not be binding** on the bidder.

A. If awarded this County contract, would you be interest in participating in the Joint Purchase portion of the UAP with respect to other governmental, quasi-governmental or not-for-profit entities located ***within*** the geographical boundaries of Miami-Dade County?

Yes XX No ____

and

B. If awarded this County contract, would you be interested in participating in the Joint Purchase portion of the UAP with respect to other governmental, quasi-governmental or not-for-profit entities located ***outside*** the geographical boundaries of Miami-Dade County?

Yes XX No ____

LOCAL PREFERENCE CERTIFICATION: The responding vendor hereby attests, by checking one of the following blocks, that it is XXX or is not ☐, a local business. For the purpose of this certification, a "local business" is a business located within the limits of Miami-Dade County (or Broward County in accordance with the Interlocal Agreement between the two counties) that conforms with the provisions of Section 1.10 of the General Terms and Conditions of this solicitation and contributes to the economic development of the community in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities and the support and increase to the County's tax base. **Failure to complete this certification at this time (by checking the appropriate box above) shall render the vendor ineligible for Local Preference.**

Firm Name: RBNW ENTERPRISES, INC/ DBA JAZZ CAFE & GRILLE

Street Address: 780 FISHERMAN STREET OPA-LOCKA, FL 33054

Mailing Address (if different): ____

Telephone No. 305-681-0410 Fax No. 954-356-7609

Email Address: JAZZCAFEGRILLE@AOL.COM FEIN No. 65-0926469

Prompt Payment Terms: ____% 15 days net 15 days
(Please see paragraph 1.2 H of General Terms and Conditions)

"By signing this document the bidder agrees to all Terms and Conditions of this Solicitation and the resulting Contract"

Signature: ____
(Signature of authorized agent)

Print Name: ROBERT N. WHITE Title: PRESIDENT/CEO

Failure to sign this page shall render your Bid non-responsive.

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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

February 22, 2010

Robert W. Holland, Esq.
5955 N.E. 4th Court
Miami, Florida 33137

Re: Bid Protest – Bid No. 0688-3/14
Food Catering Services (Headstart Program)
RBNW Enterprises, Inc., d/b/a Jazz Café & Grille

Dear Attorney Holland:

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 which was held on February 12, 2010.

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
Diane Collins, Acting Division Chief
Clerk of the Board Division

DC/fcd
Attachment

cc: George Burgess, County Manager (via email)
Cynthia Curry, Special Assistant for Social Services (via email)
Hugo Benitez, Assistant County Attorney (via email)
Oren Rosenthal, Assistant County Attorney (via email)
Miriam Singer, Director, Dept. of Procurement Mgmt. (via email)
Sherry Clentscale, CCPB, Sr. Procurement Agent, DPM (via email)
Walter Fogarty, DPM (via email)
Julie Edwards, Executive Director, Community Action Agency (via email)
Classic Caterers, Inc. (via US Mail)
Greater Miami Caterers, Inc. (via US Mail)
Gaby's Café, Inc. (via US Mail)
RBNW Enterprises, Inc., d/b/a Jazz Café & Grill (via US mail)

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

CLERK OF THE BOARD
2010 FEB 22 PM 2:33
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1

In re: Title Food Catering
Service
ITB No. 0688-0/14
Bid Protest of RBNW Enterprises,
Inc. d/b/a Jazz Café & Grille
_____/

FINDINGS AND RECOMMENDATIONS OF HEARING EXAMINER
Pursuant to Section 2-8.4 Miami-Dade County Code and Administrative Order 3-21

This matter was heard before the undersigned Hearing Examiner on February 12, 2010 at 9:30 AM at the Stephen P. Clark Center, 111 N.W. 1st Street, Miami, Florida, upon the bid protest filed by RBNW Enterprises, Inc. d/b/a Jazz Café & Grille ("Jazz") of the County Manager's recommendation for award in Invitation to Bid No. 0688-3/14, Title Food Catering Service ("ITB"). The bid protest is premised upon the sole issue of whether Jazz's unsigned bid is a material defect rendering its bid non-responsive.

The facts of this protest are not in dispute and the parties did not present any live testimony, instead relying on their memorandum and exhibits which are part of the record. The parties agree that the Jazz failed to sign page 41 of the bid which provided that "By signing this document the bidder agrees to all Term and Conditions of this Solicitation and the resulting Contract" and "Failure to sign this page shall render your Bid non-responsive." In addition, the cover page of the bid submittal form, page 37, states "FAILURE TO SIGN PAGE 41 OF SECTION 4, BID SUBMITTAL FORM, WILL RENDER YOUR BID NON-RESPONSIVE." (*emphasis in original*). This signature on page 41 of the bid is the most important signature on any document in the bid.

Moreover, although the signature of the President of Jazz appears in other places of Jazz's bid, none of those places shows a clear unequivocal statement that Jazz will be bound by the terms and conditions of the solicitation. The parties also agreed that Jazz's bid would have been the low bid had it been submitted with an authorized signature.

As a hearing examiner my sole role is to determine whether the County Manager's recommendation was rendered illegally, fraudulently, oppressively, arbitrarily, capriciously or with misconduct. *Department of Transportation v. Groves-Watkins Constructors*, 530 So.2d 912, 914 (Fla. 1988). ("the hearing officer's sole responsibility [in reviewing a protest] is to ascertain whether the agency acted fraudulently, arbitrarily, capriciously, illegally, or dishonestly"). In determining whether the manager's action was arbitrary, the test is "whether the contracting agency provided a coherent and reasonable explanation of its exercise of discretion, or showing that the award decision has no rational basis." *Banknote Corporation of America, Inc. v. United States*, 365 F.3d 1345, 1351 (Fed. Cir. 2004) (citing *Impresa Construzioni Geom. Domenico Garufi v. United States*, 238 F.3d 1324, 1332 (Fed. Cir. 2001).

In this case there was no error. Jazz's failure to sign page 41 of the bid form deprived the County of any guarantee that the contract it was soliciting would have been entered into by the vendor. *See Robinson Electric Co. v. Dade County*, 417 So.2d 1032, 1034 (Fla. 3d DCA 1982) (the standard for finding whether "a specific noncompliance constitutes a substantial and hence nonwaivable irregularity" includes "whether the effect of a waiver would be to deprive the municipality of its assurance that the contract will be entered into, performed and guaranteed according to its specified requirements"). Without a signed bid there is no mutuality of remedies and no meeting of the minds. As such, Courts have consistently held that an unsigned bid is non-responsive. *See, e.g., Firth Construction Co., Inc. v. United States*, 36 Fed.Cl. 268, 276 (Fed. Cl.

1996) (enjoining the award of construction contract because it omitted signature page even though bid was signed in other respects) (Attached hereto as Exhibit C); *AT&T v. Broward Comm. College*, Case No. 92-6191BID, 1993 WL 943619, at *7 (Fla. Div. Admin. Hrgs. Mar. 9, 1993) (affirming College's decision to reject bid for failing to sign all pages with a signature line).

Jazz's argument that this non-conformity could have been cured post bid-closing by requesting an authorized signature from the vendor is a position routinely rejected by the Courts as a bidder "may not explain its intentions and actions after bid opening in an attempt to clear the confusion surrounding its bid." *In Re: Loop to Loop Messenger Serv.*, B-241068, 1990 WL 293633, at *2 (Comp. Gen. Dec. 21, 1990); *see also Blount, Inc. v. U.S.*, 22 Cl. Ct. 221, 226 (1990) ("Matters of bid responsiveness must be discerned solely by reference to the materials submitted with the bid and facts available to the government at the time of bid opening."); *N.E. Const. Co. v. Romney*, 485 F.2d 752, 759 (D.C. Cir. 1973) ("Questions of the 'responsiveness' of the bid, on the other hand, relate to 'conformity with the invitation' and are generally not curable after bid opening."); 48 C.F.R. § 14.407-3 ("The authority to permit correction of bids is limited to bids that, as submitted, are responsive to the invitation and may not be used to permit correction of bids to make them responsive."). If so permitted, "a bidder would be encouraged to submit a nonresponsive bid and engage in the type of bid manipulation that the responsiveness requirement is designed to prevent." *Mack Trucks, Inc. v. United States*, 6 Cl. Ct. 68, 71 (1984) (citing *Toyo Menka Kaisha, Ltd. v. U.S.*, 597 F.2d 1371, 1377 (Cl. Ct. 1979)).

Moreover, allowing Jazz to decide whether to opt-in or opt-out of the bid after bid closing and after it has seen all of the prices of its competitors by agreeing or refusing to sign its bid would give Jazz an advantage not enjoyed by other bidders. *See, Harry Pepper & Associates,*

Inc. v. City of Cape Coral, 352 So.2d 1190, 1129 (Fla. 2d DCA 1977) ("The test for measuring whether a deviation in a bid is sufficiently material to destroy its competitive nature is whether the variation affects the amount of the bid by giving the bidder an advantage or benefit not enjoyed by other bidders").

As such, Jazz's unsigned bid was non-responsive.

CONCLUSION

Accordingly, having reviewed the bid protest, the memoranda submitted in support of the bid protest, the memoranda in opposition to the bid protest, and the exhibits; having heard arguments by counsel; and being otherwise fully advised, I find that the County Attorney's Opinion that Jazz's unsigned bid was non-responsive is correct and the Manager's recommendation should be affirmed.

I therefore recommend that the Bid Protest filed by RBNW Enterprises, Inc. d/b/a Jazz Café & Grille be DENIED.

This report of Findings and Recommendations of Hearing Examiner is being filed with the Clerk of the Board on this 19th day of February, 2010.

The Honorable David L. Tobin
Hearing Examiner

Judge David L. Tobin, (Ret)
7807 S.W. 88th Terrace
Miami, FL 33156
Ph/Fax 305-274-6403

Copies Provided:
Oren Rosenthal, Esq.
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111 N.W. 1st Street, Suite 2810
Miami, Florida 33128
Telephone: (305) 375-5744
Facsimile: (305) 375-5611

Robert W. Holland
5955 N.E. 4th Court
Miami, Fl 33137
Phone: (305) 751-8800
Fax: (305) 756-0082

MEMORANDUM

TO: LISTED DISTRIBUTION

DATE: February 3, 2010

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

SUBJECT: Bid Protest
Contract No. 0688-3/14 – Food Catering Services (Head Start Program)

Diane Collins

Pursuant to Section 2-8.4 of the Code and Administrative Order 3-21, Bid Protest Procedures, a bid protest was filed in the Clerk of the Board's Office on February 1, 2010, in connection with the foregoing Contract. The protest was filed by Attorney Robert W. Holland, representing RBNW Enterprises, Inc.

A filing fee in the amount of $3,000.00 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 (via email)
George Burgess, County Manager (via email)
Cynthia Curry, Special Assistant for Social Services (via email)
Hugo Benitez, Assistant County Attorney (via email)
Oren Rosenthal, Assistant County Attorney (via email)
Charles Anderson, Commission Auditor (via email)
Miriam Singer, Director, Dept. of Procurement Management (via email)
Walter Fogarty, DPM (via email)
Sherry Clentscale, CPPB, Sr. Procurement Agent, DPM (via email)
Julie Edwards, Executive Director, Community Action Agency (CAA) (via email)

CLERK OF THE BOARD HARVEY RUVIN, CLERK OF THE BOARD

2010 FEB -1 PM 3:47

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

RBNW ENTERPRISES, INC.
Petitioner

v.

MIAMI DADE COUNTY, a Political Subdivision of The State of Florida
Respondent.

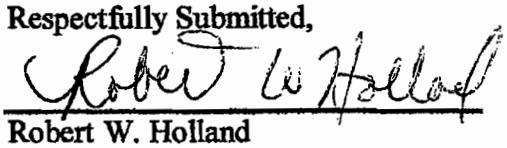
IN RE: THE PROTEST OF THE RECOMMENDATION OF THE AWARD OF CONTRACT FOR BID NO.0688-3/14 FOR FOOD CATERING SERVICES (HEADSTART PROGAM)

RBNW ENTERPRISES, INC WRITTEN INTENT TO PROTEST

COMES NOW , RBNW ENTERPRISES, INC., by and through undersigned counsel , and hereby files this Written Intent to Protest to the forthcoming recommendation of award on Bid No. 0688-3/14 to provide Food Catering Services (Headstart Program), and in support thereof states as follows:

1. Miami Dade County on behalf of its Head Start Program solicited proposals from firms to provide Food Catering services for the program.
2. RBNW Enterprises is a corporation that owns and operates a restaurant and has the capacity to provide the food services that the County seeks.
3. In response to the competitive solicitation, RBNW timely filed its response to the RFP on August 24, 2009.
4. RNBW, in late December, was then notified that its proposal was non responsive for failure to sign Page 41 of Section 4, the Bid Submittal Form.
5. RBNW, and its designated officer signed all other required forms and submitted all information requested, manifesting its intent to be bound by the bid submitted.
6. Further, Page 41 of Section 4, Bud Submittal Form, was completely filled out, however the Signature of the authorized agent was omitted as an error. It is important to note however that the name of the authorized agent was printed right below the signature line.
7. The failure of the authorized agent's signature is a minor irregularity, and does not negate RBNW's intent to be bound by the offer.
8. The Notice of Intent to recommend award of this contract is an advisory opinion to the Board of County Commissioners and does not constitute "agency action" as such term is defined by Florida Law.
9. Because the Notice of Intent to recommend award is not "agency action", the "arbitrary and capricious" standard normally required to overturn a procurement decision does not apply.

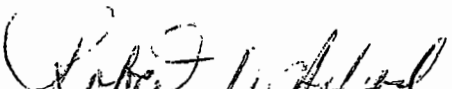
Respectfully Submitted,



Robert W. Holland
Florida Bar ID 0915696
5955 NE 4th Court
Miami FL 33137
(305)751-8800
(305) 756-0082

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was hand delivered to the Clerk of the Board and County Attorney's Office located at 111 N.W. 1st Street, Miami, Florida 33128 on February 1, 2009.



Robert W. Holland, Esq.

MIAMI-DADE COUNTY

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

miamidade.gov

CLERK OF THE BOARD
2010 JAN 27 AM 11:22
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1

January 27, 2010

All Responding Vendors (See Distribution List)

SUBJECT: 0688-3/14: Food Catering Services (Head Start Program)

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 305-375-3900 email sclents@miamidade.gov.

Sincerely,

MIAMI-DADE COUNTY, FLORIDA
Sherry Clentscale
Sherry Clentscale, CPPB
Sr. Procurement Agent

Distribution List:
Classic Caterers dba Munchkin Caterers
Gaby's Café Inc.
Greater Miami Caterers
RBNW Enterprises Inc. dba Jazz Café and Grille

Attachment: County Manager Award Recommendation

cc: Clerk of the Board
Bid File

Memorandum

MIAMI-DADE COUNTY

Date: January 22, 2010

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

From: George M. Burgess
County Manager

Subject: Recommendation for Approval to Award Contract No. 0688-3/14: Food Catering Services (Head Start Program)

RECOMMENDATION

It is recommended that the Board of County Commissioners approve award of this contract to Classic Caterers Inc. as a primary vendor, and to Greater Miami Caterers Inc. as a secondary vendor to provide food catering services for the Community Action Agency's Head Start Program.

CONTRACT NUMBER: 0688-3/14

CONTRACT TITLE: Food Catering Services (Head Start Program)

TERM: Two years with three, one-year options-to-renew

APPROVAL TO ADVERTISE: August 14, 2009

METHOD OF AWARD: To the responsive and responsible bidder(s) offering the lowest aggregate price.

CONTRACT AMOUNT: $5,105,000 for a two year term
If the County chooses to exercise the three, one year options-to-renew, the total contract value will be $12,762,500.

PREVIOUS CONTRACT AMOUNT: $2,000,000 for a one year term

DEPARTMENT, ALLOCATION AND FUNDING SOURCE:

Department	Allocation	Funding Source	Contract Manager
Community Action Agency	$5,105,000	Federal Funds/ General Fund	Ruthe White

VENDORS RECOMMENDED FOR AWARD:

Vendor	Address	Principal	Award
Classic Caterers Inc. (Local Vendor)	5201 Blue Lagoon Drive, Suite 270 Miami, FL 33126	ILS Group, LLC	Primary
Greater Miami Caterers Inc. (Local Vendor)	4001 N W 31st Avenue Miami, FL 33142	Jacqueline Butler	Secondary

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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:	Gaby's Café Inc. - Bidder deemed non-responsible for inability to demonstrate the capacity to perform per bid specifications. RBNW Enterprises Inc. D.B.A. Jazz Café and Grill- Bidder deemed non-responsive due to failure to sign the bid proposal signature page.
REVIEW COMMITTEE:	August 05, 2009: Item #5-01
CONTRACT MEASURES:	No measure due to Federal funding source.
LIVING WAGE:	The services being provided are covered under the Living Wage Ordinance.
USER ACCESS PROGRAM:	The User Access Program provision will not apply due to the funding source.
LOCAL PREFERENCE:	The Local Preference will not apply due to the funding source.
ESTIMATED CONTRACT COMMENCEMENT DATE:	Upon approval by the Board and expiration of the Mayoral veto period.

BACKGROUND

This contract is used by the Community Action Agency to provide breakfast, lunch and snacks to children that are 1-5 years old that participate in the Head Start Program. There are approximately 2,514 children currently enrolled in the Program of which 576 are fed breakfast and lunch by the Miami-Dade County School Board. In addition, meals are provided to parents at two activities per month.

Four bids were received in response to a competitive solicitation process from the following vendors: (1) Classic Caterers Inc. (2) Gaby's Cafe Inc. (3) Greater Miami Caterers Inc., and (4) RBNW Enterprises, Inc. dba Jazz Café and Grille.

The County Attorney's Office (CAO) deemed RBNW Enterprises Inc, d/b/a Jazz Café and Grille, non-responsive due to failure to sign the signature page of the solicitation. The execution of this form constitutes the unequivocal offer of the proposer to be bound by the terms of its proposal. There were no other executed documents which clearly bound the proposer to the terms of its offer, therefore the offer could not be considered. (Copy of CAO opinion is attached).

The policy of the Department of Procurement Management (DPM) is to conduct, whenever feasible, a responsibility site visit for first time County vendors providing goods or services. Gaby's Café does not have any prior contractual experience with Miami Dade County; therefore, CAA and DPM staff conducted a site visit on September 22, 2009.

During the site visit, the vendor's equipment was inspected to assess the capacity of the facility to provide the required meals. The observations at the site visit raised concerns as to the capacity of Gaby's Café to perform the work under this contract. The size of the kitchen is not suitable for the preparation of the required quantities of meals. The vendor had no plan as to how the meals would be packaged. This vendor's current operations entail curbside food services, and three private sector contracts for 700 elderly lunch meals. These contracts would run concurrent with the County's contract term. There are significant concerns that Gaby's Café does not have the capacity to prepare and deliver the meals required by CAA on a daily basis.

Due to these concerns, staff scheduled a responsibility meeting with Mrs. Yudaisy B. Hernandez, President of Gaby's Café. This meeting was scheduled to provide Gaby's Café an opportunity to satisfy issues raised regarding the firm's capacity to handle the requirements under this contract. Gaby's Café staff has no previous operational experience with programs funded by the Department of Health, Bureau of Child Nutrition Programs. The funding for this Program is performance based (reimbursement based on the number of meals served) Gaby's Café was unfamiliar with significant requirements of the solicitation and was not able to satisfactorily address concerns regarding the firm's ability to comply with these requirements. Some of these requirements are: the production of records detailing food items, unit portions, weight of delivered food, providing the child nutritional product labeling, and providing the meals utilizing biodegradable paper products. Additionally, Gaby's Café was provided two opportunities to submit a delivery schedule, also required in the solicitation, and both submittals were incomplete and unacceptable. Gaby's Café is therefore deemed non-responsible.

Pricing for each meal has been affected by the frequent changes in the menu items, the rising cost of certain food items, including baby food and baby formula, the requirement of using biodegradable products versus styrofoam products, and the increased cost of required insurance.

Attachment(s)

Special Assistant for Social Services

MIAMI-DADE COUNTY

SECTION # 1
AWARD OF COMPETITIVE CONTRACTS

CONTRACT #: 0688-3/14

AGENT/OFFICER: Sherry Clentscale **DATE:** 10/20/09

TITLE: Food Catering Services (Head Start Program)

DESCRIPTION: To establish a contract to provide food catering services for the CAA head start program.

PURPOSE: To obtain services from a professional firm to provide and deliver meals to various locations for CAA head start program.

CONSOLIDATION OF CONTRACTS: ☐ YES ☒ NO If yes, how many? (List on separate page)

Department(s):	Allocation(s):	Funding Source	Project Manager
Community Action Agency	$ 5,104,621	Federal Fund	Ruthe White

Term of Contract :	2 Years
Option to Renew:	☐ NO ☒ YES 3 OTR(s) each having a term of 12 Month(s) Other OTR Terms:
Number of Solicitations Downloaded: 45	
Number of Offers Received: 4	

Special Conditions: ☒ Insurance Type 08 ☐ Performance/Payment Bond **Living Wage:** ☒ YES ☐ NO

Method of Award: To multiple lowest priced vendors in the aggregate ☐ **Other Method of Award:**

SBE Measures:				**Previous Award Based on Measure*:**
	☒ None			☐ YES ☒ NO
	☐ Preference	☐ SBE	☐ Micro Enterprise	If yes, specify type:
	☐ Set Aside	☐ SBE	☐ Micro Enterprise	
	☐ Goal	☐ SBE	☐ Micro Enterprise	
	☐ Selection Factor	☐ SBE	☐ Micro Enterprise	* Not Applicable to RFP actions

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: Classic Caterers Inc.651104735-01	Competency of Vendor Visit Required ☒ YES ☐ NO Filing Date: 9/2/09 Meeting Date: 9/3/09
Vendor: Greater Miami Caterers-591209174-01	Competency of Vendor Visit Required ☐ YES ☒ NO Filing Date: Meeting Date:
Vendor:	Competency of Vendor Visit Required ☐ YES ☐ 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:	$ 5,104,621 for 2 Year(s)
Previous Contract Value:	$ 2,000,016 for 1 Year(s) 3 month(s)

... Food Catering Services (Head Start Progra

SECTION # 1
AWARD OF COMPETITIVE CONTRACTS

CONTRACT #: 0688-3/14

Background/Need to Know:	Needs are currently being met through contract no. 0688-4/09-4, effective 1/1/09 thru 12/31/09. The contract is valued at $2,000,016, this amount includes all modifications previously added. This contract will be extended for an additional three months for continuity of services. The successor contract is expected to be awarded by April 2010.
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: Four bids were received from this solicitation from: Classic Caterers Inc., Gaby's Cafe Inc., Greater Miami Caterers Inc. and RBNW Enterprises, Inc. dba Jazz Café and Grille. On September 22, 2009, a site visit was conducted with Gaby's Café. As a result of the visit and responsibility meeting held with the vendor and County staff, Gaby's Café is deemed non-responsible for failure to demonstrate to our satisfaction their ability to prepare and deliver catering services for the Head Start Program. The County Attorney's Office deemed RBNW Enterprises Inc, dba Jazz Café and Grille non-responsive, due to bidder failure to sign page 41 of Section 4 bid submittal form. There is a twenty-two percent difference in pricing from the previous contract due to the use of biodegradable products versus styrofoam products. Bidders were required to include this cost in their bid price. The SBE Preference and the User Access Program (UAP) will not be applied due to the use of Federal Funds. Classic Caterers Inc. is recommended for award as primary and Greater Miami Caterers Inc is recommended as secondary.

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

Milestone Tracker	Date
Solicitation Issued on the Web	8/14/09
Due Date for Vendor Responses	8/26/09
Selection Committee Memo Issued (Applies to RFP Process)	N/A
Bid Evaluation Form Forwarded to Department	10/19/09
Bid Evaluation Form Returned by Department	
Award Recommendation Issued by Agent for Management Approval	10/20/09
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	

Contract Approval Record

Contract #: **0688-3/14**

Sherry Clentscale 10/20/09
Procurement Agent/ Contracting Officer — Date

11/16/09
Procurement Supervisor/ Senior Contracting Officer — Date

Other Required Approvals (check applicable blocks)

☑ Procurement Manager: _____ Date: 11/19/0

☐ Division Director: _____ Date: 11/25/09

☒ DPM Deputy Director: _____ Date: _____

☑ DPM Director: _____ 1/2 Date: _____

☐ County Manager Approval Date: _____
(attach a copy of CMO approval document)

Vendor Assistance Unit: _____ Date____
County Attorney (if required)_____ Date _____

Section #1 Award of Competitive Bids Jan 07

26

[illegible] (Transition Program)

SECTION # 1
AWARD OF COMPETITIVE CONTRACTS

CONTRACT #: 0688-3/14

Hold Bid Deposit for Vendor(s):
Comment Record From Award Approval Process, Contract # 0688-3/14:

Date	Initials	Comment

TREND DATA
FOOD CATERING SERVICES (HEAD START PROGRAM)

Contract Number:	0688-3/14
Title:	Food Catering Services (Head Start Program)
Description:	To provide food catering services to the Community Action Agency's Head Start program.
Proposed Contract Allocation:	$5,105,000
How needs were/are being met (Contract, term, allocation, and releases)	Needs are currently being met through contract no. 0688-4/09-4, effective January 1, 2009 through December 31, 2009. A three month extension thru 3/31/10 was processed for continuity of services. A second extension thru 6/30/10 is being requested by the client department due to budgetary constraints. The department's average monthly expenditure is $46,629. Award of the successor contract is expected to be presented to the Budget, Planning and Sustainability Committee in February of 2010 and to the Board of County Commissioners in March of 2010.

Contract No. 0688-4/09-4 1/1/09 thru 12/31/09-extended thru 3/31/10			For Contract Modifications Only	
Department	**Allocation**	**Amount Released**	**Modification Requested**	**Modified Allocation**
Community Action Agency	$2,139,903.	$2,000,016		

Vendors previously awarded:	Greater Miami Caterers Inc.
Changes in Scope from prior Contract:	None
Changes in Method of Award from prior Contract:	The method of award has been changed to primary and secondary.
Changes in measures from prior contract:	None
For Contract Modifications Complete the Following	
Current expiration:	
Modified expiration:	

MEMORANDUM

(Revised)

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

DATE: April 20, 2010

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

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

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)(A)
4-20-10

RESOLUTION NO. _____

RESOLUTION APPROVING AWARD OF CONTRACT NO. 0688-3/14: FOOD CATERING SERVICES (HEAD START PROGRAM), TO CLASSIC CATERERS INC., AS PRIMARY AND GREATER MIAMI CATERERS, INC., AS SECONDARY IN THE AMOUNT OF $5,105,000; 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. 0688-3/14: Food Catering Services (Head Start Program), to Classic Caterers Inc., as primary and Greater Miami Caterers, Inc., as secondary in the amount of $5,105,000 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
Carlos A. Gimenez
Barbara J. Jordan
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Joe A. Martinez
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of April, 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

Approved by County Attorney as
to form and legal sufficiency

By:_____
Deputy Clerk

Oren Rosenthal