

# Memorandum



**Date:** May 18, 2010

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

**From:** George M. Burgess  
County Manager

**Subject:** Award of Contract No. 9245-0/12: Model Year 2010/2011 Motor Vehicles for the Miami-Dade Police Department

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

## RECOMMENDATION

It is recommended that the Board of County Commissioners approve award of this contract to the vendors listed below to supply model year 2010/2011 pursuit and administrative vehicles for the Miami-Dade Police Department.

**CONTRACT NUMBER:** 9245-0/12

**CONTRACT TITLE:** Model Year 2010/2011 Motor Vehicles for the Miami-Dade Police Department

**TERM:** One year

**APPROVAL TO ADVERTISE:** January 14, 2010

**METHOD OF AWARD:** Three vendors, by item, based on the lowest Practical Life Cycle Cost formula.

**PREVIOUS CONTRACT AMOUNT:** \$990,000 for five months

**CONTRACT AMOUNT:** \$5,900,000

**USING/MANAGING AGENCY AND FUNDING SOURCE:**

| Department                   | Allocation  | Funding Source                            | Contract Managers            |
|------------------------------|-------------|---|------------------------------|
| Miami-Dade Police Department | \$5,900,000 | Fleet Replacement Trust Fund/General Fund | Robert Sitko<br>Jose Jimenez |

**DPM AGENT/OFFICER:** Km! Ra, Department of Procurement Management

**VENDORS RECOMMENDED  
 FOR AWARD:**

| <b>Vendor</b>   | <b>Address</b>  | <b>Principal</b>      | <b>Award</b>                                    |
|---|---|-----------------------|---|
| Atlantic Coast Automotive, Inc.<br>DBA University Dodge<br>(Local vendor) | 610 Lido Drive<br>Fort Lauderdale, FL 33301               | Robert<br>Lambdin     | Vendor 1: Items<br>1, 2, and 3                  |
| Don Reid Ford, Inc.<br>(Non-local vendor)                                 | 1875 S Orlando Avenue<br>Maitland, FL 32751               | Russell<br>Reid       | Vendor 3: Items 1<br>and 2; Vendor 2:<br>Item 3 |
| Auto Holdings, LLC<br>(Local vendor)                                      | 200 SW 1 <sup>st</sup> Avenue<br>Ft. Lauderdale, FL 33301 | Michael E.<br>Maroone | Vendor 2: Items<br>1 and 2; Vendor<br>3: Item 3 |

**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:**

Gus Machado Ford, Inc:  
 This vendor submitted higher prices than vendors being recommended for award.

Beck Auto Sales, Inc.:  
 Beck Auto Sales did not disclose the common ownership of Beck Chevrolet on the Collusion Affidavit.

Beck Chevrolet, Inc.:  
 Beck Chevrolet did not submit a Collusion Affidavit.

**REVIEW COMMITTEE DATE:**

November 24, 2009; Item No. 6-05

**CONTRACT MEASURES:**

Small Business Enterprise Bid Preference was applied in accordance with the Ordinance.

**LIVING WAGE:**

The items being purchased are not 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.

**LOCAL PREFERENCE:**

The Local Preference was applied in accordance with the Ordinance, but did not affect the outcome.

**ESTIMATED CONTRACT  
COMMENCEMENT DATE:**

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

**BACKGROUND**

This contract allows the Miami-Dade Police Department to purchase Model Year 2010/2011 police patrol sedans, administrative sedans, and investigative/aide sedans for use in their daily operations.

Award of this contract is to the three, lowest responsive, responsible bidders by vehicle type, who offered the lowest Practical Life Cycle Cost bid. The Practical Life Cycle Cost (PLCC) will be computed by taking the Environmental Protection Agency (EPA) City and EPA Highway mileage figures for the vehicle (65% City use and 35% Highway use, respectively) for a total of 100,000 miles at \$3.00 per gallon of fuel and computing the expected cost of fuel used over the life cycle. The expected fuel cost is added to the base price of the vehicle to compute the PLCC. Once awarded, individual orders will be placed with the awarded bidder whose Practical Life Cycle Cost bid, when combined with the options selected by the County for the specific order, represents the lowest total cost to the County.

The bids from Beck Chevrolet and Beck Auto Sales were not considered because Beck Auto Sales did not disclose the common ownership of both companies on the Collusion Affidavit and Beck Chevrolet did not submit their Collusion Affidavit. This decision was made in consultation with the County Attorney's Office (CAO).

Forty-three vendors downloaded the solicitation and seven submitted bids. One bid was not considered, consistent with the legal opinion issued by the CAO, as it was received after bid opening date and time (copy attached).

Attachments

  
Assistant County Manager

# Memorandum



**Date:** February 12, 2010  
**To:** Amos Roundtree  
Department of Procurement Management  
**From:** Daniel Frastai  
Assistant County Attorney  
**Subject:** Responsiveness of Late Bid – 9245-0/12 Motor vehicles MDPD

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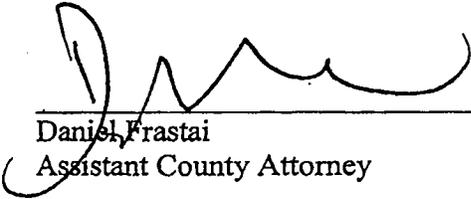
You have asked whether the County can accept a late bid for the above referenced advertisement which was received about 57 minutes after the deadline for submittal, 38 minutes after bids were opened and 10 minutes after the vendors names and prices were read in a public meeting. For the reasons set forth below, we conclude DPM may not accept this bid.

## FACTS

We rely on the information provided in the e-mail regarding this subject dated February 4, 2010 at 10:48 am from Roy Thomas to Amos Roundtree. It was clarified to us over the phone by Roy Thomas that the late bid was received at 2:57 pm and not 3:57pm. The time for bid opening was 2:00 pm on February 3, 2010. Bids were opened at 2:19 pm. Vendor names and corresponding prices were read at 2:47pm. Ford Business Preferred network submitted its bid at 2:57 pm. Its proposal remains sealed and unopened pending the opinion of this office as to responsiveness.

## DISCUSSION

Based on the above, the bid is nonresponsive and the County may not consider this late bid. Generally, a bid may be rejected or disregarded if there is a material variance between the bid and the advertisement. A minor variance, however, will not invalidate the bid. A variance is material if it gives the bidder a substantial advantage over other bidders and thereby restricts or interferes with competition. See Robinson Electric Co. v. Dade County, 417 So.2d 1032, 1034 (Fla. 3d DCA 1982). Here the variance is material as a late bidder would have the opportunity to review the other bids and amend his bid prior to submittal even if there is no evidence that such a review occurred. Where the contract is to be let out based solely on price as opposed to an RFP, the late bid must be rejected. This determination is consistent with previous advice from this office where we advised that DPM may accept late filed bids submitted **prior** to bid opening. See, Hewitt Contracting Co., Inc. v. Melbourne Regional Airport Authority, 528 So.2d 122 (Fla. 5th DCA 1988). That is not the case here. The County should reject the bid here and keep the sealed bid until after the contract has been awarded.

  
\_\_\_\_\_  
Daniel Frastai  
Assistant County Attorney



**MEMORANDUM**  
(Revised)

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

**DATE:** May 18, 2010

**FROM:** R. A. Cuevas, Jr.  
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

Approved \_\_\_\_\_ Mayor

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

Veto \_\_\_\_\_

5-18-10

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING AWARD OF CONTRACT NO. 9245-0/12: MODEL YEAR 2010/2011 MOTOR VEHICLES FOR THE MIAMI-DADE POLICE DEPARTMENT, TO ATLANTIC COAST AUTOMOTIVE, INC., DON REID FORD, INC., AND AUTO HOLDINGS, LLC, IN THE AMOUNT OF \$5,900,000; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S 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. 9245-0/12: Model Year 2010/2011 Motor Vehicles for the Miami-Dade Police Department to Atlantic Coast Automotive, Inc., Don Reid Ford, Inc., and Auto Holdings, LLC, in the amount of \$5,900,000 and authorizes the County Mayor or Mayor's 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                 |
| Dorrian D. Rolle     | Natacha Seijas                  |
| Katy Sorenson        | Rebeca Sosa                     |
| Sen. Javier D. Souto |                                 |

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The Chairperson thereupon declared the resolution duly passed and adopted this 18<sup>th</sup> day of May, 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.



Daniel Frastai