

Memorandum



Date: June 3, 2010

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

From: Carlos Alvarez
Mayor

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

George M. Burgess
County Manager

Subject: Recommendation to Reject all Proposals, Waive the Competitive Bidding Process and Bid Protest Procedures, and Negotiate with Highest Ranked Proposer for Request for Proposals No. 695: Development of Poinciana Industrial Center

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) reject all proposals received for Request for Proposals No. 695, approve waiver of competitive bid procedures pursuant to 4.03(D) of the Home Rule Charter and Section 2-8.1 of the Miami-Dade County Code by a two-thirds vote of the Board members present in the best interest of the County and waiver of the bid protest procedures, pursuant to the requirements of Section 2-8.4 of the Miami-Dade County Code. Furthermore, it is recommended that the Board authorize staff to negotiate an agreement with Innovida Holdings, LLC, the highest ranked vendor resulting from the referenced competitive solicitation process to develop three parcels in the Poinciana Industrial Center.

CONTRACT NO: RFP 695

CONTRACT TITLE: Development of Poinciana Industrial Center

DESCRIPTION: The County issued a solicitation to obtain proposals from qualified firms to present a proposal for development of three parcels in the Poinciana Industrial Center and to create jobs for the surrounding neighborhood and enhance the community's revitalization efforts.

USING AGENCY AND FUNDING SOURCE: General Services Administration-No funding required.

CONTRACT MEASURES: Contract Measures do not apply since no County funds are being expended.

LIVING WAGE: The services being provided are not covered under the Living Wage Ordinance.

USER ACCESS PROGRAM: The 2% User Access Program provision is not included since there are no County funds are being expended.

LOCAL PREFERENCE: Applied in accordance with applicable ordinance, and did not affect the outcome.

PROJECT MANAGER: Leland Salomon, Director, GSA Real Estate Development
Division

BACKGROUND

A Request for Proposals was issued to obtain proposals for finance, design, construction and management of a development on three parcels of County-owned land located in Liberty City (the Poinciana Industrial Center). Because this property was purchased with CDBG funds, any development must include the creation of a minimum of 97 wage paying opportunities. The ultimate goal of the solicitation is to select a development that will best utilize the site, taking into consideration zoning, sustainability, and the esthetic nature of the development, while enhancing the community's revitalization efforts. Innovida proposes to utilize the parcels to construct a 100,000 square foot facility for manufacturing panels used to assemble prefabricated structures (residential and commercial building solutions), and for loading finished materials for distribution (proposed business).

After completion of oral presentations, the selection committee recommended negotiating with the highest-ranked firm, Innovida. The selection criteria evaluated, among other things, the relevant experience and qualifications of the proposer's key personnel, including key personnel of the development team that would be assigned to the project. Innovida listed Delant Construction as part of their development team, indicating that they would be the general contractor constructing the proposed facility. Subsequent to the ranking, staff learned that Delant has a pending criminal case, one count organized crime to defraud and one count grand theft (first degree felonies) related to a Miami-Dade County contractual obligation and is the subject of another recent case where Delant and its principal admit wrongdoing that has since been closed involving a City of Miami project. Both of these cases involve felony criminal charges. A responsibility review meeting was held on December 21, 2009 with representatives of Innovida and staff from the Department of Procurement Management and General Services Administration. The questions and responses from this responsibility review are attached. Innovida advised that they are totally independent of Delant and that they have no financial arrangement with Delant and do not need Delant to complete this project either as the construction company or for financial reasons. Due to the pending criminal matters, contained in the informal sworn documents related to the Miami-Dade County cases, the review determined that Innovida with Delant as its general contractor, however, is not a responsible vendor. In order to proceed with this worthwhile project, it is recommended that the Board reject all bids and waive competitive bidding to allow Innovida to replace Delant Construction prior to negotiations. Innovida's proposal meets the requirement for creating jobs, provides for a viable business and real estate plan and is presented by a firm with good experience and financial ability. The resulting contract will be brought back to the Board for consideration.

Attachments



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: June 3, 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

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

Veto _____

6-3-10

Override _____

RESOLUTION NO. _____

RESOLUTION WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 5.03 (D) OF THE HOME RULE CHARTER, AUTHORIZING NEGOTIATIONS WITH INNOVIDA HOLDINGS, LLS, TO DEVELOP THREE PARCELS KNOWN AS POINCIANA INDUSTRIAL CENTER, WAIVING THE REQUIREMENTS OF SECTIONS 2-8.3 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE, PERTAINING TO BID PROTESTS, BY A TWO-THIRD VOTE OF THE BOARD MEMBERS PRESENT, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AN AGREEMENT WHICH WOULD THEN BE PRESENTED TO THE BOARD FOR CONSIDERATION OF AWARD RFP NO. 695

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

WHEREAS, it has been established that specified items and services which cannot be purchased under normal bid procedures,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds it is in the best interest of Miami-Dade County to waive formal bid procedures and empower the County Mayor or County Mayor's designee to negotiate an agreement, competitive bidding being waived in this instance pursuant to Section 5.03(D) of the Home Rule Charter by a two-third (2/3) vote of the Board members present. The proposal agreement which may result from the negotiation shall be brought back for approval by the Board.

Furthermore, the Board waives the procedures contained in Section 2-8.3 and 2-8.4 of the County Code, pertaining to bid protests, by a two-third (2/3) vote of the Board members present.

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 3rd day of June, 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
Edward Z. Shafer

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RFP 695
Development Poinciana Industrial Center

Responsibility Review - Innovida

County Staff Present:

Amos Roundtree, Director, Bids and Contracts - DPM
Andrew Zawoyski, Contracting Officer for RFP 695 - DPM
Robin Statfeld, Special Projects Administrator - GSA

Innovida Personnel Present:

Craig Toll, CFO
Mario Sanchez, VP, Construction Operations
Neli Santamarina, Business Development

Q. What is the relationship that exists between Innovida and Delant?

R. Delant is our proposed contractor to build the structure. We have no ownership relationship or any other relationship with them.

Q. Is there a contract between Innovida and Delant as it pertains to this project?

R. Not yet. No.

Q. How much oversight will Delant have over this project?

R. We (Innovida) would be the main oversight of the project because it is going to be our factory. Delant would only be the contractor to build the warehouse.

Q. How critical are they to this project?

Other people can do it. We have been talking to other people.

Q. What is your past experience with Delant and how have they performed for Innovida?

R. Delant had in the past not with Innovida he built a couple of building for me and he was okay. Within Innovida Delant has not had any involvement.

Q. Is there a financial impact created for Innovida if Delant cannot perform?

R. We haven't gotten bids from other people but assuming that other people can bid the same price as Delant then I would say no.

At this point a construction project is a valuable thing. A lot of people would like to bid on it, I am not an expert as qualified as Delant. We have been talking with other people just to have competitive bids and to make sure that they have the same qualifications. So not a problem.

Q. You say you do not have a contract with Delant, and there are possibly other folks who have the qualifications of Delant who can do the construction end of this, how is it that you ended up with Delant in your proposal and you don't have a contract with them and you recognize that others can do this work.

R. We at the beginning picked them because of the experience they had and just the background that they had and the experience with government work, basically. That's how we came to them. We asked them on their nickel to do analysis and drawings and an estimate, which they did, but we haven't paid them anything and we have no obligation to pay them anything.

Q. I am just curious that on a project likes this you only went to that one company, and to a company you have not had any experience with - just by the fact that they had done some government work?

R. Mario is our head of construction of the company, and so the fact that he has personal product experience with them weighed a lot in our decision to go with them first.

Q. The County through its fiduciary responsibility looks at the companies that we are involved with and part of that is past experience relationships and so forth. Do you do a similar type of review with the firms you choose to engage?

R. Before we engage with a firm we actually do due diligence on their background and their responsibilities and experiences in their community.

We haven't engaged Delant or anyone on this situation because we haven't gotten the land. It would be premature. We wanted to prepare for the meeting where would at least have an idea what the project would look like whether the land was suitable for our needs and Mario had a relationship with Delant and they agreed to do that work with the hope that they would get the contract in the future; but we made no obligation or commitment to them.

Q. When you submitted your proposal and in your proposal you identified them as your construction partner. Did you consider that that would be a part of how the evaluation team would consider your proposal, also offering the company that you chose to handle the construction?

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R. I think that we felt that Delant was a recognized company in the community. We had not heard anything. We (Mario) had worked with them before and had not heard anything about them, so yeah we thought they would be acceptable.

Q. In your proposal you submitted under fair subcontracting practices Delant's policy, maybe you just misunderstood that we wanted to know the Proposer's fair subcontracting practices and not Delant's. We want to establish clearly that Innovida is the proposer, because you specifically stated that you're the proposer by yourself with Delant doing the construction, and that you can stand by your self without Delant on this. Correct?

R. Yes.

Q. You are not relying on their funding or anything like that.

R. Absolutely not.

Q. You are totally independent of them.

R. Yes.

Q. Is there anything you would like to state on your behalf?

R. I think you have summarized correctly we are totally independent of them and we have no financial arrangement with them we don't need them to do this project either as the construction person or for financial reasons.

Meeting adjourned!