Memorandum

MIAMI-DADE COUNTY

Date: July 3, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 8(A)(1)

From: Carlos A. Gimenez
Mayor

Subject: Recommendation for Approval to Award: Airfield Guidance Signs

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing award of a contract with Global Electrical & Lighting Supplies, Inc. (primary vendor) and Miami Breaker, Inc. (secondary vendor) for purchase of airfield guidance signs and replacement parts for the Miami-Dade Aviation Department. The contract amount is $2.24 million over a six-year term.

An Invitation to Bid was issued under full and open competition for purchase of airfield guidance signs and replacement parts for the Miami-Dade Aviation Department. The recommended vendors were the lowest-priced responsive and responsible bidders. The Federal Aviation Administration (FAA) establishes the standards for runway markings and signs to ensure safety on airfields. Guidance signs are placed on airport runways to provide additional reference points for pilots to land aircrafts. The FAA requires that these signs meet certain requirements as outlined in the solicitation. The proposed contract amount is based on anticipated usage.

Contract Number and Title
8027-0/17, Airfield Guidance Signs, Series L-858, and Replacement Parts

Scope
The impact of this item is countywide in nature.

Fiscal Impact/Funding Source
The fiscal impact for the six-year contract term is $2,240,000 budgeted from Aviation Department Proprietary Funds. The previous contract amount was 250,000 for six months.

Track Record/Monitor
The Aviation Department is the user department and the Internal Services Department monitors the contract. Carol Dickson of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority
If this item is approved, the County Mayor or designee will have the authority to exercise, at their discretion, contract modifications, subsequent options-to-renew and other extensions in accordance with the terms and conditions of the contract.

Method of Award
To the two lowest priced responsive and responsible bidders as primary and secondary vendors.

Vendors Recommended For Award

Vendor	Address	Principal	Award
Global Electrical & Lighting Supplies, Inc.*	13751 SW 143 Ct. #101 Miami, FL	Rolando Perez	Primary vendor
Miami Breaker, Inc.	7060 NW 52 St, Miami, FL	Federico Anselmetti	Secondary vendor

* County Attorney's Office responsiveness opinion attached.

Vendors Not Recommended For Award
None

Due Diligence
Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Applicable Ordinances an Contract Measures
The services being provided are not covered under the Living Wage Ordinance. The Local Preference and Small Business Enterprise Bid Preference were applied in accordance with the Ordinance and did not affect outcome. The 2% User Access Program provision does not apply due to the funding source.

Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: November 7, 2011

To: Mayra Rose
Procurement Contracting Officer

From: Oren Rosenthal
Assistant County Attorney

Subject: Responsiveness of Bid – ITB No. 8027-0/17: Titled, Airfield Guidance Signs L858 and Replacement Parts

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You have asked this office whether a bid from Global Electrical & Lighting Supplies, Inc. ("Global") must be rejected as non-responsive to the above referenced Invitation to Bid ("ITB") because Global entered an apparently erroneous unit price on one of the requested line items or, in the alternative, whether the Internal Services Department ("ISD") may recalculate the bid from the extended price presented. For the reasons set forth below, we conclude that Global's bid is responsive, but ISD may not recalculate the price as proposed but must instead follow the solicitation requirements and recalculate the extended price from the presented unit price.

FACTS

We rely on the information provided in your memorandum to this office dated November 7, 2011 and attached hereto.

In the memorandum you state that a discrepancy was discovered on Global's bid for item 184 (pg 21). The company apparently entered a price of "$2,91.40/ea" for ten items and extended the price as $26,914.00. Section 1.3(F) of the ITB states "When there is a discrepancy between the unit prices and any extended prices, the unit prices will prevail."

DISCUSSION

Based on the facts set forth above, Global's bid is responsive but the solicitation requires ISD to recalculate Global's total bid price using an extended price of $2,914.00 for item 184 (calculated by multiplying a unit price of $291.40 by the 10 expected units) rather than the $26,914.00 extended price indicated in the space indicated for the extended price. The ITB is clear on the proper treatment of inconsistent unit and extended prices and makes no leeway for mistakes in bidding holding that "the unit prices will prevail."

The mere fact that Global may have erred in inadvertently omitting a digit does not excuse the mistake or provide the County with the discretion to amend the ITB requirements after bids have been received and opened. In Florida, a contractor making a mistake in bidding on a public project may not change his bid and may only withdraw his bid if it can be show that: "(1) the bidder acted in good faith in submitting the bid; (2) in preparing the bid there was an error of such magnitude that enforcement of the bid would work severe hardship upon the bidder; (3) the error was not a result of gross negligence or willful inattention; (4) the error was discovered and communicated to the public body, along with a

request for permission to withdraw the bid, before acceptance." *Department of Transportation v. Ronlee, Inc.*, 518 So.2d 1326, 1328 (Fla. 3d DCA 1988) (citing *State Board of Control v. Clutter Construction Corp.*, 139 So.2d 153 (Fla. 1st DCA), *cert. denied*, 146 So.2d 374 (Fla. 1962)).

Here, the bid is responsive and the total bid price should be revised in accordance with the specifications of the ITB. In the event that Global is unwilling to honor this price, it should be permitted to withdraw its bid only upon meeting the conditions set forth above.

Oren Rosenthal

Memorandum

MIAMI-DADE COUNTY

Date: November 7, 2011

To: Oren Rosenthal
Assistant County Attorney

From: M. Rose
Procurement Contracting Manager
Internal Services Department

Subject: Request for Responsiveness Determination on ITB No. 8027-0/17: Titled, Airfield Guidance Signs L858 and Replacement Parts.

Subject bid was publically opened on October 19, 2011. During the evaluation of the bid received from Global Electrical & Lighting Supplies, Inc. (Global) a question about the responsiveness of the bid arose.

Section 1.0, paragraph 1.3(F) states "When there is a discrepancy between the unit prices and any extended prices, the unit prices will prevail." On Global's bid for item 184 (pg 21), the company entered a price of $2,91.40/ea and extended the price as $26,914.00. *Can the unit price for this item be arrived at by dividing the extended price ($26,914.00) by the expected usage given by the County (10) to arrive at a unit price? Or should this bid be non-responsive to the solicitations requirements?*

The estimated award value of this contract is $3,000,000. If you have any questions, please contact me at (305) 375-4268.

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: July 3, 2012

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

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

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(A)(1)
7-3-12

RESOLUTION NO. _____

RESOLUTION AWARDING CONTRACT 8027-0/17, AIRFIELD GUIDANCE SIGNS, SERIES L-858, AND REPLACEMENT PARTS, TO GLOBAL ELECTRICAL & LIGHTING SUPPLIES, INC AS PRIMARY VENDOR, AND MIAMI BREAKER, INC. AS SECONDARY VENDOR, IN A TOTAL AMOUNT OF UP TO $2,240,000 FOR THE SIX-YEAR TERM, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MODIFY THE CONTRACT, EXERCISE CANCELLATION AND RENEWAL PROVISIONS CONTAINED THEREIN, AND EXERCISE ANY OTHER RIGHTS IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT ON BEHALF OF MIAMI-DADE COUNTY

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 directs the County Mayor or County Mayor's designee to award Contract No. 8027-0/17, Airfield Guidance Signs, Series L-858, and Replacement Parts, to Global Electrical & Lighting Supplies, Inc. as primary vendor and Miami Breaker, Inc. as secondary vendor, in a total amount of up to $2,240,000 for the six-year term; authorizes the County Mayor or County Mayor's designee to modify the contract, exercise cancellation and renewal provisions contained therein, and exercise any other rights in accordance with the terms and conditions of the contract on behalf of Miami-Dade County.

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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of July, 2012. 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.

Oren Rosenthal