

MEMORANDUM

Agenda Item No. 8(F)(1)

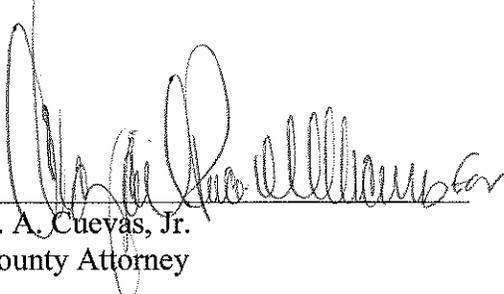
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 19, 2014

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

SUBJECT: Resolution authorizing the County Mayor to advertise a Request for Qualifications (RFQ No. 910) to establish a pool of proposers to provide energy/fuel saving services to Miami-Dade County, on an as-needed basis, to develop public private partnerships for the provision of these services

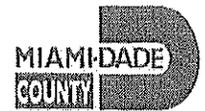
The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: February 19, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Authorizing the Advertisement of a Request for Qualifications (RFQ No. 910) to Establish a Pool to Provide Energy/Fuel Saving Services to the County

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution, which authorizes the advertisement of a Request for Qualifications (RFQ No. 910), in substantially the form attached, to invite proposals from qualified proposers for inclusion in a pool to provide energy/fuel saving services to the County. Selected proposers will be included in the *Compressed Natural Gas Guaranteed Energy/Fuel Savings Pool* (Pool) to participate in work order solicitations to be issued by the County on as-needed basis. Work order solicitations will be used by the County to develop public private partnership(s) for the provision of these services.

The draft RFQ was posted for industry review/comment in November 21, 2013. Upon approval by the Board, and incorporation of any recommended changes/edits by the Board, staff will formally release the solicitation to the industry. As mentioned, the recommended Pool will be submitted to the Board for final approval upon completion of the evaluation process.

Scope

The scope of this solicitation is countywide in nature.

Fiscal Impact/Funding Source

It will be difficult to estimate a fiscal impact until full scopes of work are finalized through the work order process. However, the County stands to benefit from the establishment of the Pool and the Board will be updated periodically as staff completes the evaluation of work order proposals.

In the long run, it is expected that fully-implemented public private partnerships resulting from this solicitation will have a positive fiscal impact to the County. The County will benefit from these partnerships in multiple ways, such as: 1) long-term fuel cost reductions, 2) reduced dependence on foreign oil and pricing volatility, 3) generation of revenue in the form of Compressed Natural Gas (CNG) sales to private/public sector entities, 4) provision of local construction and job creation opportunities, and 5) a more reliable underground fuel delivery system.

Delegation of Authority

Given the magnitude and countywide significance of this RFQ, Board approval is being requested to proceed with its advertisement to ensure the Board has the opportunity to provide any comments, input, and/or feedback prior to this solicitation being released to the industry.

Track Record/Monitor

Namita Uppal and Jesus Lee of the Internal Services Department will manage the solicitation and subsequent work orders in conjunction with technical support from the County's CNG Planning Committee and user departments. User departments include Miami-Dade Transit, Water and Sewer Department, Public Works and Waste Management, and the Internal Services Department's Fleet Management Division.

Background

In August 2012, the Mayor appointed the County's CNG Planning Committee to obtain industry information regarding the use of CNG. The CNG Planning Committee recommended issuance of a Request for Information (RFI), which was subsequently issued by Internal Services Department. The objective of the RFI was to gather information to help the County formulate a strategy to reduce its energy costs by exploring CNG as an alternate fuel source for its heavy fleet vehicles. Further, at the June 6, 2013 Board meeting,

Resolution R-601-13 sponsored by Chairwoman Rebeca Sosa and co-sponsored by several Board members directed the administration to look at the feasibility of natural gas use in the County fleet.

The County's heavy fleet consists of 822 transit buses operated and maintained by Miami-Dade Transit (MDT), over 800 heavy trucks operated and maintained by the Water and Sewer Department (WASD), and approximately 640 heavy trucks operated by the Public Works and Waste Management (PWWM). Each user department involved in this solicitation has its own unique equipment, needs and operational requirements. The response from industry to the RFI was encouraging, providing numerous data and several examples of other government agencies that have, or are in the process of, successfully switching from diesel to CNG. The RFI also included an open invitation to the public, and natural gas industry specifically, to attend a site visit of MDT and Internal Service Department Fleet facilities.

Responses from the industry indicated significant interest in providing a CNG solution for the County. There are a number of possible approaches to consider in determining what solutions will yield the best outcome and be in the best interest to the County. Some of these considerations include, but are not limited to:

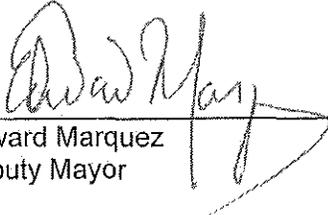
- design, build, financing, and maintenance;
- finance/lease of infrastructure/buildings/vehicles;
- utilize County contracts for gas or proposed sources or both;
- formulate separate solutions for different departments or one encompassing solution for multiple departments, providing revenue-generating opportunities from CNG stations; or
- any other decision that the County would deem to be in its best interest in initiating a CNG Program at the County.

Due to the variety of considerations, staff has prepared an RFQ to request qualifications from interested proposers. Through this RFQ, and pursuant to Florida Statutes 489.145 (Guaranteed Energy, Water, and Wastewater Performance Savings Contracting Act) and 287.055 (Florida Consultants Competitive Negotiations Act), the County intends to establish the Pool and use the services of qualified proposers to minimize the County's energy consumption and maximize the County's energy savings through the use of CNG to power a significant portion of the County's fleet vehicles. More specifically, this RFQ is for heavy fleet with a focus on transit buses, garbage trucks as well as other opportunities. Work order solicitations will be used by the County to develop public private partnership(s) for the provision of these services.

Work orders will seek proposals that will do all, or some combination of the following: design, build, finance, operate and maintain fuel service stations, upgrade County maintenance facilities, purchase/lease of buses/vehicles, provide training to our existing fleet employees, as well as generate revenue for the County by selling CNG to third parties.

County Measures and Preferences

After establishment of the Pool, each work order will be reviewed prior to issuance for application of any applicable goals, measure, and/or preferences where federal funding is not being utilized. For the federally-funded work orders, application of Disadvantaged Business Enterprise goals will be requested from MDT's Office of Civil Rights.



Edward Marquez
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 19, 2014

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

SUBJECT: Agenda Item No. 8(F)(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 Mayor'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(F)(1)

Veto _____

2-19-14

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ADVERTISE A REQUEST FOR QUALIFICATIONS (RFQ NO. 910) TO ESTABLISH A POOL OF PROPOSERS TO PROVIDE ENERGY/FUEL SAVING SERVICES TO MIAMI-DADE COUNTY, ON AN AS-NEEDED BASIS, TO DEVELOP PUBLIC PRIVATE PARTNERSHIPS FOR THE PROVISION OF THESE SERVICES

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 authorizes the Mayor or the Mayor's designee to advertise a Request for Qualifications (RFQ No. 910), in substantially the form attached hereto, to invite proposals from qualified proposers for inclusion in a pool to provide energy/fuel saving services to Miami-Dade County, on an as-needed basis, to develop public private partnership(s) for the provision of these services.

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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of February, 2014. 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.



Eduardo W. Gonzalez

**REQUEST FOR QUALIFICATIONS (RFQ)
FOR
COMPRESSED NATURAL GAS GUARANTEED ENERGY/FUEL SAVINGS POOL**

A. INVITATION TO ALL PROPOSERS:

Miami-Dade County, hereinafter referred to as the County, is inviting qualified proposers to submit their qualifications for inclusion in a pool to provide energy/fuel saving services to the County. Selected proposers will be included in the "Compressed Natural Gas Guaranteed Energy/Fuel Savings Pool" (the "Pool") to participate in work order solicitations to be issued by the County for the services generally described below in Section (C) on an as needed basis.

B. POLICY & INTENT:

Through this solicitation, and pursuant to Florida Statutes 489.145 ("Guaranteed Energy, Water, and Wastewater Performance Savings Contracting Act") and 287.055 ("Florida Consultants Competitive Negotiations Act"), the County intends to establish the Pool and use the services of qualified proposers to minimize the County's energy consumption and maximize the County's energy savings through the use of Compressed Natural Gas (CNG) to power a significant portion of the County's fleet vehicles. Work order solicitations will be used by the County to develop public private partnership(s) for the provision of these services.

C. GENERAL DESCRIPTION OF COUNTY'S SCOPE OF SERVICES:

The County intends to issue work order(s) to develop public private partnership(s) with proposer(s) that allows the County to take advantage of the savings associated with the use of CNG for its fleet. The scope of work includes the following:

1. Design, build, finance, operate and maintain CNG fuel service stations;
2. Upgrade existing County infrastructure including upgrading and/or converting County maintenance facilities and existing fuel stations to provide CNG;
3. Purchase and/or lease CNG powered vehicles, including buses and heavy fleet for identified County departments, with the goal of replacing County diesel powered fleet vehicles with CNG powered fleet vehicles;
4. Supply CNG for County fleet vehicles; and
5. Generate revenues for the County through the sale of CNG to third parties.

Detailed scope of work will be specified in work orders. The County anticipates that for purposes of economy and efficiency, work orders will be designed and solicited with a combination of the components of the scope above. For qualification purposes, however, the County will entertain proposals from proposers who do not offer all components of the scope above.

D. COUNTY REGULATIONS:

1. Cone Of Silence

This RFQ is subject to the provisions of Section 2-11.1(t) of the Miami-Dade County Code, as amended. Pursuant to this Section, a "Cone of Silence" is imposed upon each RFP or RFQ after advertisement and terminates at the time a written recommendation is issued. When the Cone of Silence is in effect, all potential vendors, service providers, bidders, lobbyists and consultants shall file a copy of any written correspondence concerning the particular RFP or RFQ with the Clerk of the Board, which shall be made available to any person upon request. The County shall respond in writing (if County deems a response necessary) and file a copy with the Clerk of the Board, which shall be made available to any person upon request. Written communications may be in the form of e-mail, with a copy to the Clerk of the Board at clerkbcc@miamidade.gov. All

requirements of the Cone of Silence policies are applicable to this solicitation and must be adhered to. Any and all written communications regarding the solicitation are to be submitted only to the Procurement Contracting Officer with a copy to the Clerk of the Board. Proposers are hereby notified that direct communication written or otherwise, to selection committee members or the selection committee as a whole are expressly prohibited. Any oral communications with Selection Committee members other than as provided in Section 2-11.1 of the Miami-Dade County Code are prohibited. The Cone of Silence shall not apply to oral communications at pre-bid conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, public presentations made to the Board of County Commissioners during any duly noticed public meeting or communications in writing at any time with any county employee, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to any person upon request.

2. Right to Protest

A recommendation for inclusion or non-inclusion in the Pool or rejection of all proposals may be protested by a Proposer in accordance with the procedures contained in Section 2-8.4 of the County Code, as amended, and as established in Implementing Order No. 3-21. Regardless of the funding source, recommendations for award/rejection of work orders will be subject to the bid protest process set forth in Section V of the Implementing Order 3-21, except that "County Manager" in that Section shall be substituted for "County Mayor".

E. DESCRIPTION OF PROCESS:

1. Qualifications Only

The purpose of this RFQ is to qualify proposers for future work order solicitations. Pricing information will not be considered in this RFQ process.

2. Evaluation/Selection Committee

Proposals received in response to this RFQ will be evaluated by an Evaluation/Selection Committee, hereinafter referred to as the "Committee", appointed by the County Mayor. The Committee will evaluate and rank proposals on criteria listed below. The Committee will be comprised of appropriate County personnel and members of the community, as deemed necessary, with the appropriate experience and/or knowledge. The County will strive to ensure that the Committee is balanced with regard to both ethnicity and gender.

3. Pool Members

The Committee will evaluate, score and rank proposals in accordance with the evaluation criteria and submit the results of their evaluation to the County Mayor or designee with their recommendation. The Committee will decide the number of pool members to be recommended based on qualifications of proposers and other considerations such as scores in clusters and/or maintaining competition in the County's best interest.

4. Award

An award under this RFQ means the creation of and Proposers' inclusion into the Pool. Any award resulting from this solicitation will be submitted to the County Mayor or designee for approval. All proposers will be notified in writing of the award recommendation. Notwithstanding

the rights of protest listed above, the County's decision of whether to create the Pool and which Proposers are to be included into the Pool shall be final.

5. County Measures and Preferences

After establishment of the Pool, each work order will be reviewed prior to issuance for application of the following county measures and goals where federal funding is not being utilized:

- i. Small Business Enterprise Measures (Section 2-8.1.1.1.1 of the Miami-Dade County Code)
- ii. Community Small Business Program (Sections 10-33.02 and 10-38 of the Code of Miami-Dade County)
- iii. Community Business Enterprise Program (Sections 2-10.4.01, and 10-38 of the Code of Miami-Dade County)
- iv. Local Preference (Section 2-8.5 of the Miami-Dade County Code)
- v. Local Certified Service-Disabled Veteran Business Enterprise Preference (Section 2-8.5.1 of the Code of Miami-Dade County)

For the federally-funded work orders, application of Disadvantaged Business Enterprise goals will be requested from the Miami-Dade Transit, Office of Civil Rights.

6. County Ordinances:

Fees associated with the County Ordinances for Inspector General Reviews (Section 2-1076 of the Code of Miami-Dade County, as amended by Ordinance No. 99-63) and User Access Program (Section 2-8.10 of the Miami-Dade County Code) will apply to work orders as permitted by the funding source.

7. Federal Transit Administration (FTA) Requirements

FTA funds may be utilized for certain work orders. The county measures and preferences and ordinances described in Sections E5 and E6 above will not apply to FTA funded work orders. Disadvantage Business Enterprise Program provisions of 49 CFR Part 26 and Buy America provisions of 49 CFR 661 will apply to the FTA funded work orders. Such work orders will comply with the requirements of FTA circular 4220.1F (http://www.fta.dot.gov/legislation_law/12349_8641.html) or revision thereof. Pool members who compete and/or receive an award of a FTA funded work order shall comply with all applicable FTA requirements.

8. Issuance of Work Orders

Membership in the Pool is a pre-requisite for obtaining work for energy/fuel saving services issued through the Pool. As energy/fuel saving services are needed, a Work Order solicitation with a scope of work may be sent to all Pool members. The County may consult with all Pool members to:

- i. Establish priorities and sequence of work to be performed;
- ii. Identity segments of work;
- iii. Develop a realistic timeframe; and
- iv. Develop a detailed scope of work.

The feedback received from Pool members regarding development of timelines and scope of work will be taken into consideration by the County before issuance of work orders; however the

County's decision regarding timelines, scope, and other issues set forth in the work order will be final.

The methodology proposed to be used for issuance of work orders is the following: (a) immediately upon selection of the Pool pursuant to this solicitation, and approval of the Pool by the Board of County Commissioners, the County and the proposers selected for the Pool will enter into a cooperative engagement for the identification, programming and scheduling of the proposed approach (the "CNG Program Plan"); the County shall have sole discretion and authority to approve the CNG Program Plan; (b) based on the CNG Program Plan, the County may, at its sole discretion, issue one or more work orders to accomplish the scope of services generally set forth above by reference to specific facilities or more definitive project scope(s); (c) participation in the solicitation for work orders shall be limited to the selected Pool members; (d) to be considered for award of a work order, the Pool member must provide a comprehensive report setting forth the proposed savings and guarantee that the savings will exceed the cost of the project all in the manner set forth in Section 489.145 of the Florida Statutes, and otherwise comply with the requirements of that law for the award of a contract. The County, at its sole discretion, may require the selected Pool member to secure financing for the County's acquisition of the proposed approach. Therefore, ability of Pool members to secure financing, and past financing experience will be an integral part of the evaluation of the Pool members. Please note that the County does not anticipate to pay for any costs resulting from a proposer's participation in the Pool, preparation of requisite study, or other costs derived from the preparation of a response to this solicitation or a work order. Costs shall be reimbursable by the County, at the County's discretion, only through agreement resulting from the work order process, and only to the extent that such costs, aggregated to other project costs, do not exceed the guaranteed savings.

The contemplated methodology for award of work orders would generally involve competition among Pool members, where more than one Pool member is selected. Notwithstanding, the County reserves the right, where permitted by law, and determined to be in the best interests of the County, at the County's sole discretion, to select Pool members for contracting on a non-competitive basis. These instances include, but are not limited to, instances where (a) a Pool member is uniquely qualified to perform a work order; (b) the assignment of additional work to one or more Pool member(s) is determined by the County to exceed such Pool member's capacity; or (c) equitable distribution of the work is determined to be in the best interest of the CNG Program.

The County retains the sole discretion to reopen the Pool at any time to evaluate the qualification of other firms to provide the goods and services contemplated in this RFQ.

F. EVALUATION CRITERIA:

The Committee will evaluate proposals in accordance with the criteria below. The criteria are itemized with their respective weights for a maximum total of 1,000 points per Committee member.

	<u>Criteria</u>	<u>Points</u>
1.	Background and prior experience in delivering, developing, and operating CNG projects and generating revenue by selling to private parties/individuals	400
2.	Financial capacity including ability to secure financing	400
3.	Approach to source Natural Gas	200
Note: See detailed qualification criteria below.		

G. QUALIFICATIONS:1. Licensing

Proposer shall either be a person/business licensed under Chapters 471, 481 or 489 of the Florida Statutes or a Joint Venture that includes a person/business licensed under Chapters 471, 481 or 489 of the Florida Statutes. Proposers who do not meet this requirement shall be deemed non-responsive. This requirement is a continuing condition of award, and shall be maintained throughout the duration of the Pool.

2. Detailed Qualification Criteria

Proposers shall prepare proposals in sufficient detail to respond to the criteria listed below:

i. Background and prior experience in delivering, developing, and operating CNG projects and generating revenue by selling to private parties/individuals

- a. Describe Proposer's (or its subcontractor's) prior experience in designing, building, operating, and maintaining natural gas or other energy infrastructure project(s).
- b. Describe Proposer's (or its subcontractor's) prior experience in upgrading existing energy and/or fueling facilities.
- c. List all contracts which the proposer has performed for Miami-Dade County.
- d. List the names, area of expertise, scope of work, and addresses, if any, of all existing subcontractors, consultants and staff that may perform services on subsequent work orders.
- e. Provide a detailed description of CNG projects which the proposer (or its subcontractor) has either ongoing or completed within the past five years.
- f. Provide proposer's (or its subcontractor's) prior experience in energy savings contracts.
- g. Describe how proposer can generate revenue by selling CNG to private parties/individuals. Describe the details, including marketing plan, and any potential contractual relationships with any public/private entities.

ii. Financial capacity including ability to secure financing

- a. Describe the proposer's current and near future commitments/projects that may impact its financial resources, performance, and capabilities to complete CNG projects for the County.
- b. Describe the proposer's prior experience in financing energy savings projects.
- c. Provide documentation proving proposer's financial strength and ability to provide start-up operations and reasonable working capital to handle CNG projects for the County. Such documentation may include its most recent certified financial statements as of the date not earlier than the end of the proposer's preceding official tax accounting period, with a statement in writing, signed by a duly authorized representative, stating that the present financial condition is materially the same as that shown on the balance sheet and income statement submitted, or with an explanation for any material change in the financial situation. If certified financial statements are not available, provide latest available financial statements (balance sheet and income statement) and letters of credit availability from accredited financial institutions or other relevant documentation.

iii. Approach to source Natural Gas

Describe the proposer's approach in sourcing Natural Gas to support the County's CNG program. The approach shall include, at a minimum, proposer's familiarity with the South Florida conditions, availability of Natural Gas, pipeline capacity, providers of Natural Gas, and compliance with regulations.

Proposers may include any other information that may impact the County's CNG program and is useful to the County's evaluation of the proposer's qualifications.

H. COUNTY CONTACT FOR THIS SOLICITATION:

Name: Namita Uppal, Procurement Contracting Manager
Address: 111 NW 1st Street, Suite 1300, Miami, FL 33128
Telephone: (305) 375-1513
Email: nuppal@miamidade.gov

I. PROPOSAL PREPARATION & SUBMISSION:

1. Proposal Preparation: The proposal shall include:
 - i. Proposal Cover Page (See page 7 of the RFQ).
 - ii. Information and relevant documentation to respond to the evaluation criteria listed above.
2. Proposals are due at the Clerk of the Board no later than _____, **2014** at 2:00pm (local time) at:

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

The Clerk of the Board business hours are 8:00am to 4:30pm, Monday through Friday. The Clerk of the Board is closed on holidays observed by the County.

PROPOSAL COVER PAGE

RFQ No:	
RFQ Title:	Compressed Natural Gas Guaranteed Energy/Fuel Savings Pool
Proposer's Name:	
Proposer's FEIN:	
Mailing Address:	
Proposer's Organizational Structure:	<input type="checkbox"/> Corporation <input type="checkbox"/> Joint Venture <input type="checkbox"/> Partnership <input type="checkbox"/> Proprietorship <input type="checkbox"/> Other (Explain): _____
If Corporation:	Date Incorporated/Organized: _____ State Incorporated/Organized: _____ States registered in as foreign corporation: _____
Proposer's authorized signature:	<p>The undersigned hereby certifies that this proposal is in response to this RFQ. Proposer certifies that the information submitted in this proposal is accurate and true. Proposer agrees to abide by all Federal, State, and County rules and regulations as applicable to subsequent work orders. Failure to sign this RFQ by an authorized representative shall render the proposal non-responsive. .</p> <p>Signed By: _____</p> <p>Date: _____</p> <p>Print Name: _____</p> <p>Title: _____</p>