

Memorandum



Date: February 3, 2015
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners
From: Carlos A. Gimenez
Mayor

Agenda Item No. 8(F)(12)

Subject: Recommendation for Approval to Waive Competition and Award a Bid Waiver Contract: Armored Car Services for Various Miami-Dade County Departments

Recommendation

It is recommended that the Board of County Commissioners (Board) approve waiving competitive bid procedures for the purchase of goods and services pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code, and approve award of *Contract FB-00045, Armored Car Services* to Dunbar Armored, Inc. (Dunbar). The awardee will be responsible for the pick-up of County funds from multiple sites and the delivery of those funds to various bank locations.

An Invitation to Bid was issued under full and open competition on March 25, 2014. The purpose of the solicitation was for countywide armored car transportation services. The sole bid, received from Dunbar, was deemed non-responsive by the County Attorney's Office due to Dunbar taking a price exception (i.e., declining to include tamper-resistant deposit bags as part of its overall bid price as required by the solicitation).

A request to waive competition and approve the award of this contract is recommended as the tamper-resistant deposit bags are a consumable that may be obtained through various methods, and the services to be provided under this contract are not impacted by the recommended vendor not providing tamper-resistant deposit bags. The cost of the deposit bags, which the County has historically required in armored car services contracts to secure its deposits, is negligible and can be easily absorbed by the County. The recommended vendor has satisfied all other solicitation requirements and market research indicates that the proffered pricing is competitive. As such, it is in the County's best interest to award a bid waiver contract to Dunbar for the provision of armored car services for various County departments.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact of the recommended five-year contract term will be \$1,618,000. There are no options-to-renew under this recommended contract. The current contract, 6092-0/14, is valued at \$2,060,300 for five (5) years and six (6) months. The reduction in the total allocation in the recommended contract is attributed to the anticipated service schedule and reduced pricing for some locations. Separately, Miami-Dade Transit continues to not be included in the recommended contract as the department conducts its revenue collection in-house. This approach is more cost effective for Miami-Dade Transit given the frequency and amount of locations to be serviced.

Department	Allocation	Funding Source	Contract Manager
Animal Services	\$53,000	Proprietary Funds	Virginia Diaz
Aviation	24,000	Proprietary Funds	Neivy Garcia
Clerk of Courts	506,000	Proprietary Funds	Charis Lubeck
Corrections and Rehabilitation	38,000	General Fund	Mohammed Haq
Cultural Affairs	20,000	Proprietary Funds	Deborah Margol
Finance	48,000	Proprietary Funds	Ana Castro-Cabrera

Department (continued)	Allocation	Funding Source	Contract Manager
Fire Rescue	24,000	Fire District Funds	Marianela Betancourt
Internal Services	24,000	Internal Service	Carlos Gutierrez
Law Library	5,000	Proprietary Funds	Johanna Poriglia
Library System	242,000	Library District Funds	Anna Rodriguez
Parks, Recreation and Open Spaces	196,000	General Fund	Bill Solomon
Police	24,000	General Fund	Laura Romano
PortMiami	63,000	Proprietary Funds	Phillip Rose
Public Works and Waste Management	132,000	General Fund / Proprietary Funds	Olga Espinosa-Anderson
Regulatory and Economic Resources	81,000	Proprietary Funds	Manny Almuina
Water and Sewer	123,000	Proprietary Funds	Gregory Hicks
Vizcaya Museum and Gardens	15,000	Proprietary Funds	Anabel Miro
Total:	\$1,618,000		

Track Record/Monitor

Melissa Adames of the Internal Services Department is the Procurement Contracting Manager.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise all provisions of the contract pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Recommended Vendor

The method of award was to the lowest-priced responsive responsible bidder by group in the aggregate.

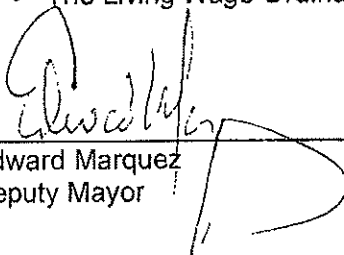
Awardee	Address	Principal
Dunbar Armored, Inc.	50 Schilling Road Hunt Valley, MD 21031	James L. Dunbar

Due Diligence

Pursuant to R-187-12, 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 are referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There are no adverse findings relating to contractor responsibility.

Applicable Ordinances and Contract Measures

- The two (2) percent User Access Program provision applies and will be collected on all purchases.
- The Small Business Enterprise Bid Preference applied to this solicitation as one firm is certified in the commodity code. The Local Preference Ordinance also applied. Both preferences were applied in accordance with the respective ordinances, but did not impact this procurement.
- The Living Wage Ordinance does not apply.


Edward Marquez
Deputy Mayor

Memorandum



Date: April 29, 2014

To: Theo Carrasco
Procurement Contracting Officer II

From: Oren Rosenthal
Assistant County Attorney

Subject: Responsiveness of Bid – FB No. 00045, Armored Car Services for Various Miami-Dade County Departments – Dunbar Armored, Inc.

You have asked this office if a bid from Dunbar Armored, Inc. (“Dunbar”) may be considered responsive to the above referenced Solicitation FB-00045 (“ITB”). Your inquiry identifies various deviations from the solicitation in the bid by Dunbar but as the issue of Dunbar’s price exception is dispositive, this opinion will be limited to that deviation. For the reasons set forth below, we conclude that Dunbar’s bid is non-responsive to the RFP as advertised.

FACTS

We rely on the information provided in your memorandum to this office dated April 25, 2014 (attached hereto), the solicitation, and Dunbar’s bid in response to the solicitation.

The ITB seeks bids from qualified vendors to provide armored car transportation services with pick-ups at County offices at various locations in Miami-Dade County. The ITB requests that bidders submit a weekly rate for these services at each location. Section 3.4 of the ITB makes clear that: “Cloth bags, lead seals, sealing machines, identification tags and other supplies required to provide the services noted in this Solicitation are to be furnished at no additional cost to the County.”

In its bid, Dunbar appropriately provided weekly pricing for its service but, in contravention of Section 3.4 of the ITB, informs the County that: “Dunbar’s pricing does not include supplying tamper evident bank bags. Security bags are available for purchase from Dunbar Security Products at 800-766-9145.”

DISCUSSION

Based on the facts set forth above, the bid from Dunbar is non-responsive. In general, a bid may be rejected or disregarded if there is a variance between the bid and the advertisement. *See Robinson Electric Co. v. Dade County*, 417 So.2d 1032, 1034 (Fla. 3d DCA 1982). Only when a variance is immaterial or “minor” is a bidder permitted to withdraw the variance. *Harry Pepper & Associates, Inc. v. City of Cape Coral*, 352 So.2d 1190, 1129 (Fla. 2d DCA 1977) (“a bidder cannot be permitted to change his bid after the bids have been opened, except to cure minor irregularities”). For a solicitation based on price, if the irregularity has a clear affect on the amount of the price proposed, it is a material deviation that cannot be waived. *See Harry Pepper*, 352 So. 2d at 1193 (“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”).

Here, the County believes that the costs of bags and other supplies necessary to provide the service are material to the solicitation by affirmatively indicating that all bids shall include those items as part of the price bid. ITB, Section 3.4. Dunbar's failure to do so and instead indicate that a price for such services may be obtained after the award of the contract is a material deviation that is not the solicitation let out by the County.

Accordingly, the bid from Dunbar is non-responsive.



Oren Rosenthal




MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 3, 2015

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

SUBJECT: Agenda Item No. 8(F)(12)

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
Veto _____
Override _____

Agenda Item No. 8(F)(12)
2-3-15

RESOLUTION NO. _____

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE AND BID PROTEST PROCEDURES OF SECTIONS 2-8.3 AND 2-8.4 OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT AND APPROVING AWARD OF A CONTRACT FOR PURCHASE OF ARMORED CAR SERVICES IN A TOTAL AMOUNT NOT TO EXCEED \$1,618,000.00

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 cannot be purchased under normal bid procedures,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board finds it is in the best interest of Miami-Dade County to waive formal bid procedures, pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code, by a two-thirds (2/3) vote of the Board members present, and award a contract to Dunbar Armored, Inc. for purchase of armored car services in a total amount not to exceed \$1,618,000, as set forth in Contract FB-00045 and as amended by the offer to exclude the tamper-resistant deposit bags on file with the Clerk of the Board. The deposit bags will be purchased by separate agreement.

Section 2. Furthermore, the Board waives the procedures contained in Sections 2-8.3 and 2-8.4 of the County Code pertaining to bid protests, by a two-thirds (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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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

