Memorandum

MIAMI-DADE COUNTY

Date:	April 21, 2015
To:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners
From:	Carlos A. Gimenez Mayor
Subject:	Recommendation for Approval to Award: Cremation and Interment Services

Agenda Item No. 8(F)(6)

Recommendation

It is recommended that the Board of County Commissioners (Board) approve award of *Contract No. FB-00128* to Fred Hunter Memorial Services, Inc. for the purchase of cremation and interment services on behalf of the Medical Examiner Department.

The awarded vendor will provide the Medical Examiner Department with the centralized, scheduled pick-up and removal of remains, as well as cremation or interment services. These services are a core part of the Medical Examiner Department's Public Interment Program (PIP), which provides the final disposition for persons who have no family or cannot afford private funeral arrangements. Furthermore, the awarded vendor shall make remains available to the PIP Coordinator within 60 days following PIP authorization to cremate, upon receipt of a signed death certificate. The awarded vendor is also responsible for obtaining the required burial and transit permits for interment at the County cemetery.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Sources

The fiscal impact for the five-year term is $1,105,000. The current contract, *9223-0/15*, is valued at $1,141,190 for five (5) years. The reduction in cost under the replacement contract is attributable to the following: (1) pricing submitted by the recommended vendor is lower than the pricing provided under the current contract, and (2) as a result of negotiations conducted with the recommended vendor, the County will pay for cremation services at the outlined rates and the vendor will provide interment services at no-cost to the County, a savings of over $12,225 for the contract term.

Department	Allocation	Funding Source	Contract Manager
Medical Examiner	$1,105,000	General Fund	Aylin Concepcion
Total:	**$1,105,000**		

Track Record/Monitor

Martha Garofolo of the Internal Services Department is the Procurement Contracting Officer.

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.

Vendor(s) Recommended for Award

An Invitation to Bid was issued under full and open competition on October 30, 2015. The method of award was to the single lowest-priced responsive and responsible bidder in the aggregate that met the solicitation's qualifications criteria. Two (2) vendors responded to the solicitation.

Awardee	Address	Principal
Fred Hunter Memorial Services, Inc.	6301 Taft Street Hollywood, FL	Ryan Quinn

Vendor(s) Not Recommended for Award

Vendor	Reason for not recommending
Guiding Light Cremations, LLC	Bid was found non-responsive by the County Attorney's Office as the vendor failed to provide pricing on all items as required by the solicitation.

Due Diligence

Pursuant to Resolution 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 were referenced include: convicted vendors; debarred vendors, delinquent contractors, suspended ven

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 and Local Preference were applied in accordance with the respective ordinances but did not impact the outcome of the solicitation.
- The Living Wage Ordinance does not apply.

Russell Benford
Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: December 12, 2014

To: Martha Garofolo
Procurement Contracting Officer 1
Internal Services Department (ISD) – Procurement Management Division

From: Eduardo W. Gonzalez
Assistant County Attorney

Subject: Responsiveness Determination Bid No. FB-000128 Cremation and Interment Services
Bidder: Guiding Light Cremations

You have asked this office if the bid submitted by Guiding Light Cremations ("Guiding Light") for Solicitation FB-000128 (Cremation and Interment Services) is responsive. For the reasons set forth below, we conclude that Guiding Light's bid is *non-responsive*.

FACTS

We rely on the information provided in your December 3, 2014 memorandum regarding the bidding issues and the attachments to that memorandum including the terms of the solicitation itself and the bid submitted by Guiding Light. The purpose of the solicitation is to establish a contract for the purchase of cremation and interment services in conjunction with the County's needs on an as needed when needed basis. The solicitation's method of award provision provided:

> Award of this contract will be made to one (1) responsive, responsible vendor who submits an offer on all items listed in the solicitation and whose offer represents the lowest price when all items are added in the aggregate.

The County solicited bid prices on two items: (1) cremations; and (2) interment services. Guiding Light failed to offer bid prices for the interment services item.

DISCUSSION

In general, a bid may be rejected or disregarded if there is a material variance between the proposal and the advertisement. A minor variance, however, will not invalidate the proposal. See Robinson Elec. Co. v. Dade County, 417 So. 2d 1032, 1034 (Fla. 3d DCA 1982). The determination of whether a variance or irregularity is minor is fact specific and may differ from bid to bid. Florida courts have used a two part test to determine if a specific noncompliance in a bid would constitute a substantial and, thus, nonwaivable issue: (1) whether the effect of the waiver would be to deprive the County of the assurance that the contract would be entered into, performed and guaranteed according to its specific requirements; and (2) whether it would adversely affect competitive bidding by placing a proposer in a position of advantage over other proposers. See Glatstien v. City of Miami, 399 So. 2d 1005 (Fla. 3d DCA 1981).

Guiding Light's failure to provide bid prices on an item deprives the County of the assurance that the contract will be performed and guaranteed in accordance with the terms of the solicitation and thereby renders Guiding Light's bid non-responsive. See Matter of: New Shawmut Timber Co., B-286881, 2001 CPD P 42, 2001 WL 185214, *1 (Comp. Gen. Feb. 26, 2001) ("The failure to include a

price for a line item evidences a bidder's intent not to be bound or obligated to perform that element of the requirement, and thus generally renders the bid nonresponsive."); Matter of: The Jorgensen Forge Corp., B-255426, 94-1 CPD P 157, 1994 WL 64911, *2 (Comp. Gen. Feb. 28, 1994) ("Where, as here, an IFB provides that award will be made to the low aggregate bidder, a bid that fails to include a price for every item required by the IFB generally must be rejected as nonresponsive since the bidder would not be obligated to provide the item for which it has provided no price.").

Eduardo W. Gonzalez

MEMORANDUM

(Revised)

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

DATE: April 21, 2015

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

SUBJECT: Agenda Item No. 8(F)(6)

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)(6)
4-21-15

RESOLUTION NO. _____

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00128 FOR PURCHASE OF CREMATION AND INTERMENT SERVICES FOR THE COUNTY MEDICAL EXAMINER DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED $1,105,000.00; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ANY CANCELLATION, RENEWAL AND OTHER RIGHTS AND 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 approves award of Contract No. FB-00128 for purchase of cremation and interment services for the Miami-Dade County Medical Examiner Department as set forth in the incorporated memorandum in a total amount not to exceed $1,105,000.00, and authorizes the County Mayor or County Mayor's designee to give notice of this award, issue the appropriate purchase order to give effect to same and exercise any cancellation, renewal and other rights and provisions contained therein. A copy of the contract document is on file with and available upon request from the Internal Services Department, Procurement Management Services Division.

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 21st day of April, 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.

Eduardo W. Gonzalez