Memorandum

MIAMI-DADE COUNTY

Date: May 17, 2016

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

Agenda Item No. 8(F)(9)

From: Carlos A. Gimenez
Mayor

Subject: Recommendation for Approval to Award: Contract Healthcare Staffing Services

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the award of *Contract No. FB-00312, Contract Healthcare Staffing Services*, for the purchase of professional healthcare staffing services for the Miami-Dade Community Action and Human Services and Public Housing and Community Development Departments. The contracted staff will work in various facilities throughout the County, providing care and treatment for people with disabilities, veterans, and the elderly. The contracted healthcare professionals will deliver various medical services to those groups, including, but not limited to, treatment for substance abuse, elderly transitional living, counseling, physician assistance and social work. The solicitation includes four (4) groups encompassing multiple healthcare professional positions (e.g., registered nurse, nutritionist and medical doctor) and healthcare-related positions (e.g., social worker and home care aide).

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the initial two-year term is $4,246,000. Should the County choose to exercise the three (3), one-year option to renew terms, the contract's cumulative value will be $10,615,000 for five (5) requested years. The previous contract, *9141-3/14*, was valued at $11,412,000 for six (6) years. Community Action and Human Services has added three (3) healthcare professional positions to provide increased services to include: Registered Nurse, Healthcare Aides and Dietician/Nutritionist.

Department	Allocation	Funding Source	Contract Manager
Community Action and Human Services	$2,366,000	General Fund and Federal Funds	Kimberly Craig
Public Housing and Community Development	1,880,000	Federal Funds	Indira Rajkumar-Futch
Total:	$4,246,000		

Track Record/Monitor

Fredrick Taylor 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, including any cancellation, renewal and extension provisions.

Vendors Recommended for Award

An Invitation to Bid was issued under full and open competition on October 27, 2015. Six (6) bids were received in response to the solicitation. The method of award was to the single lowest-priced responsive and responsible vendor by group. The solicitation included the four (4) groups shown in the table below. Groups 1 and 2 were set-aside for certified Small Business Enterprises. No measures were assigned to Groups 3 and 4 due to federal funding restrictions.

Group	Positions
1	Healthcare Professionals
2	Healthcare Related
3	Healthcare Professionals (federal funds)
4	Healthcare Related (federal funds)

Awardee	Award	Principal Address	Address of Branch Offices or Headquarters in Miami-Dade or Broward*	Number of Employee Residents 1)Miami-Dade 2)Broward 3)Percentage*	Principal
American Home Health Agency, Inc. (Micro/SBE)	Group 2, Group 4	5803 NW 151 Street Suite 201 Miami Lakes, FL	Same	70 26 100%	Anthony Pryce
CSI Catalano's Nurses Registry, Inc.	Group 3	5803 NW 151 Street Suite 204 Miami Lakes, FL	Same	1,226 0 100%	Steven Hochhauser
Integrated Holdings, Inc.** (Micro/SBE)	Group 1	3440 NW 203 Street Miami, FL	Same	10 0 100%	Olaleye Olawale

*The information in this table is being provided pursuant to Resolution No. R-1011-15. The percentage of employee residents is the percentage of the vendors' employees who reside in Miami-Dade or Broward County as compared to the vendor's total workforce.

**Integrated Holdings, Inc. was deemed non-responsive by the County Attorney's Office for failure to submit a price on all Group 2 items. A copy of the opinion is attached.

Vendors Not Recommended for Award

Vendor	Reason for Not Recommending
Cell Staff, Inc.	Higher than lowest bidder
Delta-T Group Florida, Inc.	
Integrated Holdings, Inc.	Deemed non-responsive by the County Attorney's Office (opinion attached) for Group 2.
Jackson & Coker Locum Tenens, LLC	Deemed non-responsive by the County Attorney's Office (opinion attached) for Group 3 as the vendor failed to submit a bid for all items within the group as required by the solicitation. The vendor did not bid on Groups 1, 2, or 4.

Due Diligence

Pursuant to Resolution No. 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 bidders, debarred bidders, delinquent contractors, suspended bidders, and federal excluded parties. There were no adverse findings related to contractor responsibility.

Pursuant to Resolution No. R-140-15, prior to the re-procurement of this replacement contract, a full review of the scope of services was conducted to ensure the replacement contract reflects the County's current needs which included conducting market research. The scope of services was updated to add contracted employee positions and increase staffing hours.

Applicable Ordinances and Contract Measures

- The two (2) percent User Access Program provision applies and will be collected on all purchases, where permitted by the funding source.
- The Small Business Enterprise (SBE) Bid Preference and Local Preference Ordinances were applied where permitted by the funding source. An SBE set-aside was applied to Groups 1 and 2.
- The Living Wage Ordinance applies.

Attachment

Russell Benford
Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: December 30, 2015

To: Fred Taylor
Procurement Contracting Officer, ISD

From: Miguel A. Gonzalez
Assistant County Attorney

Subject: Responsiveness of Bid – Contract No. FB-00312

I am in receipt of your memorandum dated December 1, 2015, in which you ask for a responsiveness determination as to a bid received from Jackson & Coker LocumTenens, LLC (the "Bidder"). I have reviewed your memorandum and the enclosed materials, which include the solicitation documents for ITB No. FB-00312 (the "ITB") and the bid received from the Bidder.

I am advised that the estimated value of the contract is $9,900,000.

Analysis

For the reasons set forth below, I conclude that the bid received from the Bidder as to Group 3 of the ITB is not responsive. The Bidder did not bid on Groups 1, 2, or 4.

You inquire whether the Bidder's bid as to Group 3 of the ITB is responsive. In the instructions to bidders, the ITB provided as follows:

> Award of this contract will be made up to the two (2) lowest priced responsive, responsible Bidder(s) on a group-by-group basis. ***To be considered for award for a given group, the Bidder must offer hourly bill rates for all positions stipulated within the given group.*** The County will then select the Bidder for award for each group by totaling the extended (hourly bill rate multiplied by the estimated amount of hours) pricing for all of the positions within each group. ***If a Bidder fails to submit an offer for all positions within the group, its offer for that specific group may be rejected.***

See ITB at § 2.4 (emphases supplied). For Group 3, the bid form appeared as follows:

Group 3: Healthcare Professionals Positions (Use of Federal Funds) (Community Action and Human Services)				
Item No.	Description	Approximate Number of Number of Healthcare	Estimated Annual Hours Per Year	Hourly Bill Rate Per Employee
1	Registered Nurse	2	6,400	
2	Licensed Practical Nurse	2	32,982	
3	Certified Nursing Assistant	2	180,977	
4	Medical Doctor/Psychiatrist (As Needed)	1	611	
5	Dietician/Nutritionist	2	1,954	

In its response to the ITB, the Bidder failed to offer an hourly bill rate per employee for all of the categories within Group 3. Instead, the Bidder only offered an hourly rate for Item No. 4 in Group 3. The Bidder's response was as follows:

Group 3: Healthcare Professionals Positions: (Use of Federal Funds in Community Action and Human Services)				
Item No.	Description	Approximate Number of Number of Healthcare Professionals	Estimated Annual Hours Per Year	Hourly Bill Rate Per Employee
1	Registered Nurse	2	6,400	NA
2	Licensed Practical Nurse	2	32,983	NA
3	Certified Nursing Assistant	2	180,977	NA
4	Medical Doctor/Psychiatrist (As Needed)	1	811	200
5	Dietician/Nutritionist	2	1,954	NA

As noted above, the ITB states that "[t]o be considered for a given group group, the Bidder must offer hourly bill rates for all positions stipulated within the given group," and the ITB further warns that failure to submit hourly bill rates for all positions within the group may result in the bid being rejected.

One court has explained that the purpose of the competitive bidding process is, among other things, "to secure fair competition upon equal terms to all bidders . . . and to afford an equal advantage to all desiring to do business with the county, by affording an opportunity for an exact comparison of bids." *Harry Pepper & Assocs., Inc. v. City of Cape Coral*, 352 So. 2d 1190, 1192 (Fla. 2d DCA 2977) (citing *Wester v. Belote*, 138 So. 721, 723-24 (Fla. 1931)). It is established that responses to a solicitation must be capable of assuring the County that, if accepted, the proposal will result in a contract that can be performed in accordance with the requirements of the solicitation. *See, e.g., Glatstein v. City of Miami*, 399 So. 2d 1005, 1007-1008 (Fla. 3d DCA 1981) (relying on *Wester* for the proposition that solicitations must include "reasonably definite plans or specifications, as a basis on which bids may be received").

The Bidder's failure to offer an hourly rate for all Group 3 items renders its bid non-responsive for that group. The bid was not sufficient to provide the County with assurance that "the proposal will result in a contract that can be performed in accordance with the requirements of the solicitation." *Glatstein*, 399 So. 2d at 1007-1008. The bids is insufficient to establish a contract, if accepted, because they do not set forth the "price term" of the contract as to Group 3.

Addendum

After submission of the above responsiveness opinion, I was advised that another bidder, Integrated Holdings, Inc. ("Integrated"), failed to submit a price proposal on all items within a group. Specifically, in Group 2, Integrated failed to submit a price proposal for Item 3—"Social Worker 1. Its submission was as follows:

Group 2: Healthcare Professionals Positions (Public Housing And Community Development)				
Item No.	Description	Approximate Number of Number of Healthcare Professionals	Estimated Annual Hours Per Year	Hourly Bill Rate Per Employee
1	Home Care Aide (As Needed)	1	1,103	13.01
2	Social Worker Aide (As Needed)	1	1,103	13.01
3	Social Worker 1	1	2,080	
4	Health Services Administrator (As Needed)	1	977	33.71

For the same reasons articulated with respect to Jackson & Coker LocumTenens, LLC, all of which are incorporated into this Addendum by referenced, Integrated is non-responsive as to Group 2 of the ITB.

MEMORANDUM

(Revised)

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

DATE: May 17, 2016

FROM: Abigail Price-Williams County Attorney

SUBJECT: Agenda Item No. 8(F)(9)

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**

_____ **Statement of social equity 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)(9)
5-17-16

RESOLUTION NO. _____

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00312 FOR PURCHASE OF CONTRACT HEALTHCARE STAFFING SERVICES FOR THE COMMUNITY ACTION AND HUMAN SERVICES AND PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENTS FOR AN INITIAL TWO-YEAR TERM AND THREE (3) ONE-YEAR OPTION TO RENEW PERIODS IN A TOTAL AMOUNT NOT TO EXCEED $10,615,000.00; AND AUTHORIZING 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 ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum and document, 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-00312 for purchase of contract healthcare staffing services for the Community Action and Human Services and Public Housing and Community Development Departments for an initial two-year term and three (3) one-year option to renew periods in a total amount not to exceed $10,615,000.00, 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 all provisions of the contract pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38. A copy of the contract 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 17th day of May, 2016. 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.

Hugo Benitez