

Memorandum



Date: June 15, 2016

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

From: Carlos A. Gimenez
Mayor 

Subject: Recommendation to Reject All Proposals Received: Transit Oriented Development at
NW 215 Street and NW 27 Avenue

TMSC
Agenda Item No. 3A

Recommendation

It is recommended that the Board of County Commissioners (Board) reject all proposals received under *Request for Proposals RFP-00201, Transit Oriented Development at NW 215 Street and NW 27 Avenue*, for the Department of Transportation and Public Works. Miami-Dade County (County) issued a solicitation to obtain proposals from experienced and qualified firms for the development, operation and maintenance of approximately 13.98 acres of County-owned property located at Northwest 215 Street and adjacent to Northwest 27 Avenue in the City of Miami Gardens. The goal of the project was the development of a successful multi-use commercial complex with a transportation hub. The complex would have an entertainment focus, including hotels, cultural centers and recreational facilities, attracting private sector investment and fostering job creation, ultimately stimulating the local economy.

Two (2) proposers responded to the solicitation, HAAD/Arcadd, Inc. and Miami Gardens Transit Village LLC. The proposal submitted by HAAD/Arcadd, Inc. was deemed non-responsive by the County Attorney's Office (CAO) for failure to include a Proposal Guarantee, i.e., a \$50,000 bid bond, as required by the solicitation. A copy of the CAO's opinion is attached.

The proposal submitted by Miami Gardens Transit Village, LLC was evaluated by the Competitive Selection Committee, which determined that the proposal failed to meet the County's needs, as specified in the solicitation. More specifically, the Selection Committee recommended that the County not enter into negotiations with Miami Gardens Transit Village, LLC because: (1) the payment proffered is significantly lower than the appraised annual market rent; (2) the proposal failed to include any financial documents, such as certified business financial statements, balance sheets/income statements or a recent business income tax return demonstrating the vendor's financial capability to complete the project; (3) the proposed development did not increase patron density at the site, as required by the solicitation; and (4) the proposal provided for less than 100,000 square feet of property improvements, failing to take full advantage of the property.

This is the second time the Transit Oriented Development project has been advertised with similar results. The first time was on March 12, 2014, when the Competitive Selection Committee concluded that the single responsive proposal received did not warrant further consideration for award and, therefore, rejection was recommended. During that procurement, the project's residential component was rejected by the community, severely handicapping the project's feasibility. The Department of Transportation and Public Works intends to re-solicit this project in the near future when the market is ready to support such a development with the specifications outlined in the Request for Proposals.

Scope

The impact of this project would have been countywide in nature.

Fiscal Impact/Funding Source

There is no fiscal impact to the County with the rejection of the proposals. The lease/development agreement was anticipated to generate an estimated \$290,000 a year in revenue for the Department of Transportation and Public Works over the agreement's 30-year term for a total of \$8.7 million.

Approximately \$5,622,314 in State grant funds would have been applied to cover the cost of the project's transportation hub component.

Track Record/Monitor

Phillip Ford of the Internal Services Department is the Procurement Contracting Manager.

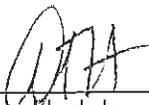
Vendors Not Recommended for Award

On July 8, 2015, the Request for Proposals was issued under full and open competition. Award would have been made to a recommended responsive, responsible proposer based on the solicitation's evaluation criteria.

Proposer	Reason for Not Recommending
HAAD/Arcadd, Inc.	Proposal deemed non-responsive by the CAO
Miami Gardens Transit Village, LLC	Rejection of proposal

Applicable Ordinances and Contract Measures

- The two (2) percent User Access Program provision would not have applied as this was intended to be a revenue-generating lease/development agreement.
- The Small Business Enterprise Selection Factor and Local Preference Ordinances were not included in the solicitation.
- The Living Wage Ordinance would not have applied.



Alina Hudak
Deputy Mayor

Memorandum



Date: October 23, 2015

To: Kristina Guillen
Procurement Contracting Officer
Internal Services Department

From: Bruce Libhaber
Assistant County Attorney

Subject: Responsiveness of Proposal not providing a Proposal Guarantee -
RFP No. 00201, Transit Oriented Development at N.W. 215th Street
and N.W. 27th Avenue

You have asked this office if the proposal from HAAD/ARCADD, Inc., may be considered responsive to the above referenced Request for Proposals ("RFP") when the proposal was not accompanied by a Proposal Guarantee. For the reasons set forth below, we conclude that HAAD/ARCADD, Inc.'s proposal is non-responsive and must be rejected.

FACTS

We rely on the information provided in your e-mail to this office on October 13, 2015.

As provided in the advertisement, proposals responsive to RFP No. 00201 must include a Proposal Guarantee in the amount of \$50, 000 as part of its proposal submission (Section 1.11 of RFP). HAAD/ARCAAD, Inc. failed to submit a Proposal Guarantee along with its proposal.

DISCUSSION

Based on the facts set forth above, HAAD/ARCADD, Inc.'s proposal is not responsive and this company may not be awarded.

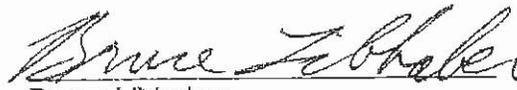
There is a two part test to determine if a specific noncompliance in a bid constitutes a substantial and thus nonwaivable issue: (1) whether the effect of the waiver would be to deprive the County of the assurance that the contract would be entered into, performed and guaranteed according to its specific requirements; and (2) whether it would adversely affect competitive bidding by placing a bidder in a position of advantage over other bidders. See, e.g., Glatstein v. City of Miami, 399 So.2d 1005 (Fla. 3d DCA), rev. denied, 407 So.2d 1102 (Fla. 1981).

As the Proposal Guarantee is the County's "assurance that the contract would be entered into," HAAD/ARACADD, Inc.'s failure to submit the Proposal Guarantee renders its proposal non-responsive.

Kristina Guillen
Procurement Contracting Officer
Internal Services Department
October 23, 2015
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Nor may this company cure this defect by subsequently submitting a Proposal Guarantee. The RFP required that the Proposal Guarantee be submitted with the proposal. As the failure to submit the Proposal Guarantee is not waivable, so is the requirement that it be submitted with the proposal.

Accordingly, HAAD/ARCADD, Inc.'s is non-responsive and this company may not be awarded a contract pursuant to this RFP.


Bruce Libhaber



MEMORANDUM

(Revised)

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

DATE: July 6, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No.

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.

RESOLUTION NO. _____

RESOLUTION APPROVING REJECTION OF THE PROPOSALS RECEIVED IN RESPONSE TO REQUEST FOR PROPOSALS NO. 00201 FOR A TRANSIT ORIENTED DEVELOPMENT AT NW 215 STREET AND NW 27 AVENUE FOR THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT

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 rejection of the proposals received in response to Request for Proposals No. 00201, Transit Oriented Development at NW 215 Street and NW 27 Avenue for the Transportation and Public Works Department. A copy of the solicitation document and the proposals received in response are 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 | |

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The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of July, 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.

BL

Bruce Libhaber