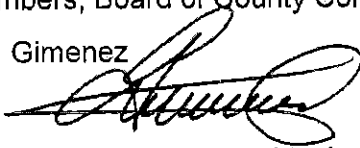


# Memorandum



**Date:** February 22, 2017  
**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners  
**From:** Carlos A. Gimenez  
Mayor   
**Subject:** Recommendation for Approval to Award: Towing Services

Agenda Item No. 8(F)(1)

## Recommendation

It is recommended that the Board of County Commissioners approve a competitive contract award, *Contract No. FB-00446, Towing Services*, for multiple County departments. The contract provides for towing of County vehicles, equipment and buses as well the as disposal of abandoned vehicles and boats. These towing services are critical to the efficient removal of disabled County vehicles and buses on public roadways, minimizing the risk of traffic accidents and other harm to pedestrians and vehicles. Without these services, disabled vehicles would create a public safety issue. To ensure continuity of these critical towing services, an emergency was declared on August 12, 2016 for a six-month period.

The solicitation included the following four (4) groups: Group A - all County departments; Group B - Transit buses; Group C - Regulatory and Economic Resources Department; and Group D - Prequalification Pool for use by various departments. The solicitation divided the service areas into eight (8) geographical zones, with towing services for six (6) vehicle weight categories, by the Gross Vehicle Weight Rating.

The solicitation allowed for award to up to four (4) vendors per vehicle weight category and geographical zone, to meet specific countywide towing services requirements. Quotes will be solicited quarterly to fill any categories and zones that do not have at least four (4) awarded vendors.

This item is placed for Committee review pursuant to Miami-Dade County Code Section 29-124(f). The Board may only consider this item if the Citizens' Independent Transportation Trust (CITT) has forwarded a recommendation to the Board prior to the date scheduled for Board consideration or 45 days have elapsed since the issuance of this recommendation. If CITT has not forwarded a recommendation and 45 days have not elapsed since the issuance of this recommendation, a withdrawal of this item will be requested.

## Scope

The impact of this item is countywide in nature.

## Fiscal Impact/Funding Source

The fiscal impact for the five-year term is \$6,107,000. Should the County choose to exercise, at its sole discretion, the one (1), five-year option to renew, the estimated cumulative value will be \$12,214,000. The previous contract, 8736-5/14, was valued at \$9,192,710 for seven (7) years and five (5) months. The allocation under the contract is lower than the allocation under the previous contracts. The difference in contract allocation is attributed to a reduction in monthly expenditures as a result of anticipated decreased usage.

Department	Allocation	Funding Source	Contract Manager
Aviation	\$55,000	Proprietary Funds	Neivy Garcia
Fire Rescue	200,000	Fire District	Marianela Betancourt
Internal Services	3,000,000	Internal Service Funds	Reinaldo Llerena

Department	Allocation	Funding Source	Contract Manager
Parks, Recreation, and Open Spaces	135,000	General Fund	Lluis Gorgoy
Police	12,000	General Fund	Laura Romano
Transportation and Public Works	2,310,000	DTPW Operating	Jesus Valderrama
Water and Sewer	395,000	Proprietary Funds	Susan Pascual
<b>Total</b>	<b>\$6,107,000</b>		

**Track Record/Monitor**

Phillip Ford 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, including any cancellation, renewal and extension provisions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

**Vendors Recommended for Award**

An Invitation to Bid was issued under full and open competition. Eleven bids were received in response to the solicitation. See Attachment No. 1, Vendor Table.

**Vendors Not Recommended for Award**

Vendor	Reason for Not Recommending
Junior's Tow and Storage, LLC	Deemed non-responsive by the County Attorney's Office as bidder failed to submit pricing on the required form, and the pricing submitted lacked a discernable separation on the items bid. The opinion from the County Attorney's Office is attached.
Ted and Stan's Towing Services, Inc.	Deemed non-responsive by the County Attorney's Office as bidder did not submit any pricing. The opinion from the County Attorney's Office is attached.

**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 vendor responsibility, including verifying corporate status and that there are no performance or compliance issues through various vendor responsibility lists and a keyword internet search. The lists that were referenced included convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to vendor responsibility.

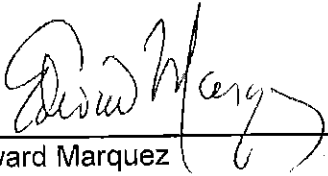
Pursuant to Resolution No. R-140-15, prior to the re-procurement of this replacement contract, a full review of the scope of services was conducted to ensure the replacement contract reflects the County's current needs. The review included conducting market research, posting a draft solicitation for industry comment, and holding multiple meetings and drafting sessions with user departments. The solicitation was updated to

correct the issues that led to the rejection of the previous solicitation, including a revision to the method of award.

**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 Bid Preference and Local Preference were applied in accordance with the Ordinances where permitted by the funding source.
- The Living Wage Ordinance does not apply.

Attachments



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Edward Marquez  
Deputy Mayor

The towing services were divided into groups, sub-groups and geographic zones as follows:

**GROUPS A and B**

Group A: All County Departments (except Transportation and Public Works buses and the Regulatory and Economic Resources Department)

Group B: Buses for the Department of Transportation and Public Works

**ZONES**

Zones are geographical areas for Groups A and B. The Zones are 1 through 8.

**SUB-GROUPS**

Sub-groups are organized by Gross Vehicle Weight Rating (GVWR) for Groups A and B.

Sub-Group 1: Vehicles GVWR equal to 10,000 lbs. or less

Sub-Group 2: Vehicles 10,001 through 26,000 lbs. GVWR  
Off-road equipment from 6,001 through 10,000 lbs. GVWR

Sub-Group 3: Vehicles 26,001 to 33,000 lbs.  
Off-road equipment from 10,001 through 20,000 lbs. GVWR  
Transit buses 30,000 to 31,500 lbs. GVWR

Sub-Group 4: Vehicles 33,001 to 64,000 lbs.  
Off-road equipment from 20,001 through 34,000 lbs. GVWR  
Transit buses 39,600 to 48,000 lbs. GVWR

Sub-Group 5: Tractor-trailers and other combined vehicles greater than 64,001 lbs. GVWR  
Off-road equipment of 34,001 lbs. GVWR and greater

Sub-Group 6: Transit buses of 64,150 lbs. GVWR and greater

**Group C:** All vehicles for the Regulatory and Economic Resources Department

**Group D:** Pre-Qualification: All bidders awarded under Groups A, B and C are deemed prequalified for Group D.

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FB-00446, Towing Services  
Attachment No. 1, Vendor Table

Awardee	Principal Address	Address of Branch Offices or Headquarters in Miami-Dade or Broward*	Number of Employee Residents		Principal	Awarded Zone, Group & Vehicle Weight Category
			1)Miami-Dade	2)Broward 3)Percentage*		
Alpine Towing, Inc.	3500 NW 67 Street Miami, FL	Same	26		Larry J. Saravia	<u>Zone 1</u> Group A: Vehicle Weight Category 1 Group B: Vehicle Weight Category 3 Group D: A and B
			2			<u>Zone 2</u> Group A: Vehicle Weight Category 1 Group D: A Only
			100%			<u>Zone 3</u> Group A: Vehicle Weight Category 1 Group D: A Only
						<u>Zone 4</u> Group A: Vehicle Weight Category 1 Group D: A Only
Dolphin Towing & Recovery, Inc.	1491 NE 130 Street North Miami, FL	Same	10		Roberto Nodarse, Jr.	<u>Zone 1</u> Group A: Vehicle Weight Category 1 Group B: Vehicle Weight Category 3 Group D: A and B
			4			<u>Zone 2</u> Group A: Vehicle Weight Categories 1 and 3 Group B: Vehicle Weight Category 3 Group D: A and B
			100%			<u>Zone 3</u> Group A: Vehicle Weight Categories 1 and 3 Group B: Vehicle Weight Category 3 Group D: A and B

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FB-00446, Towing Services  
Attachment No. 1, Vendor Table

Awardee	Principal Address	Address of Branch Offices or Headquarters in Miami-Dade or Broward*	Number of Employee Residents		Principal	Awarded Zone, Group & Vehicle Weight Category
			1)Miami-Dade	2)Broward		
Downtown Towing Company	1451 NW 20 Street Miami, FL	Same	39		Dagmar R. Del Rosal	<u>Zone 1</u> Group A: Vehicle Weight Categories 2, 3, 4, 5 Group B: Vehicle Weight Categories 3, 4, 6 Group D: A and B
						<u>Zone 2</u> Group A: Vehicle Weight Categories 2, 3, 4, 5 Group B: Vehicle Weight Categories 3, 4, 6 Group D: A and B
			5			<u>Zone 3</u> Group A: Vehicle Weight Categories 3, 4, 5 Group B: Vehicle Weight Categories 3, 4, 6 Group D: A and B
						<u>Zone 4</u> Group A: Vehicle Weight Categories 2, 3, 4, 5 Group B: Vehicle Weight Categories 3, 4, 6 Group D: A and B
			100%			<u>Zone 5</u> Group A: Vehicle Weight Categories 2, 3, 4, 5 Group B: Vehicle Weight Categories 3, 4, 6 Group D: A and B
						<u>Zone 6</u> Group A: Vehicle Weight Categories 2, 3, 4, 5 Group B: Vehicle Weight Categories 3, 4, 6 Group D: A and B
			<u>Zone 7</u> Group A: Vehicle Weight Categories 2, 3, 4, 5 Group B: Vehicle Weight Categories 3, 4, 6 Group D: A and B			
			<u>Zone 8</u> Group A: Vehicle Weight Categories 2, 3, 4, 5 Group B: Vehicle Weight Categories 3, 4, 6 Group D: A and B			

FB-00446, Towing Services  
Attachment No. 1, Vendor Table

Awardee	Principal Address	Address of Branch Offices or Headquarters in Miami-Dade or Broward*	Number of Employee Residents		Principal	Awarded Zone, Group & Vehicle Weight Category
			1)Miami-Dade 2)Broward 3)Percentage*			
Excalibur Towing Service Corp. (SBE)	14294 SW 142 Avenue Miami, FL	Same	24		Ramon Grego, Jr.	<u>Zone 5</u> Group A: Vehicle Weight Category 1 Group D: A Only <u>Zone 6</u> Group A: Vehicle Weight Categories 1, 2, 3 Group D: A Only <u>Zone 7</u> Group A: Vehicle Weight Category 1 Group D: A Only <u>Zone 8</u> Group A: Vehicle Weight Categories 1 and 2 Group D: A Only
			0			
			100%			
Kauff's of Miami, Inc.	2435 Ali Baba Avenue Opa Locka, FL	Same	19		Francis G. Russell	<u>Zone 1</u> Group A: Vehicle Weight Categories 2,3,4,5 Group B: Vehicle Weight Categories 3, 4, 6 Group D: A and B <u>Zone 2</u> Group A: Vehicle Weight Categories 2,3,4,5 Group B: Vehicle Weight Categories 3, 4, 6 Group D: A and B <u>Zone 3</u> Group A: Vehicle Weight Categories 2,3,4,5 Group B: Vehicle Weight Categories 3, 4, 6 Group D: A and B <u>Zone 4</u> Group A: Vehicle Weight Categories 2,3,4,5 Group B: Vehicle Weight Categories 3, 4, 6 Group D: A and B
			3			
			100%			

FB-00446, Towing Services  
Attachment No. 1, Vendor Table

Awardee	Principal Address	Address of Branch Offices or Headquarters in Miami-Dade or Broward*	Number of Employee Residents			Principal	Awarded Zone, Group & Vehicle Weight Category
			1)Miami-Dade	2)Broward	3)Percentage*		
Midtown Towing of Miami, Inc.	551 NW 72 Street Miami, FL	Same	23			Jorge Salazar	<u>Zone 1</u> Group A: Vehicle Weight Category 1 Group D: A Only <u>Zone 2</u> Group A: Vehicle Weight Category 1 Group D: A Only <u>Zone 3</u> Group A: Vehicle Weight Categories 1 and 2 Group D: A Only <u>Zone 4</u> Group A: Vehicle Weight Categories 1 and 2 Group D: A Only
			2				
				100%			
Sunshine Towing, Inc.	15151 NW 33 Place Miami Gardens, FL	Same	24			Alexis Ramos	<u>Zone 3</u> Group A: Vehicle Weight Categories 2, 3, 4 Group D: A Only <u>Zone 4</u> Group A: Vehicle Weight Categories 1 and 2 Group D: A Only <u>Zone 5</u> Group A: Vehicle Weight Category 1 Group D: A Only <u>Zone 6</u> Group A: Vehicle Weight Category 1 Group D: A Only
			0				
				100%			



FB-00446, Towing Services  
Attachment No. 1, Vendor Table

Awardee	Principal Address	Address of Branch Offices or Headquarters in Miami-Dade or Broward*	Number of Employee Residents		Principal	Awarded Zone, Group & Vehicle Weight Category
			1)Miami-Dade	2)Broward		
Roadway, Inc.	6980 NW 53 Terrace Miami, FL	Same	20		Lovato R. Gustavo	Zone 1 Group A: Vehicle Weight Categories 1, 2, 3 Group B: Vehicle Weight Category 6 Group D: A and B
						1
			100%			
		Group C North Zone: Areas 1 – 4 South Zone: Areas 5 – 8				

FB-00446, Towing Services  
Attachment No. 1, Vendor Table

Awardee	Principal Address	Address of Branch Offices or Headquarters in Miami-Dade or Broward*	Number of Employee Residents			Principal	Awarded Zone, Group & Vehicle Weight Category
			1)Miami-Dade	2)Broward	3)Percentage*		
Westbrook Towing, Inc.	1940 NE 153 Street North Miami Beach, FL	Same	22			Raul Suarez, Jr.	<u>Zone 1</u> Group A: Vehicle Weight Categories 2, 3, 4, 5 Group B: Vehicle Weight Categories 3, 4, 6 Group D: A and B <u>Zone 2</u> Group A: Vehicle Weight Categories 4 and 5 Group B: Vehicle Weight Categories 4 and 6 Group D: A and B
			0				
				100%			

\*Provided pursuant to Resolution No. R-1011-15. Percentage of employee residents is the percentage of vendors' employees who reside in Miami-Dade or Broward as compared to the vendor's total workforce.

# Memorandum



**Date:** November 21, 2016

**To:** Phillip Ford  
Procurement Contracting Officer  
Internal Services Department – Procurement Management Services

**From:** Eduardo W. Gonzalez  
Assistant County Attorney

**Subject:** Request for Responsiveness Determination on ITB No. FB-00446 Towing Services

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You have asked this office if bids submitted by vendors Junior's Tow and Storage, LLC ("Junior's Tow") and Ted and Stan's Towing Services, Inc. ("Ted and Stan's") for ITB No. FB-00446 are responsive. We rely on the information provided in your November 7, 2016 memorandum to this office, the solicitation at issue, the bids of Junior's and Ted and Stan's. For the reasons set forth below, both Junior's Tow and Ted and Stan's bids are non-responsive.

## Background

The purpose of the solicitation is to establish a contract for the purchase of towing services for Miami-Dade County vehicles, equipment and buses as well as for the disposal of salvageable and non-salvageable abandoned property, vehicles and boats within Miami-Dade County. The solicitation was divided by groups (Groups A – C), geographical zones and vehicle weight categories.

Junior's Tow did not submit pricing on the pricing form included in Section 4 of the solicitation. Instead, Junior's Tow submitted its pricing in a 52 line table in their bid with no discernable separation on the items bid. For Groups A and B, the item numbers in Junior Tow's form did not correspond to the item numbers in the bid's pricing form. In addition, for Group C, Junior's Tow failed to bid on all the items. For Group C, Section 2.4.5 of the bid solicitation provides that "[i]f a Bidder fails to submit an offer for all items within a geographical zone, its offer for that geographical zone shall be rejected."

Ted and Stan's submitted no pricing with its bid.

## 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). There is a two part test to determine if a specific noncompliance in a proposal 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 proposer in a position of advantage over other proposers. See id.

This solicitation is an invitation to bid where the method of award is based on the responsive and responsible vendor who submits the lowest pricing. Accordingly, price is the material and central

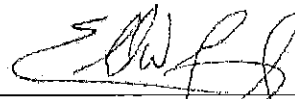
element of the solicitation. For the reasons set forth below, Junior's Tow and Ted and Stan's bids are nonresponsive.

**(1) Junior's Tow**

Junior's Tow's pricing was submitted in a form and a format that deviated from Section 4 of the solicitation. In its form, Junior's Tow submitted pricing for 52 line items which consisted of certain items for Groups A – C. Junior's Tow pricing form contained item numbers that did not match the bid's pricing form's item numbers. For example, the item numbers on the bid for Zone 1 were numerically numbered from 1 to 5A. Junior Tow's pricing form had multiple items numbered 1 and 1A for Zone 1. This same issue repeated itself in all the zones in Group A and Group B. Additionally, Junior's Tow did not submit pricing for all the items the solicitation required for Group C. Lastly, it is impossible to determine whether Junior's Tow intended the County to consider all the 52 line items together or whether such line items could be considered separately. To allow Junior's Tow to clarify its pricing now to explain these ambiguities and deviations would adversely affect the competitive bidding and potentially place Junior's Tow in an advantage over other proposers. Junior's Tow deviations constitute material variances and renders its entire bid non-responsive.

**(2) Ted and Stan's**

Ted and Stan's did not submit any pricing and, thus, the County is left with nothing to evaluate. To allow Ted and Stan's to submit pricing now after bids have been received and opened would place Ted and Stan's in an advantage over other bidders. Ted and Stan's bid is likewise nonresponsive.



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Eduardo W. Gonzalez

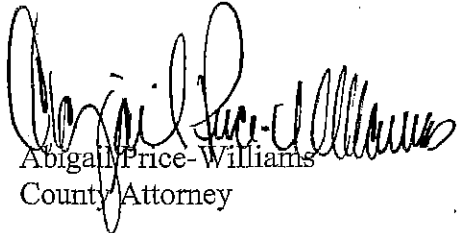


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** February 22, 2017

**FROM:**   
Abigail Price-Williams  
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
- 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)(1)  
2-22-17

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00446 FOR PURCHASE OF TOWING SERVICES FOR COUNTY DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$12,214,000.00 FOR THE INITIAL FIVE YEAR TERM PLUS THE ONE, FIVE-YEAR OPTION TO RENEW TERM; 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 CODE AND IMPLEMENTING ORDER 3-38

**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-00446 for purchase of towing services for County departments as set forth in the incorporated memorandum in a total amount not to exceed \$12,214,000.00 for the initial five-year term, plus the one, five-year option to renew term 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:

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

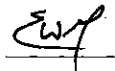
The Chairperson thereupon declared the resolution duly passed and adopted this 22<sup>nd</sup> day of February, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon 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



Memorandum



To: Honorable Chairman Esteban Bovo, Jr.  
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director

Date: February 17, 2017

Re: **CITT AGENDA ITEM 5I:**

RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) APPROVE AWARD OF CONTRACT NO. FB-00446 FOR PURCHASE OF TOWING SERVICES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS IN THE AMOUNT OF **\$2,310,000.00** FOR THE INITIAL FIVE YEAR TERM PLUS THE ONE, FIVE-YEAR OPTION TO RENEW TERM; 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 CODE AND IMPLEMENTING ORDER 3-38 (DTPW- BCC Legislative File No. 170255)

On February 16, 2017, the CITT voted (8-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 17-025. The vote was as follows:

Hon. Anna E. Lightfoot-Ward, Ph.D., Chairperson – Aye  
Glenn J. Downing, CFP®, 1<sup>st</sup> Vice Chairperson – Absent  
Joseph Curbelo, 2<sup>nd</sup> Vice Chairperson – Aye

Alfred Holzman – Aye  
Peter L. Forrest – Absent  
Jonathan Martinez – Absent  
Miles E. Moss, P.E. – Aye  
Marilyn Smith – Aye  
Hon. Linda Zilber – Aye

Oscar Braynon – Aye  
Prakash Kumar – Aye  
Alicia Menardy, Esq. – Absent  
Paul J. Schwiep, Esq. – Absent  
L. Elijah Stiers, Esq. – Absent

cc: Alina Hudak, Deputy Mayor  
Bruce Libhaber, Assistant County Attorney