

Memorandum



Date: November 7, 2017

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

Agenda Item No. 8(F)(20)

From: Carlos A. Gimenez
Mayor

Subject: Recommendation for Approval to Award: Bus and Train Operators Uniforms

Recommendation

It is recommended that the Board of County Commissioners approve a competitive contract award, *Contract No. FB-00486, Bus and Train Operators Uniforms*, for the Miami-Dade Aviation Department (MDAD), and the Department of Transportation and Public Works (DTPW). The contract provides for the purchase of over 60 line items, representing various articles of clothing and accessories comprising the uniform of bus and train operators, mechanics and maintenance workers. MDAD will use this contract for the purchase of shirts used by employees in its Terminal Operations, Security and Public Safety and Noise Abatement Offices, as well as for airport couriers. DTPW will use this contract to purchase uniforms for its bus and train operators, such as trousers, skirts, shorts, shirts, jackets, sweaters, caps, hats, socks and shoes. Operators receive \$200 every six (6) months pursuant to the Collective Bargaining Agreement with the Transport Workers Union, Local 291, to purchase the required uniforms.

This item is placed for Committee review pursuant to Miami-Dade County Code Section 29-124(f). This item may only be considered by the Board if the Citizens' Independent Transportation Trust has forwarded a recommendation to the Board prior to the date scheduled for Board consideration, or if 45 days have elapsed since the filing with the Clerk of Board of this contract award recommendation. If the Citizens' Independent Transportation Trust has not forwarded a recommendation and 45 days have not elapsed since the filing of this award recommendation, I will request withdrawal of this item.

Scope

The scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the five-year term is \$4,041,000. The current contract, 9436-2/17-2, is valued at \$4,356,000 for a six-year and six-month term, which expires on December 31, 2017. The allocation under this replacement contract is higher on a monthly basis than the current contract due to changes in bus routes and usage, as well as the addition of 334 DTPW operators.

Department	Allocation	Funding Source	Contract Manager
Aviation	\$180,000	Proprietary Funds	Neivy Garcia
Transportation and Public Works	3,861,000	DTPW Operating Funds	Angela Mathews-Tranumn
Total:	\$4,041,000		

Track Record/Monitor

Abelin Rodriguez 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.

Vendor Recommended for Award

An Invitation to Bid was issued under full and open competition. The method of award was to the lowest-priced responsive, responsible bidder in the aggregate. Four bids were received in response to the solicitation, including an alternate bid from Kina Group Corp., dba All Uniform Wear.

Awardee	Principal Address	Address of Branch Offices or Headquarters in Miami-Dade or Broward*	Number of Employee Residents	Principal
			1) Miami-Dade 2) Broward 3) Percentage*	
Global Trading, Inc. (SBE)	7262 NW 33 Street Miami, FL	Same	10	Viraj Wikramanayake
			7	
			94%	

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

Vendors Not Recommended for Award

Vendor	Reason for Not Recommending
Kina Group Corp., d/b/a All Uniform Wear	Higher than lowest bid
T-Shirts Plus Color, Inc.	Deemed non-responsive by the County Attorney's Office for failure to submit pricing on all line items as required by the solicitation's method of award (opinion 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 and compliance issues through various vendor responsibility lists and a keyword internet search. The lists that were referenced include 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 the replacement contract, the scope of services was updated 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 meetings with the user department. The scope of services was updated to include items, which were added to the existing contract after its award.


Applicable Ordinances and Contract Measures

- The two 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 where permitted by the funding source.

Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
Page 3

- The Living Wage Ordinance does not apply.

Attachment



Alina T. Hudak
Deputy Mayor



MIAMI-DADE COUNTY COUNTY ATTORNEY'S OFFICE

To: Abelin Rodriguez
Contracting Officer
Internal Services Department, Procurement Management Section

From: Monica Rizo Perez
Assistant County Attorney

Re: Responsiveness of Invitation to Bid FB-00486: Bus and Trains Operators
Uniforms

Date: February 23, 2017

You have asked this office whether the County can consider the bid from T-Shirts Plus Color, Inc. ("TPC") for Invitation to Bid FB-00486: Bus and Trains Operators Uniforms (the "ITB"). For the reasons set forth below, we conclude that TPC's proposal is not responsive to the ITB and the County may not accept it.

FACTS

We rely on the information provided in your memorandum dated February 8, 2017, the ITB and the bid submitted by TPC. The ITB, in Section 2.3 provides that:

Award of this contract will be made to the responsive, responsible bidder who submits and offer on all items listed in the solicitation and whose offer represents the lowest price when all items are added in the aggregate. . . . If a bidder fails to submit an offer on all items, its overall offer may be rejected.

In the ITB, the County sought to purchase sixty-five (65) different items and sought pricing for each. TPC only provided pricing for twenty-two (22) of those 65 items.

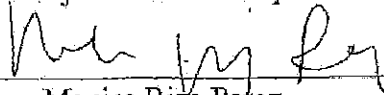
DISCUSSION

Based on the facts set forth above, TPC's bid is not responsive to the ITB and the County may not award the ITB to TPC.

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 Robinson Electric*

Co. v. Dade County, 417 So.2d 1032, 1034 (Fla. 3d DCA 1982). The County has no discretion to accept, and must reject, a proposal which contains a material variance from the specifications contained in the solicitation. *See generally Glatstein v. City of Miami*, 399 So. 2d 1005, 1008 (Fla. 3d DCA 1981).

In this case, the County set forth its desire to purchase and receive prices for 65 different items relating to bus and train operators' uniforms. TPC's bid included prices for only 22 of those items. TPC's failure to bid prices for the remaining 43 items deprives the County of the assurance that, at worst, it will receive those items at all and, at best, the prices and terms upon which it would receive those items. TPC's bid thus contained a material variance from the specifications in the ITB and its bid must be rejected as non-responsive.



Monica Rizo Perez



MEMORANDUM

(Revised)

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

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(F)(20)

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)(20)
11-7-17

RESOLUTION NO. _____

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00486 FOR PURCHASE OF BUS AND TRAIN OPERATORS UNIFORMS FOR COUNTY DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$4,041,000.00 FOR THE FIVE-YEAR 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-00486 for purchase of bus and train operators uniforms for County departments as set forth in the incorporated memorandum in a total amount not to exceed \$4,041,000.00 for the five-year 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 7th day of November, 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.



Monica Rizo Perez



Memorandum



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

From: Charles Scurr, Executive Director

Date: October 12, 2017

Re: **CITT AGENDA ITEM 5E:**

RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) APPROVE AWARD OF CONTRACT NO. FB-00486 FOR PURCHASE OF BUS AND TRAIN OPERATORS UNIFORMS FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS IN AN AMOUNT NOT TO EXCEED \$3,861,000.00 FOR THE FIVE-YEAR TERM; AND AUTHORIZE 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. 171714)

On October 12, 2017, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 17-056. The vote was as follows:

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

Oscar Braynon – Aye
Peter L. Forrest – Absent
Prakash Kumar – Aye
Miles E. Moss, P.E. – Absent
Marilyn Smith – Aye
Hon. Linda Zilber – Aye

Melissa Dynan – Aye
Alfred Holzman – Aye
Jonathan Martinez – Aye
Paul J. Schwiep, Esq. – Absent
L. Elijah Stiers, Esq. – Absent

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