

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** April 10, 2018

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

Agenda Item No. 8(F)(9)

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Recommendation for Approval to Award: Access Control Point Barrier Systems

## Recommendation

It is recommended that the Board of County Commissioners (Board) approve a competitive contract award, *Contract No. FB-00680, Access Control Point Barrier Systems*, for the Miami-Dade Aviation Department. Aviation uses this contract to purchase preventive maintenance and routine repair services for multiple hydraulic steel-plate security barrier systems and traffic gate arms installed at the entry points of Miami International Airport. The services provided assist the Department in complying with Transportation Security Administration regulations by preventing unauthorized access to restricted areas of the airport. The awarded vendor will be responsible for all labor, equipment, materials and supervision necessary to perform the services and repairs in accordance with manufacturer specifications.

## Scope

The scope of this item is countywide in nature.

## Fiscal Impact/Funding Source

The fiscal impact for the five-year term is \$2,714,000. Should the County choose to exercise, at its sole discretion, the one, five-year option to renew, the estimated cumulative value will be \$5,428,000. The current contract, *FB-00320*, is valued at \$665,000, for a one year and nine month term and expires on May 31, 2018. The allocation under the replacement contract is higher than the current contract due to changes in the licensure requirements.

Department	Allocation	Funding Source	Contract Manager
Aviation	\$2,714,000	Proprietary Funds	Neivy Garcia
<b>Total:</b>	<b>\$2,714,000</b>		

## Track Record/Monitor

Fredrick Taylor of the Internal Services Department is the Procurement Contracting Manager.

## 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. Three bids were received in response to the solicitation, including one "No Bid."

Awardee	Principal Address	Local Address*	Number of Employee Residents	Principal
			1) Miami-Dade 2) Percentage*	
Oxford Electronics, Inc.	474 Meacham Avenue Elmont, NY	7301 NW 46 Street Miami, FL	11 5%	Michael Duffy

\*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 as compared to the vendor's total workforce.

**Vendors Not Recommended for Award**

<b>Vendor</b>	<b>Reason for Not Recommending</b>
SGA Management, Inc.	Deemed non-responsive by the County Attorney's Office (opinion attached)
Top Line Recreation, Inc.	No Bid*

\*A "No Bid" means the vendor indicated it would not be submitting an offer in response to the solicitation.

**Due Diligence**

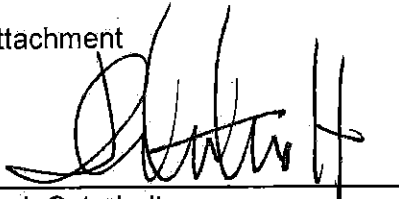
Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine vendor responsibility, including verifying corporate status and that there are no performance and compliance issues through various vendor responsibility lists and a keyword internet search. The lists that were referenced 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 re-procurement, 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 collaborating with the user department during the drafting stage. As a result of the review, the scope of services was updated to include an electrical contractor's license as an additional license requirement to perform the services. Additional requirements include experience in preventive maintenance, inspection and repairs of the access control point barrier systems and traffic gate arms at airside operating areas and other restricted facilities.

**Applicable Ordinances and Contract Measures**

- The two percent User Access Program provision does not apply
- There are no applicable Small Business Enterprise measures.
- The Local Preference was applied.
- The Living Wage does not apply.

Attachment



Jack Osterholt  
Deputy Mayor

# Memorandum



**Date:** January 11, 2018  
**To:** Natalya Vasileva  
Procurement Contracting Officer II  
Internal Services Department  
**From:** Oren Rosenthal  
Assistant County Attorney  
**Subject:** Bid No. FB-00680, Access Control Point Barrier Systems

You have asked this office if the bid submitted by SGA Management, Inc. ("SGA") can be considered responsive to Bid No. FB-00680, Access Control Point Barrier Systems ("Solicitation") because SGA did proposed its pricing on an hourly, instead of a monthly basis and also failed to provide proof of a valid mechanical contractor's license.<sup>1</sup> For the reasons set forth below, we conclude that SGA is non-responsive may not be awarded a contract for this Solicitation:

## FACTS

We rely on the information provided in your memoranda dated January 2, 2018 regarding the bidding issues, the terms of the Solicitation itself and the bid submitted by SGA. The purpose of the Solicitation is to establish "a full service contract that includes onsite staffing to respond to trouble calls, to make routine repairs, perform preventive maintenance (PM), inspection of Access Control Point Barrier Systems (ACPB) and the Traffic Gate Arm systems (TGAS) for the Miami-Dade County Aviation Department..." Solicitation at Section 3.1. The Solicitation provided that "Preventative maintenance and inspection of the ACPB and TGA equipment shall be conducted on a monthly basis as well as regularly throughout the performance of the contract ... The awarded vendor will provide maintenance as per Original Equipment Manufacturer (OEM) recommendations or as necessary to maintain operational readiness. Awarded vendor shall be responsible for providing labor, tools and equipment necessary to perform preventative maintenance." *Id.* at Section 3.2. The price sheet required proposers to bid a "monthly" cost for the services required in Section 3.2.

Notwithstanding the requirement to bid a monthly cost for the Section 3.2 services, SGA's bid proposed a price of "\$ 65.00 Per hrs." The request for this opinion followed.

## DISCUSSION

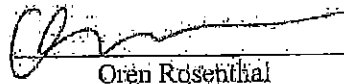
The failure of SGA to offer an all-in monthly bid for the requested services in Section 3.2 of the Solicitation renders SGA's bid non-responsive. In general, a bid may be rejected or disregarded if there is a material variance between the proposal and the advertisement. A minor variance, however, will 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

<sup>1</sup> This opinion will be limited to the first issue regarding the manner in which SGA submitted its price proposal only as that issue is dispositive and no further analysis is required.

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 *Glatstein v. City of Miami*, 399 So. 2d 1005 (Fla. 3d DCA, 1981).

SGA's failure to bid as requested provides it a material advantage in the Solicitation because it precludes the County from conducting an apples to apples comparison of its bid against the other vendors in the solicitation who properly bid a monthly price. In addition, SGA's proposal to charge the County on an hourly basis, rather than an all-in monthly basis as required by the Solicitation, deprives the County the definitive cost structure requested by the Solicitation and instead would leave the County subject to differing monthly charges depending on how many hours of work were actually required each month to perform the services set forth in the Solicitation.

As such, based on the facts set forth above, SGA's bid is nonresponsive.

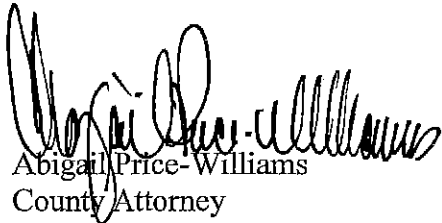
  
Oren Rosenthal



**MEMORANDUM**  
(Revised)

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

**DATE:** April 10, 2018

**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)  
4-10-18

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

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00680 FOR PURCHASE OF ACCESS CONTROL POINT BARRIER SYSTEMS FOR MIAMI-DADE AVIATION DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$5,428,000.00 FOR AN INITIAL TERM OF FIVE YEARS AND 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-00680 for purchase of Access Control Point Barrier Systems for the Miami-Dade Aviation Department as set forth in the incorporated memorandum in a total amount not to exceed \$5,428,000.00 for an initial term of five years and 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 10<sup>th</sup> day of April, 2018. 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.



Oren Rosenthal