

Memorandum

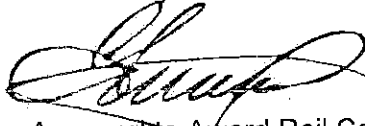
MIAMI-DADE
COUNTY

Date: June 4, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

Agenda Item No. 8(F)(9)

From: Carlos A. Gimenez
Mayor



Subject: Recommendation for Approval to Award Rail Car Vehicle Lift, and Authorizing the Use of Charter County Transportation Surtax Funds for Such Purpose

Recommendation

It is recommended that the Board of County Commissioners (Board) approve a competitive contract award, *Contract No. FB-00795, Rail Car Vehicle Lift*, for the Department of Transportation and Public Works (DTPW).

The contract provides for the purchase of one Rail Car Vehicle Lift (System) and replacement of the existing System, which was installed in 1984 when Metrorail began service. The System has been maintained by DTPW's staff, and is now in need of a replacement due to increased maintenance costs and down time. The awarded bidder shall remove the existing System and furnish a complete turnkey ready-to-work system by providing all design, engineering, licenses, permits, labor, materials, testing, and training to operate the new System.

This item is placed for Board review pursuant to Miami-Dade County (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.

Background

The System is designed to lift Metrorail vehicles to allow under car maintenance. The System raises the rail cars by lifting a section of track under the wheels. Body supports engage the jacking pads on the rail car's body in order to support the elevated cars. The scope of work includes the removal of the existing System to include the main structure, motors, gears, wiring, fasteners, control panels and all other related components.

The County received five bids in response to the solicitation, including one "No Bid." Two bids were deemed non-responsive by the County Attorney's Office and one bidder was deemed non-responsible by the Internal Services Department. The bidder recommended for award was the lowest priced bidder in the aggregate. Because there was only one responsive and responsible bidder, the County entered into negotiations with the recommended bidder, which resulted in a cost savings of \$308,000.

Scope

The scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the three-year term is \$4,901,000, and includes a five-year warranty. There is no current contract. This purchase will be funded by Charter County Transportation Surtax funds.

Department	Allocation	Funding Source	Contract Manager
Transportation and Public Works	\$4,901,000	Charter County Transportation Surtax Funds	Angela Mathews-Tranumn
Total:	\$4,901,000		

Track Record/Monitor

Vanessa Stroman 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.

Vendor(s) Recommended for Award

An Invitation to Bid was issued under full and open competition. A total of 1,977 vendors were notified, of which 68 vendors viewed the solicitation. Five bids were received in response to the solicitation, including one "No Bid."

Pursuant to disclosure requirements in Resolution No. R-477-18, the lowest bidder is recommended in accordance with the method of award per the solicitation and is a non-local vendor due to a diminished local market for the goods and services solicited.

Awardee	Principal Address	Local Address*	Number of Employee Residents	Principal
			1) Miami-Dade 2) Percentage*	
Whiting Corporation	26000 S Whiting Way Monee, IL	None	0	Jeffrey L. Khan
			0%	

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

Vendors Not Recommended for Award

Vendor	Local Address	Reason for Not Recommending
Internet Marketplace Online, LLC TCS Contracting Corp.	Yes	Deemed non-responsive by the County Attorney's Office for failing to meet the terms and conditions of the solicitation (opinion attached).
Macton Corporation	No	Deemed non-responsive by the Internal Services Department, as the company was dissolved.
Windhoff Bahn- und Anlagentechnik GmbH	No	No Bid*

*A "No Bid" means the vendor responded indicating they did not wish to submit an offer.

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. 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.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies where permitted by the funding source.
- The Small Business Enterprise Bid Preference and Local Preference were applied.
- The Living Wage does not apply.



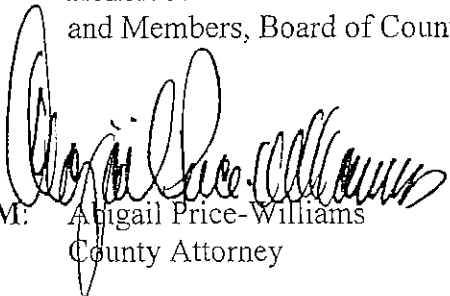
Alina T. Hudak
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: June 4, 2019

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Memorandum



Date: November 27, 2018

To: Jesus Lee
Procurement Contracting Officer
Internal Services Department, Strategic Procurement Division

From: *Bruce Libhaber*
Bruce Libhaber
Assistant County Attorney

Subject: Responsiveness of Bids received pursuant to Solicitation FB-00795, Rail Car Vehicle Lift

You have asked this office if bids from Begus Online, LLC and TCS Contracting Corp., are responsive to Solicitation FB-00795, Rail Car Vehicle Lift. For the reasons set forth below, we conclude that Begus Online, LLC's and TCS Contracting Corp's bids are ineligible for award.

FACTS

We rely on the bid solicitation documents and the bid submittals, as well as the information provided in our meeting.

You indicate that Begus Online, LLC submitted a bid with a bid price of \$4900. You also indicated that there were three other bidders and that all three bidders submitted bid prices in excess of \$3,000,000. On July 30, 2018, ISD sent an email to a representative of Begus Online, LLC confirming if Begus Online LLC had submitted a price for rail car lifts as opposed to automobile lifts. On August 1, 2018, Begus Online LLC responded via email that it did provide a price quote for the rail car lift and that it lacked availability to provide such a rail car lift.

Section 2.4.1 of the Special Terms and Conditions states "[b]idder shall be the manufacturer of the System, or an approved dealer of a manufacturer." Nothing in its bid submittal indicated that TCS Contracting Corp was either a manufacturer of the System or an approved dealer of the manufacturer. Indeed, the County received written documentation demonstrating that TCS Contracting Corp is not an authorized dealer of the proposed manufacturer. The County received from the manufacturer of the System, IME-Autolift, correspondence dated July 19, 2018 identifying Lif-Tech Equipment as the distributor of its product in the United States and Canada. In a subsequent letter, dated August 3, 2018, IME-Autolift identifies TCS Contracting Corp as the general contractor and as authorized "to install the underfloor lifts and related equipment", while Lif-Tech Equipment is identified as the authorized distributor.

DISCUSSION

It is readily apparent (and acknowledged by the bidder itself) that Begus Online LLC submitted a bid without considering the actual specifications for the work and the product to be delivered. As such, Begus Online LLC's bid may not be considered for award.

The clear and unambiguous terms of the bid solicitation require the bidder to be either the manufacturer of the System or an authorized dealer of the manufacturer. One principle reason for this requirement was to ensure quality control and the honoring of the required warranties. A bidder who is neither the manufacturer of the System nor an authorized dealer is not eligible for award. In this instance, the evidence shows that TCS Contracting Corp. is not the manufacturer nor the authorized dealer. As such, TCS Contracting Corp. is ineligible for award and said bid shall not be considered.

Approved _____ Mayor

Agenda Item No. 8(F)(9)

Veto _____

6-4-19

Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00795 FOR PURCHASE OF ONE RAIL CAR VEHICLE LIFT FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS FOR A THREE-YEAR TERM INCLUSIVE OF A FIVE-YEAR WARRANTY IN AN AMOUNT NOT TO EXCEED \$4,901,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

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:

Section 1. This Board approves the award of Contract No. FB-00795 for purchase of rail car vehicle lift for the Department of Transportation and Public Works for a three-year term inclusive of a five-year warranty in an amount not to exceed \$4,901,000.00, and authorizes the County Mayor or County Mayor's designee to give notice of this award, issue the appropriate purchase orders to give effect to same and exercise all provisions of the contract pursuant to Section 2-8.1 of the Code of Miami-Dade County, Florida and Implementing Order 3-38. A copy of the contract document is on file with and available upon request from the Internal Services Department, Strategic Procurement Division.

Section 2. This Board authorizes the use of Charter County Transportation Surtax Funds for such purposes.

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:

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


The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of June, 2019. 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.



Bruce Libhaber



Memorandum



To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Javier A. Betancourt, Executive Director *SAC gol*

Date: May 24, 2019

Re: CITT AGENDA ITEM 5D:
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST
RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) APPROVE
AWARD OF CONTRACT NO. FB-00795 FOR PURCHASE OF ONE RAIL CAR
VEHICLE LIFT FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC
WORKS FOR A THREE-YEAR TERM INCLUSIVE OF A FIVE-YEAR WARRANTY IN
AN AMOUNT NOT TO EXCEED **\$4,901,000.00**; AUTHORIZE THE COUNTY MAYOR
OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE
APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE
ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE
CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38;
AND AUTHORIZE THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX
FUNDS FOR SUCH PURPOSES (**DTPW – BCC Legislative File No. 191083**)
SURTAX FUNDS REQUESTED

On May 23, 2019, 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. 19-034. The vote was as follows:

Glenn J. Downing, CFP®, Chairperson – Aye
Joseph Curbelo, 1st Vice Chairperson – Absent
Alfred Holzman, 2nd Vice Chairperson – Aye

Oscar Braynon – Aye
Prakash Kumar – Aye
Jonathan Martinez – Absent
Marilyn Smith – Aye

Evan Fancher – Absent
Hon. Anna E. Lightfoot-Ward, Ph.D. – Aye
Miles E. Moss, P.E. – Aye
L. Elijah Stiers, Esq. – Aye

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