

Memorandum



Date: January 20, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

Subject: Resolution Rescinding Award of Miami Dade Fire Rescue Department Dolphin
Fire Rescue Station 68 RPQ No. MDFRD-616-68-B, and rejecting all bids

Agenda Item No. 8(E)(1)

RECOMMENDATION:

It is respectfully requested that the Board of County Commissioners approve the attached resolution rescinding Resolution No. R-897-20, which approved recommendation to award RPQ No. MDFRD-616-68-B, Miami Dade Fire Rescue (MDFR) Department Dolphin Fire Rescue Station 68 (RPQ), and rejecting all bids received in response to the RPQ in order to allow MDFR to resolicit bids.

SCOPE

Station 68 is in Commission District 12 which is represented by Commissioner Jose "Pepe" Diaz.

FISCAL IMPACT FUNDING SOURCE

The funding source would have been Fire Impact Fees. The fees will still be available for the project once re-advertised and awarded.

TRACK RECORD/MONITOR

Scott Mendelsberg, Assistant Director Miami-Dade Fire Rescue Department will monitor this project.

BACKGROUND:

On August 31, 2020, the Board of County Commissioners approved Resolution No. R-897-20, approving the recommendation to award the RPQ to TGSV Enterprises Inc. (TGSV). Following this Board's August 31, 2020 meeting, MDFR became aware of irregularities in the process and with TGSV's bid proposal. The recommendation to award had not been filed with the Clerk and all bidders were not notified of the recommended award as required by sections 2-8.3 and 2-8.4 of the County Code, and, as a result, the item had not been properly before the Board. Additionally, MDFR, following consultation with the County Attorney's office, conducted an extensive review of TGSV's bid documents and confirmed that a material irregularity also existed within its bid submission. The bid documents included definitive responsibility criteria for the solar subcontractor specifying that the solar subcontractor must have certain minimum experience, and the solar contractor submitted by TGSV did not meet that requirement. Since this is first solar powered fire station for the County, the experience requirement for the solar subcontractor was an important element that cannot be cured by substituting entities for this component of the project and the bid is therefore materially non-compliant.

Because of these irregularities, the County never formally notified TGSV of a contract award, and no contract was formed between TGSV and the County. On September 14, 2020, MDFR notified TGSV in writing of the irregularities surrounding the award recommendation. On October 26, 2020, MDFR sent follow-up correspondence notifying TGSV that no award of the RPQ or resulting contract had taken place, that MDFR continued to investigate the matter, and that, in accordance

with the terms of the Miscellaneous Construction Contract (MCC) 7360 under which the RPQ had been issued, TGSV was not authorized to incur any expenses unless and until it was issued a formal notice of award. On November 5, 2020, MDFR sent TGSV written correspondence that its subcontractor did not meet the solar panel experience and qualifications of the RPQ and could not be considered for award.

This project was advertised for bids on January 31, 2020 as an economic stimulus project pursuant to section 2-8.2.7 of the County Code (ESP) and under the MCC 7360 contract with an estimated project amount of \$4.85 million. On March 19, 2020, the County received 11 bids for this project, ranging from \$5.335 million to \$7.848 million. The low bidder, at \$5.335 million, Buslam Company Partners, Inc., was deemed not responsible due to not meeting the County LEED certification criteria. The second low bidder, at \$6.110 million, TGSV, submitted a solar subcontractor that did not meet the experience requirements. The third low bidder was Magnum Construction Management LLC (MCM) at \$6.408 million, and MDFR conducted negotiations with that firm to attempt to reduce the price but was unable to reach agreement. MCM's price is more than 32% over the engineer's estimate for this project.

MDFR recommends a rescission of Resolution No. R-897-20, approving the RPQ award recommendation to TGSV and a rejection of all bids. Upon approval of this item, MDFR will advertise this project immediately for 30 days only as this project is unchanged from the solicitation issued approximately one year ago. This project is covered under the ESP program, so if the recommendation for award is within 10% of the County estimate the Mayor can award and the Board can ratify, saving months in the process. Prior to issuance of the new solicitation, MDFR will also review all previous bid submissions and contact all previous bidders, calling attention to the required documentation and experience requirements of certain subcontractors. A cursory review of some of the other bids revealed that some bidders who had previously been awarded MDFR projects also submitted bids that lacked a complete list of subcontractor information and builders risk insurance quotations as required. MDFR is confident that with additional pre-bid meetings and direct communications on the minimum requirements of the solicitation, MDFR will be able to achieve bids more aligned with the engineer's estimate and MDFR's budget.

APPLICABLE ORDINANCES AND CONTRACT MEASURES

- The two percent User Access Program Provision is applicable.
- The Small Business Enterprise Selection Factor is not applicable.
- The Local Preference is applicable.
- The Living Wage is applicable.




JD Patterson
Chief Public Safety Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 20, 2021

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 8(E)(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 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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(E)(1)
1-20-21

RESOLUTION NO. _____

RESOLUTION RESCINDING RESOLUTION NO. R-897-20 WHICH APPROVED THE RECOMMENDATION TO AWARD MIAMI-DADE FIRE RESCUE DEPARTMENT FIRE RESCUE STATION 68, RPQ NO. MDFRD-616-68-B (“RPQ”), AND REJECTING ALL BIDS RECEIVED IN RESPONSE TO THE RPQ IN ORDER TO ALLOW THE MIAMI-DADE FIRE RESCUE DEPARTMENT TO RESOLICIT BIDS

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:

Section 1. Rescinds Resolution No. R-897-20 which approved the recommendation to award Miami-Dade Fire Rescue Department Fire Rescue Station 68, RPQ No. MDFRD-616-68-B (the “RPQ”).

Section 2. Hereby rejects all bids received in response to the RPQ in order to allow the Miami-Dade Fire Rescue Department to resolicit bids.

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:

Jose "Pepe" Diaz, Chairman

Oliver G. Gilbert, III, Vice-Chairman

Sen. René García

Sally A. Heyman

Eileen Higgins

Kionne L. McGhee

Raquel A. Regalado

Sen. Javier D. Souto

Keon Hardemon

Danielle Cohen Higgins

Joe A. Martinez

Jean Monestime

Rebeca Sosa

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of January, 2021. 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.

MRP

Monica Rizo Perez