

# MEMORANDUM

CSSC  
Agenda Item No. 3(D)

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**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** January 12, 2023

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution authorizing designated purchase pursuant to section 2-8.1(b)(3) of the County Code by a two-thirds vote of the Board members present; authorizing award of Contract No. FB-01911 for the purchase of disposable fiber trays to Pancar Industrial Supply Corporation in an amount not to exceed \$2,772,000.00 for the five-year term for the Miami-Dade Corrections and Rehabilitation Department; and authorizing the County Mayor to exercise all provisions of the contract, including any cancellation or extension provisions, pursuant to section 2-8.1 of the County Code and Implementing Order 3-38

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The accompanying resolution was prepared by the Strategic Procurement Department and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.

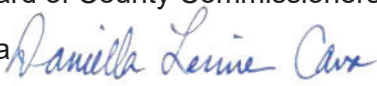
  
Geri Bonzon-Keenan  
County Attorney

GBK/uw

MDC001

**Date:** February 7, 2023

**To:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava   
Mayor

**Subject:** Recommendation for Approval to Award Designated Purchase under Contract No. FB-01911, Disposable Fiber Trays

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### **Summary**

This item is for the award of a five-year designated purchase contract to Pancar Industrial Supply Corporation for the purchase of disposable fiber trays for Miami-Dade Corrections and Rehabilitation Department (MDCR). Disposable trays are used to serve meals to over 4,600 inmates on a daily basis at the Turner Gilford Correctional Knight Center, the Pre-Trial Detention Center and the Metro West Detention Center and are essential to the operations of the Department and are made of 100 percent reclaimed fully compostable molded fiber and are eco-friendly.

### **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve this request for award of Designated Purchase *Contract No. FB-01911, Disposable Fiber Trays*, for the Miami-Dade Corrections and Rehabilitation Department (Corrections and Rehabilitation) to Pancar Industrial Supply Corporation (Pancar), in the amount of \$2,772,000. Approval of a designated purchase, by a two-thirds vote of the Board members present, is being requested pursuant to Section 2-8.1 (b)(3) of the Miami-Dade County Code to authorize award of a contract to allow Corrections and Rehabilitation to purchase disposable fiber trays to serve meals to the County's inmates.

This item is being presented as a designated purchase as the recommended certified Small Business Enterprise (SBE) vendor, Pancar, failed to include Certificate of Assurance form required at time of bid submittal. Pancar has satisfied all other solicitation requirements and offers the most competitive pricing to the County. Therefore, Board approval of this award is requested in order to waive the Certificate of Assurance irregularity. The SBE set-aside and Local Preference was assigned to the solicitation. This contract will replace *Contract No. FB-01255*, which was awarded under delegated authority, for a three-year term and an allocation of \$897,840.

### **Background**

On February 15, 2022, *Solicitation No. FB-01911* was issued under full and open competition for the purchase of disposable fiber trays. Upon advertisement of the solicitation, 2,754 vendors were notified, of which 40 viewed the solicitation and eight downloaded it. Seven bids were received in response to the solicitation, including one "No-Bid." Additional outreach efforts included contacting vendors identified through market research as well as notifying the incumbent vendor.

The SBE set-aside measure was included in the solicitation establishing a requirement that bidders must complete and submit the Certificate of Assurance form with their bids to be considered for award. Failure to submit the required Certificate of Assurance form would deem the bidder non-compliant and ineligible for award. Of the six bids received, three were from non-SBE certified firms, and three bids were received from certified SBE's. The non-SBE firms are not eligible for award for this set-aside contract. SBD determined that of the three SBEs, only one submitted the Certificate of Assurance form and was eligible for award. However, the prices submitted by the sole compliant SBE bidder, Gassant Enterprises, LLC were excessive. Pancar, the incumbent and SBE vendor, offered the lowest pricing for the trays. The pricing offered by Pancar is competitive and within the Department's budget.

Pursuant to Section 2-8.1 (b)(3)(vi) of the Code, the County is recommending a contract with a vendor despite the vendor’s failure to include the form in its proposal. Additional competition may result in unnecessary administrative delays in the procurement of these trays and place undue burden on bidders to resubmit bids and is not practicable. By waiving the requirement to submit the Certificate of Assurance the County will be awarding the contract to a certified SBE that offers the most competitive pricing to the County under *Solicitation No. FB-01911*. Accordingly, it is in the County’s best interest to award this designated purchase pursuant to Section 2-8.1(b)(3) of the County Code to purchase disposable fiber trays from Pancar. Also, this will allow Corrections and Rehabilitation to purchase these trays which are critical to their operations from a certified SBE firm.

**Scope**

The scope of this item is countywide in nature.

**Fiscal Impact/Funding Source**

The fiscal impact for the five-year term is \$2,772,000. The current contract, *FB-01255*, has a cumulative allocation of \$997,600 for a three-year and four-month term and will expire on November 30, 2022. The allocation under the replacement contract is higher than the current contract due to the increased tray quantities for the Metro West Detention Center and a longer contract period. Metro West Detention Center recently transitioned from the usage of plastic to fiber trays.

<b>Department</b>	<b>Allocation</b>	<b>Funding Source</b>	<b>Contract Manager</b>
Corrections and Rehabilitation	\$2,772,000	General Fund	Max Praschnik
<b>Total:</b>	<b>\$2,772,000</b>		

It should be noted that contracts contain termination for convenience provisions, which can be exercised if the commodities and services in this item are affected by the establishment of the constitutional offices

**Track Record/Monitor**

Shari Francis of the Internal Services Department is the Procurement Contracting Manager.

**Delegated Authority**

If this item is approved, the County Mayor or the County Mayor’s designee will have the authority to exercise all provisions of the contract, including any cancellation, or 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. Seven bids were received in response to the solicitation, including one “No-Bid.” For the reasons stated above, award of a designated purchase contract is being recommended to Pancar Industrial Supply Corporation, a certified SBE firm.

<b>Vendor</b>	<b>Principal Address</b>	<b>Local Address</b>	<b>Number of Employee Residents</b>	<b>Principal</b>
			1) Miami-Dade 2) Percentage	
Pancar Industrial Supply Corporation (SBE)	6916 NW 46 Street Miami, FL	Same	3 100%	Francisco Fletes

\*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>
Gasant Enterprises, LLC (SBE)	Price submitted was not cost-effective

Total Connection Inc. (SBE)	Vendor not eligible for award due to failure to submit Certificate of Assurance (SBD memo attached) Price higher than the recommended vendor
Bay Promo, LLC	Vendor is not certified SBE - not eligible for award
Dade Paper & Bag, LLC dba Imperial Dade	
Icon Global Supply	
Oliver Packaging and Equipment Company	No-Bid

\*A "No Bid" means the vendor responded indicating it will not be providing 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 through various vendor responsibility lists. The lists that were referenced included convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings related 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 holding meetings and drafting sessions with the user department. The scope of services was updated to include increased unit quantities due to the department's expansion of services into a third correctional facility.

**Applicable Ordinances and Contract Measures**

- The two percent User Access Program provision applies.
- The Small Business Enterprise (SBE) set-aside and Local Preference applied to the solicitation.
- The Living Wage does not apply as the goods to be procured are not covered goods under the Ordinance.

Attachment



\_\_\_\_\_  
 J.D. Patterson  
 Chief of Corrections and Forensics

# Memorandum



**DATE:** March 30, 2022

**TO:** Namita Uppal, Chief Procurement Officer  
Strategic Procurement Division

**FROM:** Gary Hartfield, Division Director  
Internal Services Department  
Small Business Development

**SUBJECT:** Compliance Review  
Project: FB-01911  
Disposable Fiber Trays

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Small Business Development (SBD), a Division of the Internal Services Department, has completed its review of the subject project for compliance with the Small Business Enterprise SBE/Goods & Services (SBE/GS) program. The contract measure established for this project is a SBE Set -Aside.

The Strategic Procurement Division of the Internal Services Department has submitted contract documents to SBD to complete a pre-award compliance review that included the Certificate of Assurance (COA) acknowledging the projects SBE measures. Please see the statuses below.

**STATUS:**

- |                             |               |
|-----------------------------|---------------|
| 1. Gassant Enterprises      | Compliant     |
| 2. Icon Global Supply, Inc. | Non-Compliant |
| 3. Pancar Industrial Supply | Non-Compliant |
| 4. Imperial Dade            | Non-Compliant |
| 5. Bay Promo LLC            | Non-Compliant |
| 6. Total Connection, Inc.   | Non-Compliant |

**SUMMARY:**

The Invitation to Bid for this project was issued on 02/15/2022 and ended on 3/10/2022.

Pursuant to Implementing Order 3-41, Section VII (A) of the Small Business Enterprise (SBE) Program for the Purchase of Goods and Services "Failure to submit the required Certificate of Assurance (COA) deem the bid/proposal non-compliant".

Two (2) firms submitted the COA; Gassant Enterprises, LLC. and Bay Promo LLC.

One (1) firm is compliant to the contract as they have submitted the required COA and are SBE certified. The following firm is eligible for award; Gassant Enterprises.

Please note that SBD staff review is specific with the SBE/GS Programs. Should you have any questions or need any additional information, please do not hesitate to call Laquita Oliver, Capital Improvement Project Specialist at (305) 375-2292.

c: Laurie Johnson, ISD  
David Leyte-Vidal, ISD



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** February 7, 2023

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No.

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.

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

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF CONTRACT NO. FB-01911 FOR THE PURCHASE OF DISPOSABLE FIBER TRAYS TO PANCAR INDUSTRIAL SUPPLY CORPORATION IN AN AMOUNT NOT TO EXCEED \$2,772,000.00 FOR THE FIVE-YEAR TERM FOR THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY 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:

**Section 1.** This Board finds it is in the best interest of Miami-Dade County to award Contract No. FB-01911 as a designated purchase for the purchase of disposable fiber trays to Pancar Industrial Supply Corporation in an amount not to exceed \$2,772,000.00 for the five-year term for the Miami-Dade Corrections and Rehabilitation Department, pursuant to section 2-8.1(b)(3) of the Code of Miami-Dade County, by a two-thirds vote of the Board members present.

**Section 2.** This Board authorizes the County Mayor or County Mayor's designee to exercise all provisions of the contract, including any cancellation or extension provisions, pursuant to section 2-8.1 of the County Code 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.

MDC007

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:

Oliver G. Gilbert, III, Chairman	
Anthony Rodriguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of February, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Eduardo W. Gonzalez