

MEMORANDUM

Agenda Item No. 8(P)(1)

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

DATE: February 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving award of Contract No. FB-01911 to Gassant Enterprises, LLC dba Gassant Enterprises for the purchase of disposable fiber trays in an amount not to exceed \$2,761,500.00 for a five-year term for the Miami-Dade Corrections and Rehabilitation Department; and authorizing the County Mayor to give notice of the award to Gassant Enterprises, LLC dba Gassant Enterprises, issue the appropriate purchase orders to give effect to same and 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 substitute was presented and forwarded to the BCC with a favorable recommendation at the 1-12-23 Community Safety and Security Committee.

This substitute differs from the original version as stated in the Mayor's memorandum.

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/gh

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 to Rescind the Prior Award Recommendation for a Designated Purchase and Recommend Approval to Award a Competitive Contract No. FB-01911, Disposable Fiber Trays

This item differs from the original in that it changes the Mayor's recommendation from a designated purchase contract award to Pancar Industrial Supply Corporation to a competitive contract award to Gassant Enterprises, LLC dba Gassant Enterprises, and reduces the requested allocation from \$2,772,000 to \$2,761,500.

Summary

This item rescinds my prior recommendation for a designated purchase contract award to Pancar Industrial Supply Corporation (Pancar). This recommendation is to award a five-year competitive contract to Gassant Enterprises, LLC dba Gassant Enterprises (Gassant) for the purchase of disposable fiber trays for Miami-Dade Corrections and Rehabilitation Department (MDCR). A designated purchase contract award recommendation was issued on August 16, 2022 to Pancar, the lowest priced vendor. Pancar, a certified Small Business Enterprise (SBE), failed to include Certificate of Assurance form at the time of bid submission and was deemed non-compliant by the Small Business Division of Internal Services Department. Due to the significant price difference between Pancar (Bid price: \$2,772,000) and the sole responsive and responsible bidder, Gassant (Bid price: \$4,947,600), an award recommendation to waive this irregularity for Pancar was originally made to save the County \$2,175,600.

The designated purchase award recommendation was deferred at the September 15, 2022, Community Safety and Security Committee. Subsequent to the deferral, I directed staff to seek a better price offer from Gassant. The better price offer and subsequent negotiations with Gassant have resulted in the final price of \$2,761,500, and as such, they are the lowest priced bidder.

Disposable trays are used to serve meals to over 4,400 inmates daily at the Turner Gilford Knight Center, the Pretrial 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. Two types of trays are being purchased as part of this solicitation: cafeteria food trays and molded fiber flat trays.

Recommendation

It is recommended that the Board of County Commissioners (Board) rescind the prior contract award recommendation for a designated purchase and approve a competitive contract award, *Contract No. FB-01911, Disposable Fiber Trays*, for MDCR to Gassant, in the amount of \$2,761,500 for the purchase of disposable fiber trays to serve meals to the County's inmates. A Small Business Enterprise (SBE) set-aside 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.

An SBE set-aside contract 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 Gassant submitted the Certificate of Assurance form and was eligible for award.

While Pancar failed to include the Certificate of Assurance form required at time of bid submittal, Pancar had offered the most competitive pricing to the County. The original bid prices submitted by the sole compliant SBE bidder, Gassant, were excessive, however, through the better price offer and negotiations, Gassant has lowered its price by \$2,186,100; and hence is the lowest price vendor.

Scope

The scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the five-year term is \$2,761,500. The current contract, *FB-01255*, has a cumulative allocation of \$997,600 for a three-year and six-month term and expires on January 31, 2023. The annual allocation under the replacement contract is higher than the current contract and is based on the projected needs of the Department. However, the replacement contract prices are substantially the same when compared to current contract prices. To ensure continuity of services, a short-term bridge contract has been established with the recommended vendor as the allocation in the current contract has depleted.

Department	Allocation	Funding Source	Contract Manager
Corrections and Rehabilitation	\$2,761,500	General Fund	Max Praschnik
Total:	\$2,761,500		

Track Record/Monitor

Shari Francis of the Strategic Procurement 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 give notice of this award to Gassant, issue the appropriate purchase orders to give effect to same and 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."

Vendor	Principal Address	Local Address	Number of Employee Residents	Principal
			1) Miami-Dade 2) Percentage	
Gassant Enterprises, LLC dba Gassant Enterprises (SBE)	20609 NW 14 Place Miami, FL	Same	1	Makeba Gassant
			100%	

*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

Vendor	Reason for Not Recommending
Pancar Industrial Supply Corporation (SBE)	Vendor not eligible for award due to failure to submit Certificate of Assurance (SBD memo attached)
Total Connection Inc. (SBE)	
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 Strategic Procurement 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 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

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. 8(P)(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(P)(1)
2-7-23

RESOLUTION NO. _____

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01911 TO GASSANT ENTERPRISES, LLC DBA GASSANT ENTERPRISES FOR THE PURCHASE OF DISPOSABLE FIBER TRAYS IN AN AMOUNT NOT TO EXCEED \$2,761,500.00 FOR A FIVE-YEAR TERM FOR THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THE AWARD TO GASSANT ENTERPRISES, LLC DBA GASSANT ENTERPRISES, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND 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 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.]]~~¹ >>approves award of Contract

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

No. FB-01911 to Gassant Enterprises, LLC dba Gassant Enterprises for the purchase of disposable fiber trays in an amount not to exceed \$2,761,500.00 for a five-year term for the Miami-Dade Corrections and Rehabilitation Department.<<

Section 2. This Board authorizes the County Mayor or County Mayor's designee to >>give notice of this award to Gassant Enterprises, LLC dba Gassant Enterprises, issue the appropriate orders to give effect to same and<< 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]]~~>>Department.<<

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 Rodríguez, 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 this resolution duly passed and adopted this 7th 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