

Approved _____ Mayor

Agenda Item No. 8(A)(1)(D)

Veto _____

05-08-07

Override _____

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-544-07

RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR PACKAGE 4 OF RFP NO. MDAD 05-05, THE RETAIL CONCESSION PROGRAM AT MIAMI INTERNATIONAL AIRPORT AND AUTHORIZING THE ADVERTISEMENT OF A NEW REQUEST FOR PROPOSAL

WHEREAS, the 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 hereby rejects all proposals received in response to the request for proposal, RFP No. MDAD 05-05, for package 4 of the Retail Concession Program at Miami International Airport and authorizes the Mayor or his designee to advertise a new request for proposal in substantially the form attached hereto.

The foregoing resolution was offered by Commissioner Audrey M. Edmonson, who moved its adoption. The motion was seconded by Commissioner Joe A. Martinez and upon being put to a vote, the vote was as follows:

	Bruno A. Barreiro, Chairman	aye
	Barbara J. Jordan, Vice-Chairwoman	aye
Jose "Pepe" Diaz	absent	
Carlos A. Gimenez	aye	
Joe A. Martinez	aye	
Dorrin D. Rolle	aye	
Katy Sorenson	aye	
Sen. Javier D. Souto	absent	
	Audrey M. Edmonson	aye
	Sally A. Heyman	aye
	Dennis C. Moss	aye
	Natacha Seijas	aye
	Rebeca Sosa	aye

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MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: May 8, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 8(A)(1)(D)

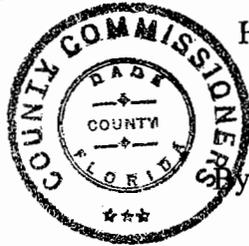
Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of May, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK



KAY SULLIVAN

Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

RW

Roy Wood

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Memorandum



Date: May 8, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Agenda Item No. 8(A)(1)(D)

Subject: Recommendation to Reject and Re-advertise Miami-Dade Aviation Department (MDAD) Request for Proposals (RFP) Retail Concession Program at Miami International Airport, RFP No. MDAD-05-05, Package 4 as the Bookstore-Café Specialty Retail, RFP No. MDAD-01-07

RECOMMENDATION

It is recommended that the Board of County Commissioners reject the two (2) proposals received on Package 4 of the RFP for Retail Concession Program, RFP No. MDAD-05-05, from Borders Group, Inc., and AMS of South Florida, LLC, and authorize the re-advertisement of the concept in Package 4 (Bookstore-Café Specialty Retail) in substantially the form of the RFP on file with the Clerks office, RFP No. MDAD-01-07.

SCOPE

Miami International Airport (MIA) is located primarily within Commission District Six. However, the impact of this agenda item is countywide in nature as MIA is a regional asset.

FISCAL IMPACT/FUNDING SOURCE

The award resulting from the RFP will be revenue generating based upon the Minimum Annual Guaranty (MAG).

TRACK RECORD/MONITOR

Not applicable as this is a rejection of all proposals.

BACKGROUND

The designated Evaluation/Selection Committee (Committee) conducted the selection process for the subject project on April 27, 2006, for the prescreening meeting and on April 27, 2006, and April 28, 2006, for the public hearing meetings. This process was conducted in accordance with the procedures specified in the RFP.

At the conclusion of the public hearing meetings, the Committee recommended eight (8) proposers for the eight (8) advertised retail concession packages. The Committee also recommended proceeding with executing agreements with the eight (8) proposers. Borders Group, Inc., was the recommended proposer for Package 4. The second ranked and only other proposer for Package 4, AMS of South Florida, LLC (Hudson Group), filed a protest. The basis of the protest was the application of the Airport Concession Disadvantaged Business Enterprises (ACDBE) points assigned

to Borders Group, Inc., during the public hearing meeting, as Borders Group, Inc., elected to participate in the ACDBE program, and AMS of South Florida, LLC, elected to abstain. The RFP contained a voluntary ACDBE participation provision for Packages 3-8, which allowed the assignment of points during the technical review process of the RFP for firms that elected to participate in the ACDBE program. The protest for Package 4 was held on August 8, 2006. The hearing examiner's findings supported my recommendation and upheld the award recommendation to Borders Group, Inc.

On September 6, 2006, Borders Group, Inc., submitted a letter to the MDAD stating, "...Carrie Management mistakenly attributed the 100 percent ACDBE ownership status of its 40 percent owner to the rest of the limited liability company." Since Borders Group, Inc., received points during the evaluation process based on its ACDBE participation commitment with Carrie Management, LLC, and these points were not valid at the time of application, MDAD recommended withdrawing the award recommendation for Borders Group, Inc. Upon further consideration, I have concluded that it is in the County's best interest to recommend rejection of both proposals and to request authorization to re-advertise the concept of Bookstore/Café as RFP No. MDAD-01-07 (formerly Package 4 of the previous RFP No. MDAD-05-05).



Assistant County Manager