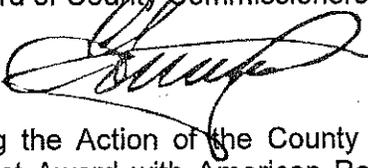


Date: March 5, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Ratifying the Action of the County Mayor or County Mayor's Designee in Executing a Contract Award with American Recovery and Reinvestment Act Funding, Pursuant to Section 2-8.2.7 of the Code of Miami-Dade County Relating to the Economic Stimulus Plan

Agenda Item No. 14(A)(2)

Resolution No. R-190-13

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) ratify the action of the County Mayor in expediting the following American Recovery and Reinvestment Act of 2009 (ARRA) funded contract pursuant to the Economic Stimulus Plan Ordinance:

Contract Award Recommendation for RFP746 - Transit Operations System Replacement Project: Requests ratification of a contract award in the amount of \$9,254,494, which is comprised of \$4,088,530 in ARRA Funds for purchase of the new system, and, \$5,165,964 in Transit operating funds for ongoing software maintenance and support to Trapeze Software Group, Inc.

Pursuant to Section 2-8.2.7 of the Miami-Dade County Code, Economic Stimulus Plan (ESP), the County Mayor or County Mayor's designee is authorized to execute contracts funded with ARRA funds, subject to ratification by the Board of County Commissioners. Additional project description and information regarding this procurement is provided in the attachments (Exhibits A, B, and C) and described below. Items executed pursuant to the ESP Ordinance are submitted to the Board on a quarterly basis for ratification; however, since the award recommendation was protested, it is being presented to the Board at this time.

The Citizens' Independent Transportation Trust (CITT) approved this contract award on February 21, 2013. The CITT Resolution is attached as Exhibit D.

BID PROTEST

Two bid protests were filed with the Clerk of the Board, the first, by INIT Innovations in Transportation, Inc. (INIT), and the second by GIRO, Inc. (GIRO). The proposals submitted by the protesting firms were deemed non-responsive by the County Attorney's Office (CAO). In accordance with the bid protest procedures as set forth in Implementing Order 3-21, a hearing examiner was appointed by the Clerk of the Board, and a hearing was conducted on February 13, 2013. The hearing examiner denied the protests by both firms and upheld the Mayor's award recommendation as noted in the attached Findings and Recommendations Report (Exhibit C) dated February 21, 2013, and described briefly as follows:

INIT's proposal was deemed non-responsive by the CAO as it contained significant portions marked as confidential/proprietary information and, when redacted, did not contain sufficient information to constitute an offer. INIT argued that the County was incorrect in not considering their confidential materials because the materials were exempted from public disclosure by Section 815.045, Florida Statutes. The Hearing Examiner ruled that this portion of Florida Statutes cannot be read so as to supersede County Code, and that there is no "trade secrets" exemption stated in the Sunshine Law, Section 286.011(1), Florida Statutes, which the County must follow. As such, the Hearing Examiner ruled that the County did not violate any law in finding INIT's proposal non-responsive.

GIRO's proposal was deemed non-responsive by the CAO as it did not contain the required "Buy America" form as outlined within the solicitation and, because it designated almost all of its application confidential and thus could not be considered. As to the "Buy America" form, the Hearing Examiner agreed with Miami-Dade County that the non-filing of this form by GIRO disqualified their proposal from being considered as it was an explicit requirement listed in the solicitation, and failure to complete and submit the form with the proposal would "render the proposal non-responsive and ineligible for award". As to information being marked "confidential" within its proposal, the Hearing Examiner also agreed with the decision to deem this offer as non-responsive as almost all of its pages were marked "confidential", therefore the County did not have sufficient information to evaluate the proposal.

SCOPE

The scope of this project is countywide in nature.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for this project totals \$9,254,494, which is comprised of \$4,088,530 in ARRA Funds for purchase of the new system, and, \$5,165,964 in Transit operating funds.

TRACK RECORD / MONITOR

Fred Simmons, Jr. of the Internal Services Department is the Procurement Contracting Officer. Nancy Schutt-Aine of Miami-Dade Transit is the Project Manager for this project.

BACKGROUND

A Request for Proposals was issued under full and open competition on December 21, 2011 for the purposes of receiving proposals for a new Transit Operations System (TOS). The existing TOS System is used by MDT as the dispatch and operator management software for the bus and rail system. Currently, MDT supervises over 1,764 bus and rail operators, and manages a fleet of 828 buses and 136 rail cars. The dispatchers at bus and rail facilities use the TOS for critical operational functions such as rail and bus operator assignments, bus dispatching, monitoring bus work schedules and tracking operators' hours. The TOS is critical for the timely dispatch and schedule of daily services to riders.

The existing TOS was initially procured and implemented in 1988, and has undergone several modifications to meet operational needs. The software and hardware infrastructure used to support TOS has reached the end of its useful life and has become obsolete. The TOS software is no longer commercially available, does not allow for any system improvements, and will no longer be supported.

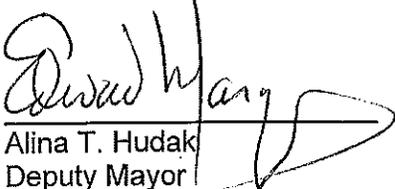
Due to the critical nature of the TOS System, a replacement system is required to meet MDT's operational needs. MDT received American Recovery and Reinvestment Act (ARRA) funds (\$4,088,530), approved by the Federal Transit Administration (FTA), to be used to purchase the replacement system, including the required hardware, software licenses, and professional services to implement, configure, customize, integrate, test, and train. Upon expiration of the one year warranty period, once the TOS replacement is accepted, the vendor will initiate the maintenance and post-production support which will be paid using MDT Operating Funds (\$5,165,964) throughout the remainder of the contract term.

The recommended vendor, Trapeze Software Group, Inc., shall provide an automated, web-based, configurable and commercially available, state-of-the-art computer software solution that will serve as a replacement to the existing system. Based on the proposed replacement solution, the County is able to avoid \$1.5 million in costs by leveraging existing infrastructure to provide Oracle licensing and database and application servers through a Service Level Agreement with the Information Technology Department (ITD). In addition, staff negotiated a \$1.24 million reduction in the overall contract value from the original proposed price.

The proposed solution will provide MDT with software functionality for transit fixed bus and rail service daily dispatch, and provides management with tools to more efficiently manage operations. The proposed solution consists of a comprehensive package with advanced automated bidding functions for different work shifts, robust daily dispatch functions, advanced vehicle assignment functions, vehicle availability, workforce management, performance and discipline, absence tracking functions, employee incentives, complaints and commendations, service incidents, timekeeping, property specific reports and FTA reports. The solution will provide seamless integration with other existing MDT systems, including the transit scheduling system for fixed bus and rail routes, and it has the capacity for future scalability with other County systems.

Exhibit A, as required by the ESP Ordinance, and where applicable, includes a summary of the solicitation method used; and the number of jobs generated, as calculated by the Regulatory and Economic Resources Department for ESP projects. Regulatory and Economic Resources Department staff is supporting the ESP by accelerating the project review and goal analysis process to ensure participation of small businesses on County contracts. All ESP projects are reviewed by the Small Business Division in the Regulatory and Economic Resources Department for the application of program measures in the areas of construction, architecture and engineering services. Also attached is the original contract award (Exhibit B), the Hearing Officer's Findings and Recommendations (Exhibit C), and the approved Resolution from the CITT.

Attachments


Alina T. Hudak
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 5, 2013

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 14(A)(2)

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
- 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 ____, 3/5's ____, unanimous ____) 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. 14(A)(2)
3-5-13

RESOLUTION NO. R-190-13

RESOLUTION RATIFYING THE ACTION OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE IN EXECUTING A CONTRACT AWARD WITH AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING, AS AUTHORIZED BY SECTION 2-8.2.7 OF THE CODE OF MIAMI-DADE COUNTY, ALSO KNOWN AS THE "ECONOMIC STIMULUS PLAN" (ESP) AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

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 ratifies the actions of the County Mayor or County Mayor's Designee, as authorized by Section 2-8.2.7 of the Code of Miami-Dade County, in approving the contract award recommendation to Trapeze Software Group, Inc., as further described in the Exhibits attached hereto and made a part hereof; authorizing the County Mayor or County Mayor's designee to exercise all authorities specified in the project's respective contract documents, and authorizing the use of Charter County Surtax funds.

The foregoing resolution was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Audrey Edmonson** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	aye	
	Lynda Bell, Vice Chair	aye	
Bruno A. Barreiro	absent	Esteban L. Bovo, Jr	aye
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Sally A. Heyman	absent	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	aye
Sen. Javier D. Souto	aye	Xavier L. Suarez	aye
Juan C. Zapata	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of March, 2013. 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



By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to read "B. Libhaber", is written over a horizontal line.

Bruce Libhaber

Exhibit B



miamidade.gov

ISD - PROCUREMENT MANAGEMENT
111 NW 1ST Street • Suite 1300
Miami, Florida 33128 - 1974
T 305-375-5289 F 305 375-4407 305 372-6128

Date: January 24, 2013

All Responding Proposers (See Distribution List)

SUBJECT: RFP 746 – Transit Operations System Replacement Project (TOSRP)

Dear Proposers:

Evaluation of proposals tendered in response to the above cited solicitation has been completed. The County Mayor or designee has recommended award as shown in the attached document.

This notice is provided in accordance with Section 4.10 of the solicitation and Sections 2-8.3 and 2-8.4 of the Code of Miami-Dade County. Our provision of this notice also serves to confirm the lifting of the Cone of Silence from this procurement action as dictated by Section 2-11.1(t) of the County Code.

We appreciate the participation of all proposers which responded to the subject action. If you have any questions, please contact me at 305-375-4259 or fred@miamidade.gov.

Sincerely,

Fred Simmons Jr. CPPO
Fred Simmons, Jr., CPPO
Senior Procurement Contracting Officer

- Distribution List:
- Enghouse Transportation LLC
 - GIRO Inc.
 - INIT Innovations in Transportations, Inc.
 - IVU Traffic Technologies AG, Inc.
 - SISCOG – Sistemas Cognitivos SA
 - Trapeze Software Group Inc.

Attachment: County Mayor Award Recommendation

cc: Clerk of the Board
Bruce Libhaber, Assistant County Attorney



Memorandum

MIAMI-DADE
COUNTY

Date: January 10, 2013
To: Carlos A. Gimenez
Mayor
From: Lester Sola, Director
Internal Services Department
Subject: Recommendation for Award: Transit Operations System Replacement

CLERK OF THE BOARD
2013 JAN 24 PM 4:07
LESTER SOLA, COUNTY CLERK
MIAMI-DADE COUNTY, FLA.
#1

RECOMMENDATION

It is recommended that the County Mayor approve award of this contract to Trapeze Software Group, Inc. to provide a new Transit Operations System for the Miami-Dade Transit Department (MDT). This contract is funded in part by American Recovery and Reinvestment Act (ARRA) funds. Section 2-8.2.7 of the Code of Miami-Dade County, Economic Stimulus Ordinance, authorizes the Mayor to award contracts funded in whole or in part through ARRA funds. Upon approval by the Mayor, this item will be submitted to the Board as an Economic Stimulus Plan ratification item..

CONTRACT NUMBER AND

TITLE: RFP746 - Transit Operations System Replacement Project

TERM: 12 years

METHOD OF AWARD: Award to the responsive, responsible vendor based on evaluation criteria established in the Request for Proposals.

CONTRACT AMOUNT: \$9,254,494, which is comprised of \$4,088,530 in ARRA Funds for purchase of the new system, and \$5,165,964 for ongoing software maintenance and support and contract contingency

BACKGROUND

A Request for Proposals was issued under full and open competition on December 21, 2011 for the purposes of receiving proposals for a new Transit Operations System (TOS). The existing TOS System is used by MDT as the dispatch and operator management software for the bus and rail system.

Currently, MDT supervises over 1,764 bus and rail operators, and manages a fleet of 828 buses and 136 rail cars. The dispatchers at bus and rail facilities use the TOS for critical operational functions such as rail and bus operator assignments, bus dispatching, monitoring bus work schedules and tracking operators' hours. The TOS is critical for the timely dispatch and schedule of daily services to riders.

The existing TOS was initially procured and implemented in 1988, and has undergone several modifications to meet operational needs. The software and hardware infrastructure used to support TOS has reached the end of its useful life and has become obsolete. The TOS software is no longer commercially available, does not allow for any system improvements, and will no longer be supported.

Due to the critical nature of the TOS System, a replacement system is required to meet MDT's operational needs. MDT received American Recovery and Reinvestment Act (ARRA) funds (\$4,088,530), approved by the Federal Transit Administration (FTA), to be used to purchase the replacement system, including the required hardware, software licenses, and professional services to implement, configure, customize, integrate, test, and train.

Upon expiration of the one year warranty period, once the TOS replacement is accepted, the vendor will initiate the maintenance and post-production support which will be paid using MDT Operating Funds (\$5,165,964) throughout the remainder of the contract term.

The recommended vendor, Trapeze Software Group, Inc., shall provide an automated, web-based, configurable and commercially available, state-of-the-art computer software solution that will serve as a replacement to the existing system. Based on the proposed replacement solution, the County is able to avoid \$1.5 million in costs by leveraging existing infrastructure to provide Oracle licensing and database and application servers through a Service Level Agreement with the Information Technology Department (ITD). In addition, staff negotiated a \$1.24 million reduction in the overall contract value from the original proposed price.

The proposed solution will provide MDT with software functionality for transit fixed bus and rail service daily dispatch, and provides management with tools to more efficiently manage operations. The proposed solution consists of a comprehensive package with advanced automated bidding functions for different work shifts, robust daily dispatch functions, advanced vehicle assignment functions, vehicle availability, workforce management, performance and discipline, absence tracking functions, employee incentives, complaints and commendations, service incidents, timekeeping, property specific reports and FTA reports. The solution will provide seamless integration with other existing MDT systems, including the transit scheduling system for fixed bus and rail routes, and it has the capacity for future scalability with other County systems.

USING/MANAGING AGENCY AND FUNDING SOURCE:

Department	Allocation	Funding Source	Contract Manager
Miami-Dade Transit	\$9,254,494	44% American Recovery and Reinvestment Act (ARRA) Funds 56% MDT Operating Funds	Nancy Schutt-Ainé

AWARDED VENDOR:

Awardee	Address	Principal
Trapeze Software Group, Inc.	8360 East Via de Ventura, Scottsdale, AZ	Rick Bacchus

PERFORMANCE DATA: There are no known performance issues with the recommended firm.

COMPLIANCE DATA: There are no known compliance issues with the recommended firm.

Proposer (s)	Reason for Not Recommending
Sistemas Cognitivos SA (SISCOG)	Proposer was not the highest ranked by the Evaluation Selection Committee.
Enghouse Transportation, LLC	Proposer was deemed non-responsive by the County Attorney's Office. The proposal submitted contained confidential information, and when redacted did not contain enough information to constitute an offer.
INIT Innovations in Transportation, Inc.	Proposer was deemed non-responsive by the County Attorney's Office. The proposal submitted contained significant portions deemed confidential/proprietary information and when

	redacted did not contain enough information to constitute an offer.
IVU Traffic Technologies AG, Inc. Giro Inc./Le Groupe en Informatique et Recherche Operationnelle	Proposer was deemed non-responsive by the County Attorney's Office due to the omission of the required Buy America form as outlined within the solicitation.

CONTRACT MEASURES: Not applicable, due to the federal funding source.

LIVING WAGE: The Living Wage Ordinance does not apply.

USER ACCESS PROGRAM: This contract does not include the User Access Program provision due to the federal funding source.

LOCAL PREFERENCE: Not applicable, due to the federal funding source.

PROCUREMENT OFFICER: Fred Simmons, Jr.

Approved



Carlos A. Gimenez
Mayor

1-24-2013

Date

c: Miriam Singer, CPPO, Assistant Director, Internal Services Department

Memorandum



Date: June 21, 2012

To: Miriam Singer, CPPO
Assistant Director
Internal Services Department

Thru: Amos Roundtree
Division Director
Internal Services Department

From: Fred Simmons, Jr., CPPO
Senior Procurement Contracting Officer
Chairperson, Evaluation/Selection Committee

Subject: Report of Evaluation/Selection Committee for RFP No. 746:
Transit Operations System (TOS) Replacement Project

The County issued the subject solicitation to obtain proposals from qualified firms for an automated, web-based, configurable and commercially available state of the art Transit Operations computer software Solution. The Solution will be capable of supporting transit fixed-routes (Metrobus and Metrorail Services), and daily dispatch and management operations, and be compliant with ADA (Americans with Disabilities Act of 1990) and Section 508 of the Rehabilitation Act of 1973 and Miami-Dade County Collective Bargaining Agreement (CBA) requirements. The Solution will consist of a comprehensive software package with advanced automated-bidding functions for different shifts, robust daily dispatch functions, advanced vehicle assignment functions, vehicle availability, workforce management, performance and discipline, absences tracking functions, employees incentives, complaints and commendations, service incidents, timekeeping, and County Specific reports. The Selected Proposer will install, configure, customize, integrate, test the Solution, provide training to County personnel and supply all user and technical documentation. The Selected Proposer is also required to provide a one year system warranty, and up to nine years of Maintenance and Support through a System Maintenance and Support Agreement, on a year to year basis, at the option of the County.

BACKGROUND

Transit Operations System (TOS) is the current dispatch and operator management software in use at MDT. TOS was procured and installed in 1988 and throughout the years, has undergone several modifications to meet MDT requirements. However, the software has become obsolete and is running on antiquated hardware. The TOS platform and computing environments, installed 24 years ago, does not contain nor support the latest technology.

The solicitation is funded in part by the American Recovery and Reinvestment Act (ARRA), and is capped at the level of ARRA funding at \$6,200,000. This funding includes all Work for system implementation through the end of the one year warranty period. The RFP did not permit consideration of proposals that exceed the \$6,200,000 cap. The capped price does not include extended years of maintenance and support. Maintenance and Support will be funded by Transit through its operations budget. Proposers were required to provide pricing for maintenance and support for the nine years requested.

MDT requires a rapid and efficient implementation of the proposed Solution. Therefore, the complete Solution implementation is required to be achieved not later than 24 months after the Notice to Proceed (NTP). All federal provisions included in the solicitation are required to be met, including the requirements of Buy America.

Review Team meeting dates: This solicitation includes federal funding, and was reviewed for Disadvantaged Business Enterprise (DBE) goal participation. The Transit Office of Civil Rights placed a zero goal for this solicitation.

Verification of compliance with contract measures: N/A

Verification of compliance with minimum qualification requirements:

Internal Services Department-Procurement Management and Transit personnel reviewed proposals for compliance with qualification requirements.

Local Certified Service-Disabled Veteran's Business Enterprise Preference: N/A

The Evaluation/Selection Committee (Committee) has completed the evaluation of proposals submitted, following the guidelines published in the solicitation.

The Committee decided to hold oral presentations in conjunction with proposal reviews by the Technical and Evaluation/Selection Committees. Separate questions, tailored to each proposal, were submitted to the respective Proposer. Answers to the questions were provided to both Committees prior to orals. Oral presentations were held with both Proposers. Afterwards, the technical committee completed its analysis for presentation to the Committee. After the technical analysis presentation, the Committee finalized its scores.

Summary of scores:

Final Committee scores are as follows:

<i>Proposer</i>	<i>Technical Score</i>	<i>Selection Factor</i>	<i>Price Score</i>	<i>Proposed Price</i>	<i>Total Combined Score</i>
	<i>(max. 960)</i>	<i>(N/A)</i>	<i>(max.240)</i>		<i>(max.1200)</i>
1. Trapeze Software Group, Inc.	866	N/A	207	\$10,052,395	1073
2. SISCOG - Sistemas Cognitivos SA	667	N/A	173	\$13,874,221	840

Local Preference: The Local Preference Ordinance does not apply.

Other information:

Six Proposers responded to the County's solicitation for a TOS. The County Attorneys Office determined that four of the six were nonresponsive:

- 1) The proposal submitted by Enghouse Transportation, LLC, contained confidential information, and when redacted in accordance with the requirement of Section 1.3 the RFP, did not contain enough information to constitute an offer. As such, the County has determined the Enghouse Transportation, LLC proposal is nonresponsive.
- 2) The proposal from INIT Innovations in Transportation, Inc., marked significant portions of its proposal confidential and/or confidential and proprietary. Every page of the past experience, project management, system description, system interfaces, standard warranty, maintenance description, hardware description, and commercial compliance sections are marked proprietary and confidential. Only the standard software license, the support

approach, the Iron Mountain Sample Software Escrow document, price proposal and sample reports were not marked confidential and/or confidential. Those remaining portions of the proposal are not sufficient to constitute an offer. As such, the County has determined the INIT Innovations in Transportation, Inc. proposal is nonresponsive.

- 3) The proposal submitted by IVU Traffic Technologies AG, Inc., did not include a Buy America form (Appendix D) as required by the RFP. The Buy America form states: "THIS IS A REQUIRED PROPOSAL SUBMISSION DOCUMENT. FAILURE TO COMPLETE THIS FORM AND TO SUBMIT IT WITH YOUR PROPOSAL WILL RENDER THE PROPOSAL NON-RESPONSIVE AND INELIGIBLE FOR AWARD." As such, the County has determined the IVU Traffic Technologies AG, Inc. proposal is nonresponsive.
- 4) The proposal from GIRO Inc./Le Groupe en Informatique et Recherche Operationnelle did not contain a signed Buy America form (Appendix D) as required by the RFP. The Buy America form states: "THIS IS A REQUIRED PROPOSAL SUBMISSION DOCUMENT. FAILURE TO COMPLETE THIS FORM AND TO SUBMIT IT WITH YOUR PROPOSAL WILL RENDER THE PROPOSAL NON-RESPONSIVE AND INELIGIBLE FOR AWARD." As such, the County has determined the GIRO Inc./Le Groupe en Informatique et Recherche Operationnelle proposal is nonresponsive.

Negotiations:

The Evaluation/Selection Committee recommends that the County enter into negotiations with Trapeze Software Group, Inc., the highest ranked Proposer.

The following individuals are recommended to participate in negotiations:

Fred Simmons, Jr., Senior Procurement Contracting Officer, ISD-PM, Lead Negotiator
Rosie Perez, Sr. Chief, Information Technology, Transit
Joel Perez, General Superintendent, Bus Operations, Transit
Boon-Choo Tan, Computer Services Sr. Manager, IT, Transit
Nancy Schutt-Ainé, Sr. Systems Analyst, IT, Transit (Project Manager)

Evaluation/Selection Committee Consensus Statement:

After comprehensive reviews by the committees, and oral presentations from both Proposers, the Evaluation/Selection Committee recommends negotiations with Trapeze Software Group, Inc., the highest ranked Proposer.

The Trapeze proposal meets all the specification requirements of the RFP, including the not to exceed price cap. The proposal demonstrated a thorough understanding of the County's requirement, and was illustrated during oral presentations. The Committee agrees that the Trapeze proposal is the "best fit" for Transit's business processes. Several modules in Trapeze's core solution are imbedded with applications that save time for the end user, and are more user-friendly. For example, the Dispatching module includes the check-in of an employee using the driver's license. Additionally, modules can be displayed side-by-side on screens to facilitate dispatching. Trapeze's approach to warranty and support was determined to be more consistent with MDT's operational requirements. The Trapeze solution was lower priced, resulting in the highest price score. The Trapeze proposal also received the highest technical score. The training component of the Trapeze proposal is an area where, through negotiations, specifics regarding the training approach, and pricing will be finalized.

The Committee views negotiations as an opportunity to negotiate the scope of work, technical specifications, commercial terms and conditions, and price in efforts to reach an agreement that represents best value, and is most advantageous to the County.

Copies of the score sheets are attached for each Evaluation/Selection Committee member, as well as a composite score sheet.

Approved



Miriam Singer
Assistant Director
Internal Services Department

6/22/12

Date

Not Approved

Miriam Singer
Assistant Director
Internal Services Department

Date

COMPOSITE

RFP NO. 746

TRANSIT OPERATIONS SYSTEM REPLACEMENT PROJECT (TOSRP)

EVALUATION OF PROPOSALS

SELECTION CRITERIA	PROPOSERS	Maximum Points	Maximum Points (Members)	SISCOG - Sistemas Cognitivos SA	Trapeze Software Group, Inc.
Experience, Past Performance, Key Personnel (Section 7.1)		12	60	36	54
Approach to Providing the Services (Section 7.2)		36	240	175	220
Software/Solution: Modules, functionality and scalability Modules (Section 7.3)		60	300	208	281
Interfaces (Section 7.4)		36	180	106	160
Solution Licenses, Maintenance and Support, Warranty (Section 7.5)		12	60	43	52
Hardware: Functionality and Scalability (Section 7.6)		12	60	48	46
Training Support (Section 7.7)		12	60	51	53
Technical Points (Technical rows above)		192	960	667	866
Price Criteria					
Proposer's proposed price		48	240	173	207
Technical and Price Points (Total of Technical & Price rows above)		240	1200	840	1073

SIGNATURE:

M. Perez

Chairperson

M. Perez
Reviewed By

PRINT NAME:

6/7/12

DATE:

M. Perez Garviso 6/7/12

EVALUATION OF PROPOSALS

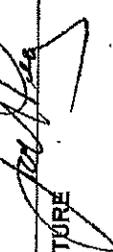
RFP NO. 746

TRANSIT OPERATIONS SYSTEM REPLACEMENT PROJECT (TOSRP)

JOEL PEREZ (MDT)

SELECTION CRITERIA	PROPOSERS	Maximum Points	SISCOG - Sistemas Cognitivos SA	Trapeze Software Group, Inc.
Experience, Past Performance, Key Personnel (Section 7.1)	→	12	10	11
Approach to Providing the Services (section 7.2)		48	38	45
Software/Solution: Modules, functionality and scalability Modules (Section 7.3)		60	40	58
Interfaces (Section 7.4)		36	20	35
Solution Licenses, Maintenance and Support, Warranty (Section 7.5)		12	6	10
Hardware: Functionality and Scalability (Section 7.6)		12	10	10
Training Support (Section 7.7)		12	12	12
Technical Points (Total of technical rows above)		192	136	181
Price Criteria				
Proposer's proposed price		48	35	45
TOTAL POINTS		240	171	226

SIGNATURE



DATE

5-24-12

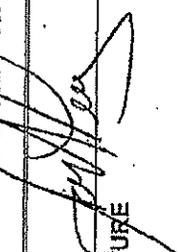
EVALUATION OF PROPOSALS

RFP NO. 746

TRANSIT OPERATIONS SYSTEM REPLACEMENT PROJECT (TOSRP)

JOEL PEREZ (MDT)

SELECTION CRITERIA	PROPOSERS	Maximum Points	SISCOG - Sistemas Cognitivos SA	Trapeze Software Group, Inc.
Experience, Past Performance, Key Personnel (Section 7.1)		12	1 10	1 11
Approach to Providing the Services (Section 7.2)		48	↑ 38	1 45
Software/Solution: Modules, functionality and scalability (Section 7.3)		60	1 40 1 0.20	1 58 35
Interfaces (Section 7.4)		36	1 20	1 35
Solution Licenses, Maintenance and Support, Warranty (Section 7.5)		12	1 6	1 10
Hardware: Functionality and Scalability (Section 7.6)		12	1 10	1 10
Training Support (Section 7.7)		12	1 12	1 12
Technical Points (Total of technical rows above)		192	7	7
Price Criteria				
Proposer's proposed price		48	1 35	45 1
TOTAL POINTS		240	8	8

SIGNATURE 

DATE 5-21-12

EVALUATION OF PROPOSALS
RFP NO. 746
TRANSIT OPERATIONS SYSTEM REPLACEMENT PROJECT (TOSRP)

ARLEENE CUELLAR (HRD)

SELECTION CRITERIA ↓	PROPOSERS →	Maximum Points	SISCOG - Sistemas Cognitivos SA	Trapeze Software Group, Inc.
Experience, Past Performance, Key Personnel (Section 7.1)		12	7	11
Approach to Providing the Services (Section 7.2)		48	35	45
Software/Solution: Modules, functionality and scalability Modules (Section 7.3)		60	40	58
Interfaces (Section 7.4)		36	25	34
Solution Licenses, Maintenance and Support, Warranty (Section 7.5)		12	8	10
Hardware: Functionality and Scalability (Section 7.6)		12	9	9
Training Support (Section 7.7)		12	10	10
Technical Points (Total of technical rows above)		192	134	177
Price Criteria				
Proposer's proposed price		48	30	40
TOTAL POINTS		240	164	217

SIGNATURE Arleene Cuellar

DATE 5/22/12

EVALUATION OF PROPOSALS

RFP NO. 746

TRANSIT OPERATIONS SYSTEM REPLACEMENT PROJECT (TOSRP)

ARLEENE CUELLAR (HRD)

SELECTION CRITERIA	PROPOSERS	Maximum Points	SISCOG - Sistemas Cognitivos SA	Trapeze Software Group, Inc.
Experience, Past Performance, Key Personnel (Section 7.1)		12	* 7	* 11
Approach to Providing the Services (Section 7.2)		48	* 35	* 45
Software/Solution: Modules, functionality and scalability Modules (Section 7.3)		60	* 40	* 58
interfaces (Section 7.4)		36	* 25	* 34
Solution Licenses, Maintenance and Support, Warranty (Section 7.5)		12	* 8	* 10
Hardware: Functionality and Scalability (Section 7.6)		12	* 9	* 9
Training Support (Section 7.7)		12	* 10	* 10
Technical Points (Total of technical rows above)		192	* 134	* 177
Price Criteria				
Proposer's proposed price		48	* 30	* 40
TOTAL POINTS		240	* 164	* 217

Arleene Cuellar
SIGNATURE

5/21/12
DATE

EVALUATION OF PROPOSALS

RFP NO. 746

TRANSIT OPERATIONS SYSTEM REPLACEMENT PROJECT (TOSRP)

REGNA PAGE (MDAD)

SELECTION CRITERIA	PROPOSERS	Maximum Points	SISCOG - Sistemas Cognitivos SA	Trapeze Software Group, Inc.
Experience, Past Performance, Key Personnel (Section 7.1)	→	12	5	11
Approach to Providing the Services (Section 7.2)		28	40	42
Software/Solution: Modules, functionality and scalability (Section 7.3)		60	40	59
Interfaces (Section 7.4)		36	20	35
Solution Licenses, Maintenance and Support, Warranty (Section 7.5)		12	10	11
Hardware: Functionality and Scalability (Section 7.6)		12	12	9
Training Support (Section 7.7)		12	12	12
Technical Points (Total of technical rows above)		192	139	179
Price Criteria				
Proposer's proposed price		48	38	40
TOTAL POINTS		240	177	219

SIGNATURE

DATE

EVALUATION OF PROPOSALS

RFP NO. 746

TRANSIT OPERATIONS SYSTEM REPLACEMENT PROJECT (TOSRP)

REGNA PAGE (MDAD)

SELECTION CRITERIA	PROPOSERS	Maximum Points	SISCOG - Sistemas Cognitivos SA	Trapeze Software Group, Inc.
Experience, Past Performance, Key Personnel (Section 7.1)	→	12	5	11
Approach to Providing the Services (Section 7.2)		48	40	42
Software/Solution: Modules, functionality and scalability Modules (Section 7.3)		60	40	59
Interfaces (Section 7.4)		36	20	35
Solution Licenses, Maintenance and Support, Warranty (Section 7.5)		12	10	11
Hardware: Functionality and Scalability (Section 7.6)		12	12	9
Training Support (Section 7.7)		12	12	12
Technical Points (Total of technical rows above)		192	0	0
Price Criteria				
Proposer's proposed price		48	38	40
TOTAL POINTS		240	0	0

Page

SIGNATURE

5-21-12

DATE

EVALUATION OF PROPOSALS

RFP NO. 746

TRANSIT OPERATIONS SYSTEM REPLACEMENT PROJECT (TOSRP)

OSVALDO NAVARRETE (ESTD)

SELECTION CRITERIA	PROPOSERS	Maximum Points	SISCOG - Sistemas Cognitivos SA	Trapeze Software Group, Inc.
Experience, Past Performance, Key Personnel (Section 7.1)	→	12	7	10
Approach to Providing the Services (Section 7.2)		48	30	45
Software/Solution: Modules, functionality and scalability Modules (Section 7.3)		60	40	50
Interfaces (Section 7.4)		36	18	26
Solution Licenses, Maintenance and Support, Warranty (Section 7.5)		12	10	10
Hardware: Functionality and Scalability (Section 7.6)		12	9	8
Training Support (Section 7.7)		12	9	9
Technical Points (Total of technical rows above)		192	123	158
Price Criteria				
Proposer's proposed price		48	40	42
TOTAL POINTS		240	163	200

Osvaldo Navarrete

SIGNATURE

5/21/2012

DATE

2012 MAY 23 AM 9:30
 MIAMI-DADE COUNTY
 DEPT OF PROCUREMENT

EVALUATION OF PROPOSALS

RFP NO. 746

TRANSIT OPERATIONS SYSTEM REPLACEMENT PROJECT (TOSRP)

OSVALDO NAVARRETE (ESTD)

SELECTION CRITERIA	PROPOSERS	Maximum Points	SISCOG - Sistemas Cognitivos SA	Trapeze Software Group, Inc.
Experience, Past Performance, Key Personnel (Section 7.1)		12	X 7	X 10
Approach to Providing the Services (Section 7.2)		48	X 30	X 45
Software/Solution: Modules, functionality and scalability (Section 7.3)		60	X 40	X 50
Interfaces (Section 7.4)		36	X 18	X 26
Solution Licenses, Maintenance and Support, Warranty (Section 7.5)		12	X 10	X 10
Hardware: Functionality and Scalability (Section 7.6)		12	X 9	X 8
Training Support (Section 7.7)		12	X 9	X 9
Technical Points (Total of technical rows above)		192	X 123	X 158
Price Criteria				
Proposer's proposed price		48	X 40	X 42
TOTAL POINTS		240	X 163	X 200

630
 8/2
 (860.1001)
 173
 207
 (240.1001)
 803
 1015
 (1000.1001)

Osvaldo Navarrete

SIGNATURE

5/21/2012

DATE

EVALUATION OF PROPOSALS

RFP NO. 746

TRANSIT OPERATIONS SYSTEM REPLACEMENT PROJECT (TOSRP)

ROSIE PEREZ (MDT)

SELECTION CRITERIA	PROPOSERS	Maximum Points	SISCOG - Sistemas Cognitivos SA	Trapeze Software Group, Inc.
Experience, Past Performance, Key Personnel (Section 7.1)	→	12	7	11
Approach to Providing the Services (Section 7.2)		48	32	43
Software/Solution: Modules, functionality and scalability Modules (Section 7.3)		60	48	56
Interfaces (Section 7.4)		36	23	30
Solution Licenses, Maintenance and Support, Warranty (Section 7.5)		12	9	11
Hardware: Functionality and Scalability (Section 7.6)		12	8	10
Training Support (Section 7.7)		12	8	10
Technical Points (Total of technical rows above)		192	135	171
Price Criteria				
Proposer's proposed price		48	30	40
TOTAL POINTS		240	165	211

SIGNATURE 

DATE 5/28/2012

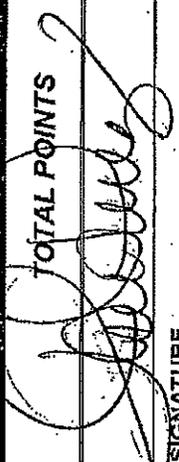
EVALUATION OF PROPOSALS

RFP NO. 746

TRANSIT OPERATIONS SYSTEM REPLACEMENT PROJECT (TOSRP)

ROSIE PEREZ (MDT)

SELECTION CRITERIA	PROPOSERS	Maximum Points	SISCOG - Sistemas Cognitivos SA	Trapeze Software Group, Inc.
① Experience, Past Performance, Key Personnel (Section 7.1)	→	12	7	11
② Approach to Providing the Services (Section 7.2)	→	48	32	43
③ Software/Solution: Modules, functionality and scalability Modules (Section 7.3)	→	60	48	56
④ Interfaces (Section 7.4)	→	36	23	30
⑤ Solution Licenses, Maintenance and Support, Warranty (Section 7.5)	→	12	9	11
⑥ Hardware: Functionality and Scalability (Section 7.6)	→	12	8	10
⑦ Training Support (Section 7.7)	→	12	8	10
Technical Points (Total of technical rows above)		192	135	171
Price Criteria				
Proposer's proposed price		48	30	40
TOTAL POINTS		240	165	211

SIGNATURE:  DATE: 5/21/2012

Memorandum



Date: June 22, 2012

To: Fred Simmons, Jr. CPPO
Senior Procurement Contracting Officer
Internal Services Department

From: Bruce Libhaber *Bruce Libhaber*
Assistant County Attorney

Subject: Request For Proposals (RFP) 746: Transit Operations System Replacement Project (TOSRP)
Proposers: Enghouse Transportation LLC, GIRO Inc./Le Groupe en Informatique et Recherche Operationnelle, INIT Innovations in Transportation, Inc., and IVU Traffic Technologies AG

You have asked this office if the bids submitted by Enghouse Transportation LLC, GIRO Inc./Le Groupe en Informatique et Recherche Operationnelle, INIT Innovations in Transportation, Inc., and IVU Traffic Technologies AG are responsive.

FACTS

We rely on the information provided in your e-mail correspondence to my office regarding the terms of the Request for Proposals (RFP) and the proposals submitted by the firms. The purpose of the RFP is to establish a contract for a turnkey computer software system for Miami-Dade Transit.

The RFP included federal provisions applicable to the solicitation. Among them is the Buy America provision which requires a proposer to affirm it will comply with the requirements, namely to utilize, to the extent applicable, U.S. manufactured parts or goods. Such affirmation includes the completion of Appendix D, the Buy America Certificate. The Certificate states "THIS IS A REQUIRED PROPOSAL SUBMISSION DOCUMENT. FAILURE TO COMPLETE THIS FORM AND TO SUBMIT IT WITH YOUR PROPOSAL WILL RENDER THE PROPOSAL NON-RESPONSIVE AND INELIGIBLE FOR AWARD." (all caps emphasis contained in Appendix D to RFP solicitation).

Section 1.3 of the RFP contains direction regarding the submission of confidential and/or proprietary information. Specifically, Section 1.3 of the RFP states: "Proposers are hereby notified that all information submitted as part of, or in support of proposals will be available for public inspection after opening of proposals, in compliance with Chapter 119, Florida Statutes, popularly known as the "Public Record Law". The Proposer shall not submit any information in response to this Solicitation which the Proposer considers to be a trade secret, proprietary or confidential. The submission of any information to the County in connection with this Solicitation shall be deemed conclusively to be a waiver of any trade secret or other protection, which would otherwise be available to Proposer. In the event that the Proposer submits information to the County in violation of this restriction, either inadvertently or intentionally and clearly identifies that information in the proposal as protected or confidential, the County shall endeavor to redact and return that information to the Proposer as quickly as possible, and if appropriate, evaluate the balance of the proposal. The redaction or return of information pursuant to this clause may render a proposal non-responsive."

DISCUSSION

The submission requirements contained in the RFP are clear. Section 1.3 spells out the conditions regarding submission of trade secret, proprietary or confidential information. The RFP was unambiguous in that if a proposer submitted purported trade secret, proprietary or confidential information, the County shall endeavor to redact and return that information to the Proposer, and if appropriate, evaluate the balance of the proposal. The RFP states plainly that the redaction or return of such information may render a proposal non-responsive.

The Buy America Certificate, included in the RFP as Appendix D specifically notifies proposers of the requirement to complete the certificate, and return it with the proposal submission. This notification is contained on the Certificate itself in large capitalized letters in plain view. Failure to complete the certificate and return it with the proposal submission "will render the proposal non-responsive and ineligible for award." The use of the word 'will' in this context is mandatory language, not discretionary. As such, the RFP is clear that the Buy America Certificate must be included with the proposal and that failure to include said Buy America Certificate will result in a finding of non-responsiveness.

FINDINGS

Regarding your request for a responsiveness review of the proposals submitted by Enghouse Transportation, LLC, GIRO Inc./Le Groupe en Informatique et Recherche Operationnelle, INIT Innovations in Transportation, Inc., and IVU Traffic Technologies AG:

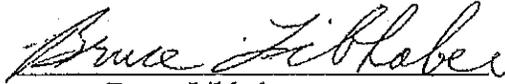
Enghouse Transportation, LLC: All of the proposer information (Section 3A) and Price Proposal Schedule (Section 5) of the Enghouse Transportation, LLC proposal is marked confidential and cannot be considered. Pursuant to Section 1.3 of the RFP, this information should be returned to the firm. Since the remainder of the Enghouse proposal would lack pricing and essential technical information, the proposal is not sufficient to constitute an offer, and thus must be deemed non-responsive.

GIRO Inc./Le Groupe en Informatique et Recherche Operationnelle (GIRO): The GIRO proposal did not contain a signed Buy America form (Appendix D) as required by the RFP. The Buy America form states: "THIS IS A REQUIRED PROPOSAL SUBMISSION DOCUMENT. FAILURE TO COMPLETE THIS FORM AND TO SUBMIT IT WITH YOUR PROPOSAL WILL RENDER THE PROPOSAL NON-RESPONSIVE AND INELIGIBLE FOR AWARD." For the aforementioned reasons, the GIRO proposal is nonresponsive.

INIT Innovations in Transportation, Inc. (INIT): The INIT proposal marked everything confidential and/or confidential and proprietary except for the standard software license, the support approach, the Iron Mountain document, price proposal and sample reports. Every page of the past experience, project management, system description, interfaces, standard warranty, maintenance description, hardware description, and commercial compliance sections are all marked proprietary and confidential, and therefore cannot be considered. The remaining portions of the proposal are insufficient to constitute an offer. As such, the INIT Innovations in Transportation, Inc. proposal is nonresponsive. Pursuant to Section 1.3 of the RFP, the confidential information should be returned to INIT, the balance of the proposal submission will be retained by the County.

IVU Traffic Technologies AG, Inc. (IVU): The IVU proposal did not include a Buy America form (Appendix D) as required by the RFP. The Buy America form states: "THIS IS A REQUIRED PROPOSAL SUBMISSION DOCUMENT. FAILURE TO COMPLETE THIS FORM AND TO

SUBMIT IT WITH YOUR PROPOSAL WILL RENDER THE PROPOSAL NON-RESPONSIVE AND INELIGIBLE FOR AWARD." For the aforementioned reasons, the IVU proposal is nonresponsive.

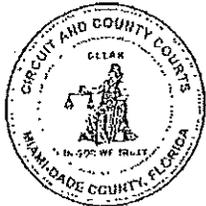
A handwritten signature in cursive script that reads "Bruce Libhaber".

Bruce Libhaber
Assistant County Attorney

Exhibit C

Harvey Ruvin

CLERK OF THE CIRCUIT AND COUNTY COURTS
Miami-Dade County, Florida



CLERK OF THE BOARD OF COUNTY COMMISSIONERS
STEPHEN P. CLARK CENTER
SUITE 17-202
111 N.W. 1st Street
Miami, FL 33128-1983
Telephone: (305) 375-5126

February 21, 2013

Lawrence G. Cohen
General Counsel
INIT Innovations in Transportation, Inc.
1420 Kristina Way, Suite 101
Chesapeake, Virginia 23320

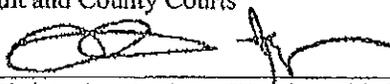
Re: Bid Protest – RFP No. 746
Transit Operations System Replacement Project

Dear Mr. Cohen:

Pursuant to Section 2-8.4 of the Code and Implementing Order 3-21, attached is a copy of the Findings and Recommendation filed with the Clerk of the Board Division on February 21, 2013, by the Honorable Steven D. Robinson, in connection with the foregoing bid protest hearing which took place on February 13, 2013.

Should you have any questions regarding this matter, please do not hesitate to contact Fara C. Diaz, 305-375-1293.

Sincerely,
HARVEY RUVIN, Clerk
Circuit and County Courts

By 
Christopher Agrippa, Division Chief
Clerk of the Board Division

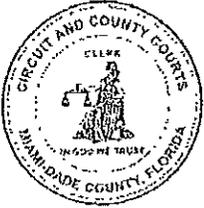
CA/fcd
Attachment

Central Depository • Civil Division • Clerk of the Board • Code Enforcement • Comptroller/Auditor • County Recorder Criminal Division • District Courts Division • Family Courts Division • Human Resources / Administrative Services • Juvenile Division • Marriage License • Parking Violations • Records /Archives Management • Technical Services Division • Traffic Division • V.A.B.

Lawrence G. Cohen
General Counsel
INIT Innovations in Transportation, Inc.
Page Two
February 21, 2013

cc: Honorable Chairwoman Rebeca Sosa, and
Members, Miami-Dade County Board of County Commissioners (via email)
Vivian Castro, Chairwoman Sosa's Office (via email)
Honorable Carlos A. Gimenez, Mayor, Miami-Dade County (via email)
Alina T. Hudak, Deputy Mayor/County Manager (via email)
R.A. Cuevas, County Attorney (via email)
Jenelle Snyder, County Attorney's Office (via email)
Hugo Benitez, Assistant County Attorney (via email)
Bruce Libhaber, Assistant County Attorney (via email)
Miguel Gonzalez, Assistant County Attorney (via email)
Rita Gonzalez, County Attorney's Office (via email)
Elizabeth Alfonso Ruiz, County Attorney's Office (via email)
Charles Anderson, Commission Auditor (via email)
Elizabeth Owens, BCC Legislative Analyst, Commission Auditor's Office (via email)
Ysela Llor, Director, Miami-Dade Transit (via email)
Nancy Schutt-Aine, Senior Systems Analyst, Miami-Dade Transit (via email)
Lester Sola, Director, Internal Services Department (via email)
Miriam Singer, CPPO, Assistant Director Internal Services Department (via email)
Fred Simmons, Jr., Rail Procure Contract Officer, Internal Services Department (via email)
Amos Roundtree, Procurement Management, Internal Services Department (via email)
Christopher Agrippa, Division Chief, Clerk of the Board Division (via email)
All bidders in the process

Harvey Ruvin
CLERK OF THE CIRCUIT AND COUNTY COURTS
Miami-Dade County, Florida



CLERK OF THE BOARD OF COUNTY COMMISSIONERS
STEPHEN P. CLARK CENTER
SUITE 17-202
111 N.W. 1st Street
Miami, FL 33128-1983
Telephone: (305) 375-5126

February 21, 2013

Ms. Annie Cagne
Director, Business Relations
GIRO, Inc.
75 rue de Port-Royal Est, bureau 500
Montreal (Quebec) Canada H3L 3T1

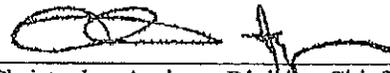
Re: Bid Protest – RFP No. 746
Transit Operations System Replacement Project

Dear Ms. Cagne:

Pursuant to Section 2-8.4 of the Code and Implementing Order 3-21, attached is a copy of the Findings and Recommendation filed with the Clerk of the Board Division on February 21, 2013, by the Honorable Steven D. Robinson, in connection with the foregoing bid protest hearing which took place on February 13, 2013.

Should you have any questions regarding this matter, please do not hesitate to contact Fara C. Diaz, 305-375-1293.

Sincerely,
HARVEY RUVIN, Clerk
Circuit and County Courts

By 
Christopher Agrippa, Division Chief
Clerk of the Board Division

CA/fed
Attachment

Ms. Annie Cagne
Director, Business Relations
GIRO, Inc.
Page Two
February 21, 2013

cc: Honorable Chairwoman Rebeca Sosa, and
Members, Miami-Dade County Board of County Commissioners (via email)
Vivian Castro, Chairwoman Sosa's Office (via email)
Honorable Carlos A. Gimenez, Mayor, Miami-Dade County (via email)
Alina T. Hudak, Deputy Mayor/County Manager (via email)
R.A. Cucvas, County Attorney (via email)
Jenelle Snyder, County Attorney's Office (via email)
Hugo Benitez, Assistant County Attorney (via email)
Bruce Libhaber, Assistant County Attorney (via email)
Miguel Gonzalez, Assistant County Attorney (via email)
Rita Gonzalez, County Attorney's Office (via email)
Elizabeth Alfonso Ruiz, County Attorney's Office (via email)
Charles Anderson, Commission Auditor (via email)
Elizabeth Owens, BCC Legislative Analyst, Commission Auditor's Office (via email)
Ysela Llorca, Director, Miami-Dade Transit (via email)
Nancy Schutt-Aine, Senior Systems Analyst, Miami-Dade Transit (via email)
Lester Sola, Director, Internal Services Department (via email)
Miriam Slinger, CPPO, Assistant Director Internal Services Department (via email)
Fred Simmons, Jr., Rail Procure Contract Officer, Internal Services Department (via email)
Amos Roundtree, Procurement Management, Internal Services Department (via email)
Christopher Agrippa, Division Chief, Clerk of the Board Division (via email)
All bidders in the process

CLERK OF THE BOARD

2013 FEB 21 AM 10:47 CLERK OF THE BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

FILED CIRCUIT COURT
MIAMI-DADE COUNTY, FLA
#1

IN RE: THE PROTESTS OF THE
JANUARY 24, 2013 RECOMMENDATION
OF AWARD OF CONTRACT FOR
TRANSIT OPERATIONS SYSTEM
REPLACEMENT PROJECT (TOSRP)
PROJECT: RFP NO. 746

INIT, INC. and GIRO, INC.
Petitioners,
vs.
MIAMI-DADE COUNTY, a political
subdivision of the State of Florida,
Respondent.

Recommendation of the Referee

INIT INNOVATIONS IN TRANSPORTATION, INC. (INIT) and GIRO, Inc (Giro) protest the award Of Miami-Dade County (Dade) made to TRAPEZE SOFTWARE GROUP, INC. (Trapeze) under Request for Proposal #746, (RFP), the Transit Operations System Replacement Project, because their proposals were not recommended by the Honorable Carlos A. Gimenez, Major of Miami-Dade County in his Memorandum dated January 10, 2013 and issued January 24, 2013.

Introduction

INIT filed its protest timely; Giro emailed its protest within the three days allowed for filing and filed its protest through overnight delivery the following day. Following these filings and the scheduling of the hearing on these protests, Trapeze made a motion to intervene. The hearing examiner (H.E.) informed the parties that he would consider this matter at the scheduled hearing set on February 13th. There, over the oral and written objection of INIT, the H.E. granted Trapeze's motion to intervene. The H.E. then heard extensive argument of all parties, examined and heard evidence, and then allowed INIT to supplement its argument with a post-hearing memorandum. Without specific leave Trapeze and Dade each filed additional memoranda. As no new areas were raised in these memoranda and that the procedures allow such limited time for consideration, the H.E. allows these these submissions to become part of the record.¹

Giro's proposal was not recommended because, according to the Mayor, it was not responsive to the RFP as it did not file a signed and filled out "Buy America" form required by the 44% funding source to

¹ The H.E.'s recommendation was due five working days after the hearing and only three working days after INIT's submission of its memorandum.

RFP 746

the project, The American Recovery and Reinvestment Act (ARRA). It contends that it was not required to submit the form because all of its production would be exempt. Though not communicated in the mayor's written recommendation, Dade presented evidence that Giro's proposal was also not responsive because it designated almost all of its application confidential and therefore, by the terms of the RFP, could not be considered.

INIT's proposal was not recommended because its application also presented confidential trade secrets which Dade was not able to consider under its own ordinances because of required adherence to the Florida Sunshine Law. This was spelled out in its published RFP. INIT raised the issue that this provision violated an unspecified section of the Florida or United States Constitution and was not consistent with the public policy statement in section, 815.045, Florida Statutes. It argued that it was at a competitive disadvantage because it otherwise could not present on behalf of itself its advanced proprietary expertise. Dade responded that it was subject to the law which prohibited it from considering such confidential trade secrets and that there was no constitutional protection which trumped the public's statutory right to observe the process.

Giro

Dade and Trapeze contend that Giro's protest was filed one day late in contravention of County Ordinance 2-8.4 and IO 3-21. However, they cite no precedent finding a one day late filing to be fatal. There was no prejudice to Dade as Giro submitted its protest by email the day before filing, within the required three days. The H.E. notes that almost all communications in this proceeding, particularly submissions to him were done by email. In addition the H.E. received and is considering both Dade's and Trapeze's late filed memoranda.

Nevertheless, Giro's non filing of its Buy America form disqualified it from being considered. Filing of the form was a requirement for the federal portion of the project's funding. The RFP published this requirement in bold faced capital letters which stated that failure to complete the form and to submit it with the proposal would "render the proposal non-responsive and ineligible for award." Giro argues that all of its equipment was exempt, but no evidence of this was presented at the protest hearing. Salient is Giro's failure to request a pre-proposal determination as allowed by the RFP and the county code. Under that circumstance, Dade's argument that it didn't want to second guess the Federal Government's interpretation of Buy America exemptions was a reasonable.

Most of Giro's submitted information was marked "confidential." Section 1.3 of the RFP prohibited that. Giro argued that only information which should have been considered confidential was listed in its introductory paragraph. However, almost all of its pages were also marked "confidential," and Dade reasonably considered those pages so marked confidential as well. This did not leave sufficient information for Dade to evaluate Giro's proposal. The county attorney was correct in designating the proposal non-responsive.

RFP 746

INIT

INIT asserts that Dade erred when it did not consider its confidential materials because the materials were exempted from public disclosure by section 815.045 Florida Statutes. The statute is worth quoting here:

815.045 Trade secret information.—The Legislature finds that it is a public necessity that trade secret information as defined in s. 812.081, and as provided for in s. 815.04(3), be expressly made confidential and exempt from the public records law because it is a felony to disclose such records. Due to the legal uncertainty as to whether a public employee would be protected from a felony conviction if otherwise complying with chapter 119, and with s. 24(a), Art. I of the State Constitution, it is imperative that a public records exemption be created. The Legislature in making disclosure of trade secrets a crime has clearly established the importance attached to trade secret protection. Disclosing trade secrets in an agency's possession would negatively impact the business interests of those providing an agency such trade secrets by damaging them in the marketplace, and those entities and individuals disclosing such trade secrets would hesitate to cooperate with that agency, which would impair the effective and efficient administration of governmental functions. Thus, the public and private harm in disclosing trade secrets significantly outweighs any public benefit derived from disclosure, and the public's ability to scrutinize and monitor agency action is not diminished by nondisclosure of trade secrets.

It was pointed out by INIT at the hearing that other Florida counties have incorporated this public policy into its proposal procedures. This makes eminent sense because when a governmental body is able to evaluate trade secret information it creates a more accurate competitive procedure which could potentially insure the best contractor being selected. However, this is not the procedure in Miami-Dade County. Section 814.045 cannot be read as to supersede the county code, and INIT has not cited any discrete constitutional provision which Dade has violated. There is no trade secrets exemption stated in section 286.011(1), Florida Statutes, the Sunshine Law which Dade must follow. Dade has not violated any law in finding INIT's proposal non-responsive and therefore disqualified. Any exemptions from the public's right to public access to records must comply with the Florida Constitution, art I, section 24(a).²

In addition, Giro and INIT needed to bring up their issues in the pre-proposal process. Dade correctly argued at the hearing and in its memorandum:

² Section 24. Access to public records and meetings.—(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

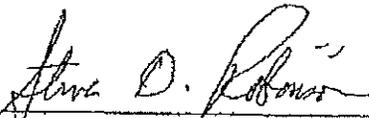
RFP 746

[B]oth protestors failed to preserve any arguments surrounding ambiguities or objections to the RFP's plainly stated demand that proposers exclude proprietary information or trade secrets from their submissions to the County. That administrative rule, which the County adopted pursuant to County Ordinance 2-8.4, provides in no uncertain terms that *Any question, issue, objection or disagreement* concerning, generated by, or arising from the published requirements, terms, conditions or processes contained in the solicitation document *shall be deemed waived by the protester and shall be rejected as a basis for a bid protest*, unless it was brought by that bidder or proposer to the attention, in writing, of the procurement agent, buyer, contracting officer or other contact person of the County department that issued the solicitation document, *at least two work days (not less than 48 hours) prior to the hour of bid opening or proposal submission.*

See Optiplan, Inc. v School Bd., 710 So. 2d 569 (4th DCA Fla. 1998). At the hearing INIT argued that its objection was constitutionally based and did not need to be raised until its protest. However the H.E. notes that in its February 15th memorandum INIT only argues a violation of public policy.

Therefore, the Hearing Examiner recommends to the Miami-Dade County Commission that the protests of both Giro and INIT be DENIED.

Dated: February 21, 2013



Hon. Steven D. Robinson
Hearing Examiner

Exhibit D



Memorandum

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director *Charles Scurr*

Date: February 21, 2013

Re: **CITT AGENDA ITEM 5A:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE COMPETITIVE CONTRACT AWARDS AND CONTRACT MODIFICATIONS, IN THE AMOUNT OF **\$1,443,000.00**, FOR PURCHASE OF GOODS AND SERVICES, PROCESSED BY THE INTERNAL SERVICES DEPARTMENT (ISD) ON BEHALF OF MIAMI-DADE TRANSIT (MDT), AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (**MDT/ISD – BCC Legislative File No. 130163**)

On February 21, 2013, the CITT voted (10-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 13-004. The vote was as follows:

Paul J. Schwiep, Esq., Chairperson – Aye
Hon. Anna E. Ward, Ph.D., 1st Vice Chairperson – Aye
Glenn J. Downing, CFP®, 2nd Vice Chairperson – Aye

Christopher Benjamin, Esq. – Absent
Peter L. Forrest – Aye
Prakash Kumar – Aye
Hon. James A. Reeder – Aye
Hon. Linda Zilber – Absent

Joseph Curbelo – Aye
Alfred J. Holzman – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Aye

cc: Alina Hudak, Deputy Mayor/County Manager
Bruce Libhaber, Assistant County Attorney
Miguel Gonzalez, Assistant County Attorney



Memorandum

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director *Charles Scurr*

Date: February 21, 2013

Re: CITT AGENDA ITEM 5B:
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE EXECUTION OF AN AGREEMENT IN THE AMOUNT OF \$9,254,494.00 WITH TRAPEZE SOFTWARE GROUP, INC. TO OBTAIN A TURNKEY TRANSIT OPERATIONS SYSTEM AS A REPLACEMENT TO THE CURRENT SYSTEM, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NO.746 ; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS IN THE AMOUNT OF \$5,165,964.00 (MDT/ISD)

On February 21, 2013, the CITT voted (10-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 13-005. The vote was as follows:

Paul J. Schwiep, Esq., Chairperson – Aye
Hon. Anna E. Ward, Ph.D., 1st Vice Chairperson – Aye
Glenn J. Downing, CFP®, 2nd Vice Chairperson – Aye

Christopher Benjamin, Esq. – Absent
Peter L. Forrest – Aye
Prakash Kumar – Aye
Hon. James A. Reeder – Aye
Hon. Linda Zilber – Absent

Joseph Curbelo – Aye
Alfred J. Holzman – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Aye

cc: Alina Hudak, Deputy Mayor/County Manager
Bruce Libhaber, Assistant County Attorney
Miguel Gonzalez, Assistant County Attorney