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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 8(F)(2)

Date: September 4, 2013

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Award of Competitive Contract, Competitive Contract Modifications, Rejection of Bids, and Use of Charter County Surtax Funds

Resolution No. R-682-13

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize award of competitive contracts and authorize contract modifications with authority to exercise options-to-renew (OTRs), and reject bids received. The items are described below and in more detail in the accompanying attachments:

Section 1 – Competitive Contract Awards

The item included in this section will award a competitive contract to the recommended vendors for the purchase of goods and services. The total spending authority requested is $7,225,000 for two contracts.

Item 1.1 – Inspection, Testing, Repair, and Maintenance Service of Fire Suppression Systems: Awards a contract for the purchase of fire suppression systems services including inspection, testing, repair, and maintenance for various County departments. The amount requested for the five-year term is $5,985,000. This item includes an allocation from Miami-Dade Transit (MDT) Operating Funds.

Item 1.2 – Parts and Services for Flight Instruments and Avionics Systems: Awards a contract for the purchase parts and service to flight instruments and avionic systems used on ten County aircrafts operated by the Police and Fire Rescue departments. The amount requested for the five-year term is $1,240,000. This item does not include an allocation from MDT Operating Funds.

Section 2 – Contract Modifications

The items included in this section will modify competitive contracts for additional time and/or spending authority for the purchase of goods and services. The total additional spending authority requested is $221,000 for two of the three contracts. One contract is only modified for time.

Item 2.1 – Uniform Rental: Modifies this contract for an additional six months and $102,000 in spending authority so the Aviation and Water and Sewer departments may continue to rent uniforms. There is no request at this time to modify Transit's allocation that is supported by MDT Operating Funds.

Item 2.2 – Bell Helicopter OEM Replacement Parts, Maintenance and Repair: Modifies this contract for an additional six months so various County departments can continue to purchase original equipment manufacturer parts, maintenance and repair services for Bell helicopters. This item does not include an allocation from MDT Operating Funds.

Item 2.3 – On-Site Vehicle Alignment Services: Modifies this contract by $119,000 in spending authority to add a five-year allocation for MDT. MDT will use this contract for the purchase of on-site alignment services for buses and other vehicles.

Section 3: Rejection of Bids
The item included in this section will reject all bids tendered in response to a competitive solicitation.

Item 3.1 – Roll-Up Doors – Inspection, Repair, Furnish and Installation Services: Rejects all five bids received under solicitation *6050-1/23 – Roll-Up Doors – Inspection, Repair, Furnish and Installation Services*. The fiscal impact for the five-year contract term would have been $2,384,000.

Section 29-124 of the Code requires all contracts, funded by People's Transportation Plan Surtax proceeds, regardless of value, to be approved by the Citizen's Independent Transportation Trust (CITT) and the Board. This package is placed for Committee review pursuant to Miami-Dade County Code Section 29-124(f). These recommendations may only be considered by the Board if the CITT has forwarded a recommendation to the Board prior to the date scheduled for Board consideration or 45 days have elapsed since the filing with the Clerk of the Board of this contract award recommendation. If the CITT has not forwarded a recommendation and 45 days have not elapsed since the filing of this award recommendation, I will request a withdrawal of this item. The contracts in this package are scheduled for the July 2013 CITT meeting.

Scope
The impact of the items is countywide in nature.

Fiscal Impact/Funding Source
The allocations and funding sources, by department, is listed in the attached items.

Track Record/Monitor
There are no known performance/compliance issues with the vendors recommended for award in this package. Each department's contract manager is reflected in the attached items.

Delegated Authority
If the items in this package are approved, the County Mayor or County Mayor's designee will have the authority to exercise, in their discretion, subsequent options-to-renew periods and extend contracts for purchase of goods and services in accordance with the terms and conditions of each contract.

Due Diligence
Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and review of performance or compliance issues. The lists referenced include convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is provided pursuant to R-187-12.

Background
Additional background information on each item is attached.

Attachments

Edward Marquez
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: September 4, 2013

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

SUBJECT: Agenda Item No. 8(F)(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. 8(F)(2)
9-4-13

RESOLUTION NO. R-682-13

RESOLUTION AUTHORIZING AWARD OF COMPETITIVE CONTRACTS IN A TOTAL AMOUNT UP TO $7,225,000, AUTHORIZING THE MODIFICATION OF COMPETITIVE CONTRACTS FOR PURCHASE OF GOODS AND SERVICES IN A TOTAL AMOUNT UP TO $221,000.00 IN ADDITIONAL SPENDING AUTHORITY, AUTHORIZING REJECTION OF BIDS RECEIVED, AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH CONTRACT

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 authorizes award of competitively established contracts as set forth in items 1.1 and 1.2 of the incorporated memorandum in a total amount up to $7,225,000.00.

Section 2. This Board authorizes the modification of competitive contracts as set forth in items 2.1 – 2.3 of the incorporated memorandum to add up to an additional $221,000.00 of spending authority for the purchase of goods and services.

Section 3. This Board authorizes the rejection of bids received in response to a solicitation as set forth in item 3.1 of the incorporated memorandum.

Section 4. This Board authorizes the County Mayor or County Mayor's designee to execute contracts for the items approved herein and exercise contract modifications, options-to-renew, any cancellation provisions, and any other rights contained therein in accordance with the terms and conditions of such contracts.

Section 5. This Board authorizes the use of Charter County Transportation Surtax Funds for the contracts, contract pools and contract modifications set forth herein.

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

Rebeca Sosa, Chairwoman			**nay**
Lynda Bell, Vice Chair			**aye**
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**absent**	Audrey M. Edmonson	**absent**
Sally A. Heyman	**aye**	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 4th day of September, 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.

Oren Rosenthal

Memorandum

MIAMI-DADE COUNTY

Date: May 29, 2013

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

From: Carlos A. Gimenez
Mayor

Subject: Recommendation for Award: Inspection, Testing, Repair and Maintenance Service of Fire Suppression Systems (Contract No. 0751-0/18)

Recommendation

It is recommended that the Board of County Commissioners (Board) approve award of *Contract No. 0751-0/18 Inspection, Testing, Repair and Maintenance Service of Fire Suppression Systems* to the five vendors listed further in this memorandum for the purchase of fire suppression systems services including inspection, testing, repair and maintenance for various County departments.

Approval is also requested to allow the Miami-Dade Transit (MDT) to use funds as a component of MDT Operating funds for this contract. This award recommendation is placed for Committee review pursuant to Miami-Dade County Code Section 29-124(f). The MDT allocation within this contract recommendation may only be considered by the Board if the Citizens' Independent Transportation Trust (CITT) has forwarded a recommendation to the Board prior to the date scheduled for Board consideration or 45 days have elapsed since the filing with the Clerk of the Board of this pool contract recommendation. If the CITT has not forwarded a recommendation and 45 days have not elapsed since the filing of this award recommendation, I will request a withdrawal of the MDT allocation from this item.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the five-year term is $5,985,000 The cumulative value for the previous contract was $7,101,000 for five-years. The replacement contract is approximately 11.5 percent lower than the previous contract amount based on anticipated usage. The proposed allocations are budgeted as follows:

Department	Allocation	Funding Source	Contract Manager
Community Action and Human Services	$ 15,000	Federal Funds / General Fund	Shirley Almeida
Corrections and Rehabilitation	1,235,000	General Fund	Mohammed Haq
Fire Rescue	205,000	Fire District Funds	Sylvia Novela
Internal Services	1,673,000	Internal Service Funds	Thomas A. Plummer
Library	15,000	Library District	Anna Rodriguez
Parks, Recreation and Open Spaces	250,000	General Fund	Maria I. Quinoa
Police	190,000	General Fund	Laura Romano
Port Miami	336,000	Proprietary Funds	Phillip Rose
Public Housing and Community Development	750,000	Federal Funds	Mari Saydal-Hamilton
Public Works Waste Management	402,000	Proprietary Funds	Olga Espinosa-Anderson
Transit	730,000	MDT Operating Fund	Ray Harding
Vizcaya	60,000	Proprietary Funds	Jim Rustin
Water and Sewer	124,000	Proprietary Funds	Gregory D. Hicks
Total	**$ 5,985,000**		

Track Record/Monitor
The contract managers for each department are listed in the table above. Lenny Sandoval of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority
If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise, at their discretion, contract modifications and extensions, in accordance with the terms and conditions of the contract for Group A. For Group B, a pre-qualification pool of vendors will be established to participate in spot market competitions. The County Mayor or the County Mayor's designee will have the authority to solicit pricing and award contracts up to an aggregate contract amount of the allocation authorized by the Board. Additionally, the County Mayor or the County Mayor's designee may add qualified vendors to the pool at any time during the term of the contract, subject to bi-annual ratification by the Board. The County Mayor or County Mayor's designee will also have the authority to exercise, at their discretion, contract modifications, subsequent options-to-renew, and extensions, and to issue work orders, in accordance with the terms and conditions of the pool contract.

Vendors Recommended for Award
An Invitation to Bid was issued under full and open competition on December 21, 2012. Award of this contract will be made to the two lowest priced responsive, responsible bidders for Group 1. Group 2 establishes a prequalifed pool of vendors to participate in future spot market competitions.

Vendors	Address	Principal
Fred McGilvray, Inc.	8690 NW 58th Street Miami, FL	Fred McGilvray
DP Plumbing & Fire Protection	19610 West Lake Drive Miami, FL	Dawn Renglfo
NPF National Fire Protection LLC	3125 West Commercial Blvd., Suite 200 Fort Lauderdale, FL	Robert W. Bacon
All Fire Services, Inc.	2027 Sherman Street Hollywood, FL	Wendy Brasecker-Rothenberg
SimplexGrinnell LP	10550 Commerce Pkwy Miramar, FL	STR Grinnell GP Holdings, LLC

Group 1: Inspection and Testing of Fire Suppression Systems
The facilities and type of equipment to be inspected and tested on an annual basis are grouped by department, and are awarded to primary and secondary vendors as follows:

Group	Department	Primary Vendor	Secondary Vendor
A	Community Action and Human Services	Fred McGilvray, Inc	SimplexGrinnell LP
B	Internal Services Dept. - Facilities & Utilities Division	NFP National Fire Protection LLC	Fred McGilvray, Inc
C	Internal Services Dept. - Materials Management	All Fire Services, Inc.	NFP National Fire Protection LLC
D	Internal Services Dept. - Fleet Management	All Fire Services, Inc.	NFP National Fire Protection LLC
E	Internal Services Dept. - Design Services	All Fire Services, Inc.	NFP National Fire Protection LLC
F	Public Works and Waste Management	NFP National Fire Protection LLC	Fred McGilvray, Inc
G	Parks, Recreation and Open Spaces	NFP National Fire Protection LLC	Fred McGilvray, Inc

Group 1: Inspection and Testing of Fire Suppression Systems
The facilities and type of equipment to be inspected and tested on an annual basis are grouped by department, and are awarded to primary and secondary vendors as follows:

Group	Department (continued)	Primary Vendor	Secondary Vendor
H	Public Housing and Community Development	All Fire Services, Inc.	NFP National Fire Protection LLC
I	Transit	NFP National Fire Protection LLC	Fred McGilvray, Inc
J	Corrections and Rehabilitation	NFP National Fire Protection LLC	Fred McGilvray, Inc
K	Seaport	All Fire Services, Inc.	Fred McGilvray, Inc
L	Fire Rescue	All Fire Services, Inc.	NFP National Fire Protection LLC
M	Water and Sewer	All Fire Services, Inc.	NFP National Fire Protection LLC
N	Vizcaya	All Fire Services, Inc.	NFP National Fire Protection LLC
O	Police	Fred McGilvray, Inc	NFP National Fire Protection LLC
P	Library	All Fire Services, Inc.	NFP National Fire Protection LLC

Group 2: Repair and Maintenance Services to Fire Suppression Systems Pre-Qualification of Bidders
These vendors are prequalified to provide repair and maintenance services on an as-needed basis via spot market competitions:

Fred McGilvray, Inc	NFP National Fire Protection LLC
SimplexGrinnell LP	DP Plumbing & Fire Protection
All Fire Services, Inc.	

Vendors Not Recommended for Award

Proposer(s)	Reason for Not Recommending
All American Fire Inspections, Inc.	Group 1 – Vendor's prices were not the lowest or second lowest in any group. Group 2 – The vendor did not qualify because the vendor did not provide: an approved Affirmative Action Plan, proof of Class D license, and signature on Subcontractors/Supplier Listing Form. Vendor may prequalify if missing documentation is provided.
Century Fire, Inc.	Vendor did not provide a signature binding the firm to the proposal. (See attached CAO opinion)

Due Diligence

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Applicable Ordinances and Contract Measures

The two percent User Access Program provision applies and will be collected where permitted by funding source. The Small Business Enterprise Bid Preference and Local Preference were applied in accordance with the Ordinances. The Living Wage Ordinance does not apply.

Edward Marquez
Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: February 13, 2013

To: Lenny Sandoval
Procurement Contracting Officer 1
Internal Services Department

From: Eduardo W. Gonzalez
Assistant County Attorney

Subject: Request for Responsiveness Determination on ITB No. 0751-0/18: Inspection, Testing, Repair and Maintenance Service of Fire Suppression Systems

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You have asked this office if bids submitted by various vendors bidding on ITB No. 0751-0/18: Inspection, Testing, Repair and Maintenance Service of Fire Suppression Systems are responsive. We rely on the information provided in your January 30, 2013 memorandum to Hugo Benitez, with attachments, a copy of which is attached hereto, and our meeting regarding the bids at issue.

The purpose of the ITB is to establish a contract for the procurement of services to fire suppression systems including the inspection, testing, repair and maintenance at various County facilities in conjunction with the County's needs. You have identified various issues with the bids of six (6) vendors: (1) All American Fire Inspections, Inc.; (2) All Fire Services, Inc.; (3) Century Fire, Inc.; (4) DP Plumbing & Fire Protection, Inc.; (5) National Fire Protection LLC; and (6) SimplexGrinnell LP.

Each of these six vendors will be analyzed separately below.

<u>All American Fire Inspections, Inc.</u>

You have identified four issues with All American Fire Inspections, Inc.: (1) failed to provide a bid for items in Group H of the bid; (2) failed to list Bid Addendum No. 5 on Acknowledgement of Addenda page; (3) failed to complete subcontractor listing form; and (4) failed to submit Class D license issued by the State Fire Marshal per Florida Statutes § 633.061.

(1) All American Fire Inspections, Inc.'s failure to provide bid prices on certain items in Group H deprives the County of the assurance that the contract will be performed and guaranteed in accordance with the terms of the solicitation and thereby renders its bid for Group H non-responsive. Section 2.4 of the solicitation provides that award of the contract will be made "on a group-by-group basis" and clearly delineates that "[i]f a bidder fails to submit an offer for all items within the group, the offer for that specific group will be deemed non-responsive."

(2) The failure to acknowledge Addendum No. 5 renders All American Fire Inspection, Inc.'s bid on Group I does *not* render its bid non-responsive. You have informed me that although All American Fire Inspection, Inc. did not notate in its acknowledgement of addenda form that it received Addendum No. 5, a copy of Addendum No. 5 was in fact included in All American Fire Inspections, Inc's bid submittal. Therefore, All American Fire Inspections, Inc. did receive Addendum No. 5. In these circumstances, the mere failure to notate an acknowledgement form is a minor and waivable variance.

(3) The failure to complete the subcontractor listing form does not render the bid non-responsive. "Generally, a requirement that a bidder list subcontractors in its bid involves a matter of responsibility because it relates to the agency's need to evaluate the subcontractor's qualifications or the bidder's ability to meet equal employment opportunity and minority business requirements." Matter of: CDM Federal Programs Corp., B- 249022, 1992 WL 186992, at *2 (Comp. Gen. 1992); see also Matter of: Hughes Georgia, Inc., B- 244936, B-244936.2, 91-2 CPD 457, 1991 WL 251277 (Comp. Gen. 1991) (holding that submission of list of potential subcontractors relates to issues of bidders' responsibility). Issues going to bidder responsibility can be satisfied post-bid opening, any time prior to actual contract award. See Matter of: John Short & Assocs., Inc.; Comprehensive Health Servs., Inc., B-236266, B- 236266.4, 89-2 CPD P 448, 1989 WL 241451, at *2 (Comp. Gen. 1989). Furthermore, the County ordinance requiring the submittal of a subcontractor list provides that the submission of a subcontractor list is a condition of award. See Miami-Dade County Code § 2-8.1(f). Accordingly, the subcontractor information requested in the solicitation is information that can be submitted after bid submission but prior to award.

(4) The failure to merely submit the Class D license at bid submission does not automatically render the bid non-responsive. All American Fire Inspections, Inc. can submit the Class D license after bid submission but prior to award. Additionally, County staff can verify through public sources whether All American Fire Inspections, Inc. possesses a current Class D license.

All Fire Services, Inc.

You have identified two issues with All Fire Services, Inc.'s bid: (1) failed to submit a current copy of Contractor I or II license; and (2) submitted an incorrect FEIN number.

(1) The failure to merely submit a current copy of a Contractor I or II license at bid submission does not automatically render the bid non-responsive. All Fire Services, Inc. can submit a current copy of a Contractor I or II license after bid submission but prior to award. Additionally, County staff can verify through public sources whether All Fire Services, Inc. possesses a current Contractor I or II license.

(2) All Fire Services, Inc.'s submission of an incorrect FEIN number does *not* render its bid non-responsive. The variance is minor and waivable. From the face of the bid, the FEIN number is merely a typographical error that does not adversely affect competitive bidding or place All Fire Services, Inc. in a position of advantage over other bidders.

Century Fire, Inc.

You have identified several issues with Century Fire, Inc.'s bid but Century Fire, Inc.'s failure to sign the bid or otherwise provide any signature or assurance that Century Fire, Inc. intended to be bound by its bid moots the other issues.

Century Fire, Inc.'s bid is *not* responsive because, it has failed to include a signature from its authorized representative and has failed to otherwise indicate an unequivocal intent to be bound by its bid. Generally, an unsigned bid may be considered responsive if it "is accompanied by other material

indicating the bidder's intention to be bound by the unsigned bid (such as the submission of a bid guarantee or a letter signed by the bidder, with the bid, referring to and clearly identifying the bid itself)." 48 C.F.R. 14.405 (c)(1); To Salmons Dredging Co., B-130203, 1957 WL 1437, at *2 (Comp. Gen. January 22, 1957) ("It is established that an unsigned bid may be considered for award if accompanied by a letter, bond or other document signed by the bidder clearly evincing his intent to submit the bid."); Robinson Electric Co. v. Dade County, 417 So.2d 1032, 1034 (Fla. 3d DCA 1982) (the standard for finding whether "a specific noncompliance constitutes a substantial and hence nonwaivable irregularity" includes "whether the effect of a waiver would be to deprive the municipality of its assurance that the contract will be entered into, performed and guaranteed according to its specified requirements"). Here, no such other evidence exists.

DP Plumbing & Fire Protection, Inc.

You have identified one issue with DP Plumbing & Fire Protection LLC. DP Plumbing & Fire Protection, Inc. did not fill out the Subcontractor Listing Form correctly.

DP Plumbing & Fire Protection, Inc.'s failure to correctly fill out the subcontractor list does not invalidate its bid. Such a variance is minor and waivable. Furthermore, as noted above, submissions of subcontractor lists relate to issues of bidders' responsibility. Issues going to bidder responsibility can be satisfied post-bid opening, any time prior to actual contract award. See Matter of: John Short & Assocs., Inc.; Comprehensive Health Servs., Inc., B- 236266, B- 236266.4, 89-2 CPD P 448, 1989 WL 241451, at *2 (Comp. Gen. 1989). Lastly, the County ordinance requiring the submittal of a subcontractor list provides that the submission of a subcontractor list is a condition of award. See Miami-Dade County Code § 2-8.1(f). Accordingly, the subcontractor information requested in the solicitation is information that can be submitted after bid submission but prior to award.

National Fire Protection, LLC

National Fire Protection, LLC: (1) failed to correctly complete and sign Subcontracting Practice Form; (2) submitted previous version of Subcontractor Listing Form; and (3) provided different FEIN numbers.

(1) The failure to correctly complete and sign the Fair Subcontracting Practices form at the time of bid submittal does not invalidate the bid. Pursuant to Miami-Dade County § 2-8.8(4) the submission of a bidder's subcontracting policies and procedures is a condition of award. As such, National Fire Protections, LLC can submit the form after bid submission but prior to contract award.

(2) The submission of a previous version of the subcontractor listing form is a minor variance that does not invalidate National Fire Protection, LLC's bid. If the variance is solely a matter of submitting a different form but the form provided provides sufficient subcontractor information in compliance with the bid and County Code requirements there is no need to seek further information from the bidder. Even if the County requires additional or a clarification of subcontractor information from National Fire Protection, LLC, the County can obtain the information or clarification after bid submittal and prior to award. The submission of a subcontractor list relates to issues of bidders' responsibility. See Matter of: Hughes Georgia, Inc., B- 244936, B- 244936.2, 91-2 CPD 457, 1991 WL 251277 (Comp. Gen. 1991) Issues going to bidder responsibility can be satisfied post-bid opening, any

time prior to actual contract award. See Matter of: John Short & Assocs., Inc.; Comprehensive Health Servs., Inc., B- 236266, B- 236266.4, 89-2 CPD P 448, 1989 WL 241451, at *2 (Comp. Gen. 1989).

(3) National Fire Protection, LLC's submission of an incorrect FEIN number in one part of its bid does *not* render its bid non-responsive. The variance is minor and waivable. From the face of the bid, the incorrect FEIN number is merely a typographical error that does not adversely affect competitive bidding or place Nain a position of advantage over other bidders.

SimplexGrinnell LP

You have identified four issues with SimplexGrinnell LP's bid: (1) failed to submit Section 4 price proposal in an Excel format; (2) failed to complete the Subcontracting practices form; (3) failed to complete subcontractor listing form; and (4) submitted a Class D license from Master Protection instead of SimplexGrinnell.

(1) You have informed me that SimplexGrinnell LP submitted its bid in a manner that the County can clearly determine the prices SimplexGrinnell LP bid on the solicited items. As such, the failure to submit the prices in a certain format does *not* invalidate SimplexGrinnell LP's bid.

(2) The failure to correctly complete the Fair Subcontracting Practices form or submit an erroneous subcontracting form at the time of bid submittal does not invalidate the bid. Pursuant to Miami-Dade County § 2-8.8(4) the submission of a bidder's subcontracting policies and procedures is a condition of award. As such, National Fire Protections, LLC can submit a corrected form after bid submission but prior to contract award.

(3) The failure to complete the subcontractor listing form does not render the bid non-responsive. "Generally, a requirement that a bidder list subcontractors in its bid involves a matter of responsibility because it relates to the agency's need to evaluate the subcontractor's qualifications or the bidder's ability to meet equal employment opportunity and minority business requirements." Matter of: CDM Federal Programs Corp., B- 249022, 1992 WL 186992, at *2 (Comp. Gen. 1992); see also Matter of: Hughes Georgia, Inc., B- 244936, B-244936.2, 91-2 CPD 457, 1991 WL 251277 (Comp. Gen. 1991) (holding that submission of list of potential subcontractors relates to issues of bidders' responsibility). Issues going to bidder responsibility can be satisfied post-bid opening, any time prior to actual contract award. See Matter of: John Short & Assocs., Inc.; Comprehensive Health Servs., Inc., B-236266, B- 236266.4, 89-2 CPD P 448, 1989 WL 241451, at *2 (Comp. Gen. 1989). Furthermore, the County ordinance requiring the submittal of a subcontractor list provides that the submission of a subcontractor list is a condition of award. See Miami-Dade County Code § 2-8.1(f). Accordingly, the subcontractor information requested in the solicitation is information that can be submitted after bid submission but prior to award.

(4) The bid solicitation provides that the bidder or the bidder's subcontractor must possess a valid and existing Class D license. The failure to submit the Class D license at bid submission does not automatically render the bid non-responsive. SimplexGrinnell LP can submit the Class D license after bid submission but prior to award. Additionally, County

staff can verify through public sources whether SimplexGrinnell LP possesses a current Class D license.

Assuming SimplexGrinnell LP does not possess a Class D license, SimplexGrinnell LP can still meet the bid's requirement of a Class D license through a subcontractor. If Master Protection is SimplexGrinnell LP's subcontractor, the solicitation's requirements on a Class D license are satisfied. Alternatively, SimplexGrinnell LP can meet the requirement through the use of a different subcontractor with a Class D license. Such subcontractor, however, must be disclosed and submitted to the County prior to contract award.

Eduardo W. Gonzalez

Item 1.2

Memorandum

MIAMI-DADE COUNTY

Date: June 6, 2013

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

From: Carlos A. Gimenez
Mayor

Subject: Recommendation for Award: Parts and Services for Flight Instruments and Avionic Systems

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Recommendation
It is recommended that the Board of County Commissioners (Board) approve award of *Contract No. 2960-0/18, Parts and Services for Flight Instruments and Avionic Systems*, to Peninsula Avionics, Inc., the incumbent vendor.

Flight instruments are the devices in the cockpit of an aircraft that provide the pilot with information regarding flight conditions, e.g., altitude, speed and direction. Avionics are electronic systems used on the aircraft that include communications and navigation. The purpose of the contract is to provide parts and services to flight instruments and avionic systems used on ten County aircraft. Four are operated by Fire Rescue and six by Police. The vendor's services include labor, supplies, tools, equipment, maintenance and repair.

Scope
The impact of this item is countywide in nature.

Fiscal Impact/Funding Source
The fiscal impact for the five-year term is $1,240,000. The current contract is for two years and has an allocation of $634,000. The decrease in annual allocation is attributable to historical expenditures and estimated needs. The allocations are budgeted as follows:

Department	Allocation	Funding Source	Contract Manager
Fire Rescue	$ 525,000	Fire District Funds	Mari Betancourt
Police	715,000	General Fund	Laura Romano
Total	**$ 1,240,000**		

Track Record/Monitor
The contract managers for the client departments are listed above. Jocelyn R. Fulton of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority
If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise, at their discretion, contract modifications and extensions, in accordance with the terms and conditions of the contract.

Vendor(s) Recommended for Award
An Invitation to Bid was issued under full and open competition on March 7, 2013. Award was to be made to the two responsive and responsible bidders offering the lowest aggregate price, per group, as primary and secondary vendors. Two bids were received for both Group One, Flight Instruments Parts and Services, and Group Two, Avionic Instruments Parts and Services. The bid submitted from Southeast Aerospace, Inc. was deemed non-responsive by the County Attorney's Office (copy attached). Aerospace did not comply with the

requirements of the solicitation in that it neither signed the offer nor included a price. Therefore, the one responsive bidder was awarded both Group One and Group Two. There are no compliance issues with the awardee.

Awardee	Address	Principal	Award
Peninsula Avionics, Inc.	14229 SW 127 Street Miami, FL	Dawn Blanchard	Group One – Flight Instruments Parts and Services Group Two – Avionic Instruments Parts and Services

Vendor(s) Not Recommended for Award

Proposer	Reason for Not Recommending
Southeast Aerospace, Inc.	Vendor deemed non-responsive

Due Diligence

Due diligence was conducted in accordance with the Internal Service Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution No. R-187-12.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies and will be collected on all purchases where permitted by funding source.
- A Small Business Enterprise Bid Preference and Local Preference were applied in accordance with the applicable ordinances.
- The Living Wage Ordinance does not apply.

Genaro "Chip" Iglesias
Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: April 23, 2013

To: Namita Uppal
Internal Services Department

From: Hugo Benitez
Assistant County Attorney

Subject: Bid No. 2960-0/18 (Responsiveness of Bid from Southeast Aerospace)

You have asked this office if a bid received from Southeast Aerospace is responsive. For the reasons set forth below, we conclude that the bid is non-responsive.

FACTS

We rely on the information you provided in email correspondence dated April 9, 2013. Southeast Aerospace submitted the bid one minute late, through electronic means. The invitation to bid requires that an original and two copies be delivered to the County which would suggest delivery through means other than electronic. Southeast Aerospace submitted the bid without signature. The bid has a cover page that is also unsigned. The information that you forwarded to me suggest that the pricing for Southeast Aerospace would be included within an Attachment (1), however, a review of Southeast Aerospace's bid and the bid's attachment(s) does not reveal any pricing. Southeast Aerospace did not provide any pricing anywhere in its bid.

DISCUSSION

Based on these facts, Southeast Aerospace is not responsive. It does not appear that Southeast Aerospace met the fundamental purpose of the invitation which was to procure a binding offer for the requested goods. It appears that no offer was proffered, and whatever was delivered was not binding.

Hugo Benitez

Item 2.1 – Contract Modification

Contract No.: 8740-1/13-1	**Title:** Uniform Rental

Type of Change:

☒ Additional Time
☒ Additional Spending Authority
☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:

Authorization is requested to modify this contract for additional time and spending authority to allow various County departments to continue renting uniforms. A solicitation for a replacement uniform rental services contract is being evaluated. It is expected the replacement contract will not be in place until early 2014; therefore, approval is requested to extend this contract for an additional six months to ensure service continuity until the successor is established.

Current Term Length:		**Additional Time Requested:**
24 Months		6 Months
Current Term Start Date:	**Current Term Expiration Date:**	**Proposed Expiration Date:**
September 25, 2011	September 24, 2013	March 24, 2014

Department	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Contract Manager
Aviation	$199,000	$50,000	$249,000	Proprietary Funds	Neivy Garcia
Water and Sewer	556,000	52,000	608,000	Proprietary Funds	Gregory Hicks
Transit	141,000	0	141,000	MDT Operating Funds	Daryl Hurston
TOTAL	**$896,000**	**$102,000**	**$998,000**		

Contract Measures: ☒ Small Business Enterprise ☐ Set-Aside ☒ Bid Preference ☐ Selection Factor ☐ Other

Local Preference Ordinance: ☒ Applies ☐ Does not apply

Living Wage Ordinance: ☐ Applies ☒ Does not apply

User Access Program: ☒ Applies where permitted by funding source ☐ Does not apply

Procurement Contracting Officer: Abelin Rodriguez

Vendors	Address	Principal
Alsco, Inc.	2631 NW 17 Lane Pompano Beach, FL	George Ramos
G&K Services Co.	3050 SW 42 Street Ft. Lauderdale, FL	Steve Whelan

Item 2.2 – Contract Modification

Contract No.: 8518-4/12-4	Title: Bell Helicopter OEM Replacement Parts, Maintenance and Repair

Type of Change:

☒ Additional Time
☐ Additional Spending Authority
☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:
Authorization is requested to modify this contract for additional time to allow various County Departments to continue purchasing original equipment manufacturer parts, and maintenance and repair services for Bell helicopters. The existing allocation will be sufficient through the April 30, 2014 contract expiration, at which time these good and services will be procured through a new, consolidated contract. This consolidated contract will combine three contracts currently used for purchase of parts and services for helicopters, and is anticipated to be awarded in early 2014.

Current Term Length:		Additional Time Requested:
18 months		6 months
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
May 1, 2012	October 31, 2013	April 30, 2014

Department	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Contract Manager
Fire Rescue	$276,000	$0	$276,000	Fire District Funds	Marianela Betancourt
Police	200,000	0	200,000	General Fund	Laura Romano
Public Works and Waste Management	25,000	0	25,000	Proprietary Funds	Olga Espinosa-Anderson
Unallocated	499,000	0	499,000		
TOTAL	**$1,000,000**	**$0**	**$1,000,000**		

Contract Measures: ☒ Small Business Enterprise ☐ Set-Aside ☒ Bid Preference ☐ Selection Factor ☐ Other

Local Preference Ordinance: ☒ Applies ☐ Does not apply

Living Wage Ordinance: ☐ Applies ☒ Does not apply

User Access Program: ☒ Applies where permitted by funding source ☐ Does not apply

Procurement Contracting Officer: Jocelyn Fulton

Vendors	Address	Principal
Edwards Rotorcraft Solutions, Inc.	2011 S. Perimeter Road, Suite L Ft. Lauderdale, FL	David Burch
Shasta Aviation Corp	1620 Southwest 75th Avenue Pembroke Pines, FL	Gary Padgett
Heli-One USA Inc.	9000 Trinity Boulevard Hurst, TX	Michael Bell
Heliponents Inc.	4930 E. Falcon Drive Mesa, AZ	Chad A. Barta
Vector Aerospace Helicopter Services Inc.	4551 Agar Drive, Richmond, BC Canada	Gary Leskiw

Item 2.3 – Contract Modification

Contract No.:	7328-0/18	Title:	On-Site Vehicle Alignment Services

Type of Change:

☐ Additional Time

☒ Additional Spending Authority

☒ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:

Modification of this contract is requested to include an allocation for Transit. This contract is used by various County departments to purchase on-site vehicle alignment services on an as-needed basis. Transit purchases on-site alignment services for buses and the $119,000 allocation requested is through June 2018.

Current Term Length:		Additional Time Requested:
60 months		N/A
Current Term Start Date:	**Current Term Expiration Date:**	**Proposed Expiration Date:**
November 1, 2013	October 31, 2018	N/A

Departments	Existing Allocations	Additional Allocations	Modified Allocations	Funding Source	Contract Manager
Various	$416,000	$0	$416,000	Various	Various
Transit	0	$119,000	$119,000	MDT Operating	Angel Castro
Total	**$416,000**	**$119,000**	**$535,000**		

Contract Measures: ☒ Small Business Enterprise ☐ Set-Aside ☒ Bid Preference ☐ Selection Factor ☐ Other

Local Preference Ordinance: ☒ Applies ☐ Does not apply

Living Wage Ordinance: ☐ Applies ☒ Does not apply

User Access Program: ☒ Applies where permitted by funding source ☐ Does not apply

Procurement Contracting Officer: Ana Rioseco

Vendors	Address	Principal
M & M Truck and Auto Center, Inc.	6900 NW 74 Street Miami, FL	Miguel Parra
On Road Wheel Alignment Corp.	881 SE 5th Place Hialeah, FL	Yaniel Guerra
On Site Alignment, LLC	1005 W. State Road 84 Ft. Lauderdale, FL	Thomas L. Triptow

Item 3.1

Memorandum

MIAMI-DADE COUNTY

Date: June 11, 2013

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

From: Carlos A. Gimenez
Mayor

Subject: Recommendation to Reject all Bids Received: Roll-Up Doors – Inspection, Repair, Furnish and Installation Services

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the rejection of all five bids received under solicitation 6050-1/23, Roll-Up Doors – Inspection, Repair, Furnish and Installation Services. The purpose of the solicitation is to enter into a fixed pricing contract for the inspection, general repair and installation of various roll-up doors for multiple County departments as well as to pre-qualify vendors for emergency roll-up door and window repair services. A rejection of all bids received is recommended as pricing exceeds departments' allocations.

Scope

The impact of this item would have been countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact of the total five-year contract term would have been $2,384,000. The allocations were budgeted as follows:

Department	Allocation	Funding Source	Contract Manager
Aviation	$ 425,000	Proprietary Funds	Neivy Garcia
Corrections and Rehabilitation	225,000	General Fund	Mohammed Haq
Fire Rescue	200,000	Fire District Funds	Sylvia Novela
Internal Services	450,000	Internal Service Fund	Etta Jardine
Parks, Recreation and Open Spaces	125,000	General Fund	Maria Quinoa
Police	30,000	General Fund	Laura Romano
Public Housing and Community Development	75,000	Federal Funds	Indira Rajkumar
Regulatory and Economic Resources	9,000	General Fund	Mayra Beltran
Port of Miami	200,000	Proprietary Funds	Phillip Rose
Transit	500,000	MDT Operating	Rodney McMillan
Water & Sewer	145,000	Proprietary Funds	Susan Pascul
Total	**$ 2,384,000**		

Track Record/Monitor

This contract would have been used by various County departments and the contract managers for each department are listed in the table above. Denis Chung of the Internal Services Department is the Procurement Contracting Officer.

Vendors Not Recommended for Award

An Invitation to Bid was issued under full and open competition on March 8, 2013 and would have resulted in fixed pricing for inspection, general repair and installation of roll-up doors as well as the pre-qualification of vendors eligible to participate in future spot market competitions for emergency repairs.

Proposers	Reason for Not Recommending
Another Garage & Gate, Inc.	Rejection of all bids
Atlas Door & Gate, Inc.	
I.E. Contractors, Inc.	
J Mar General Contractors Corp.	
Smart House Solutions, Inc.	

Applicable Ordinances and Contract Measures

- The User Access Program provision was applicable.
- A Community Small Busines Enterprise set-aside and the Local Preference Ordinance were included in the solicitation, to be applied at the time of spot market competition.
- The Living Wage Ordinance did not apply.

Background

The solicitation was comprised of three groups. A Community Small Business Enterprise set-aside was established for Groups 1 and 2. Of the five bids received, only one bidder was deemed compliant for competition in the set-aside groups. A comparison of the current contract's prices to the single eligible bid indicates a 100 percent increase for the first group and a 145 percent increase for the second group, which exceed the budget allocations of the County departments. As such, the rejection of all bids received is recommended. In an effort to obtain competitive prices for the required services, a solicitation will be re-issued with revised measures to encourage competition.

Edward Marquez
Deputy Mayor

Memorandum

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

From: Charles Scurr, Executive Director

Date: July 17, 2013

Re: **CITT AGENDA ITEM 5C:**
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 **$2,418,000.00**, 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. 131342)**

On July 17, 2013, the CITT voted (11-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 13-034. 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
Alicia Menardy – Aye
Hon. James A. Reeder – Aye
Hon. Linda Zilber – Aye

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

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