

Date: June 30, 2015

To: Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

From: Carlos A. Gimenez  
Mayor

Subject: Recommendation for Approval to Award: T-Shirts

Amended  
Agenda Item No. 8(F)(5)

Resolution No. R-565-15

### Recommendation

It is recommended that the Board of County Commissioners (Board) approve award of *Contract No. FB-00151, T-Shirts* to five (5) vendors for the purchase of various types and sizes of t-shirts for youth, men, and women, including applicable logos, for use by multiple County departments. The majority of the t-shirts to be purchased under this contract will serve as departmental uniforms. Additionally, this contract will be used to purchase t-shirts for children enrolled in the County's Summer Camp Program. The solicitation includes two (2) groups: (1) t-shirts purchased with non-federal funds (also a set-aside for certified Small Business Enterprises) and (2) t-shirts purchased with federal funds.

### Scope

The impact of this item is countywide in nature.

### Fiscal Impact/Funding Source

The fiscal impact for the five-year term is \$1,058,000. The current contract, 8725-4/14, is valued at \$1,634,000 for five (5) years and six (6) months.

Department	Allocation	Funding Source	Contract Manager
Community Action and Human Services	\$7,000	Federal Funds	Rick Signori
Community Information and Outreach	120,000	General Fund	Angelica Suarez
Parks, Recreation and Open Spaces	640,000	General Fund	Bill Solomon
PortMiami	75,000	Proprietary Funds	Phillip Rose
Public Housing and Community Development	19,000	Federal Funds	Indira Rajkumar-Futch
Public Works and Waste Management	82,000	General and Proprietary Funds	Olga Espinosa-Anderson
Water and Sewer	115,000	Proprietary Funds	Susan Pascul
<b>Total</b>	<b>\$1,058,000</b>		

### Track Record/Monitor

The Contract Managers for each department are listed in the table above. Abelin Rodriguez 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 all provisions of the contract pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

**Vendors Recommended for Award**

An Invitation to Bid was issued under full and open competition on October 15, 2014. Sixteen (16) bidders responded to the solicitation, six (6) of which were "No Bids." The method of award was to the lowest-priced, responsive and responsible bidder by item. The offers on certain items submitted by BDD & R II, Inc. were deemed non-responsive by the Office of the County Attorney's Office as the firms failed to offer a single bid for those Group 2 items as required by the solicitation. Additionally, due to scrivener's errors in the pricing form, Items 8 and 17 under Group 1 and Item 15 under Group 2 are not being recommended for award. The opinion from the Office of the County Attorney is attached. These items will be re-solicited at a later date.

<b>Awardee</b>	<b>Address</b>	<b>Principal</b>	<b>Awarded Items</b>
BDD & R II, Inc. d/b/a Standing Ovations	3215 NW 10 Terrace Suite 207 Ft. Lauderdale, FL	Robert Eisenshtat	Group 2 Items: 1, 3, 6, 11 and 19
Carily of Miami Uniforms, Inc. (Micro/SBE)	1968 NW 7 Street Miami, FL	Tania Rivas	Group 1 Items: 11 and 21
IGWT Partners, LLC	626 Crosswood Court Murfreesboro, TN	Timothy T. Cole	Group 2 Items: 2, 4, 12 and 19
T-Shirts Plus Color, Inc. (Micro/SBE)	4156 SW 74 Court Miami, FL	Susana E. Grossen	Group 1 Items: 2-7, 9, 12-14 and 18-21 Group 2 Items: 5, 7, 10, 13 and 16-19
The Player's Connection of Florida, LLC (Micro/SBE)	3325 S University Drive Suite 200 Davie, FL	Stacy F. Torres	Group 1 Items: 1, 10, 15, 16 and 21 Group 2 Items: 8, 9, 14 and 19

**Vendors Not Recommended for Award**

<b>Vendor</b>	<b>Reason for Not Recommending</b>
DesignLab, Inc.	Bid higher than low bid
Global Trading, Inc. (Micro/SBE)	
Paragon Uniform Group, Inc. (Micro/SBE, DBE, LDB)	
Zipp Sporting Goods, Inc.	
Cynsational Dreams, LLC	
Friar Tux Shop	No Bid
Kits for Kidz	
Mitchell Lawrence, Inc.	
Positive Promotions, Inc.	
Tower Sports, LLC	
Town Talk	

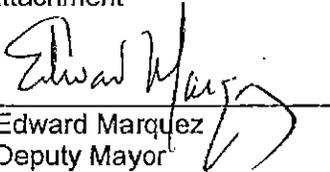
**Due Diligence**

Pursuant to Resolution R-187-12, 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 Bidders, debarred Bidders, delinquent contractors, suspended Bidders and federal excluded parties. There were no adverse findings relating to Contractor responsibility.

**Applicable Ordinances and Contract Measures**

- The two (2) percent User Access Program provision applies and will be collected on all purchases where permitted by funding source.
- The Small Business Enterprise Set-Aside applies to Group 1.
- The Living Wage Ordinance does not apply.

Attachment

  
Edward Marquez  
Deputy Mayor

# Memorandum



**Date:** December 30, 2014

**To:** A. Rodriguez  
Procurement Contracting Officer  
Internal Services Department

**From:** Oren Rosenthal  
Assistant County Attorney

**Subject:** ITB No. FB-00151: T-Shirts

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You have asked this office if the bids submitted by BDD & R II, Inc. d/b/a Standing Ovations ("Standing Ovations") and Carily of Miami Uniforms, Inc. ("Carily") can be considered responsive to the above Invitation to Bid ("ITB") for those items where these bidders either did not include one or more bids for the sub-items or bid multiple pricing where a single bid was requested. For the reasons set forth below, we conclude that Standing Ovation bids are non-responsive for items listed below. Carily's bids would also be non-responsive but for an error in the ITB bid form. Accordingly, we also conclude that Group 1, Items 8 and 17 and Group 2, Item 15 may not be awarded to any vendor due to an error in the solicitation documents. Those items should be removed from the award and re-solicited.

## FACTS

We rely on the information provided in your two separate memoranda dated December 29, 2014 regarding the bidding issues, the terms of the ITB itself and the bids submitted by the bidders. The purpose of the ITB is to establish a contract for t-shirts for various departments and agencies throughout the County. The method of award for this solicitation (Section 2.0, paragraph 2.3) provides that award will be made "on an item-by-item basis" to the "lowest priced responsive, responsible bidder." An "item" is further defined as "the total of all prices for the required sizes and logos." Finally, the ITB provides that "Failure to provide a price for a required size may result in the bid for that item being rejected."

You report that Standing Ovation bid multiple prices for Group 2, Items 12a and 16b rather than providing a single price as required by the ITB and did not include any price for Group 2, Item 18b and 18d. You also reported that Carily did not provide any bids for a requested size in Group 1, Item 17 and Group 2, Item 15.

## DISCUSSION

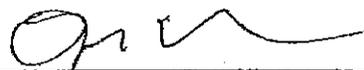
The failure of Standing Ovation to offer a single bid for Group 2, Items 12a and 16b and to offer any bid on all sub-items within Group 2, Items 18b and 18d renders their bid non-responsive for those specific "Items." In general, a bid may be rejected or disregarded if there is a material variance between the proposal and the advertisement. A minor variance, however, will not invalidate the proposal. See Robinson Elec. Co. v. Dade County, 417 So. 2d 1032, 1034 (Fla. 3d DCA 1982). The determination of whether a variance or irregularity is minor is fact specific and may differ from bid to bid. Florida courts have used a two part test to determine if a specific noncompliance in a bid would constitute a substantial

and, thus, nonwaivable issue: (1) whether the effect of the waiver would be to deprive the County of the assurance that the contract would be entered into, performed and guaranteed according to its specific requirements; and (2) whether it would adversely affect competitive bidding by placing a proposer in a position of advantage over other proposers. See Glatstien v. City of Miami, 399 So. 2d 1005 (Fla. 3d DCA 1981).

The failure to include a price for a line item in an award determined by the lowest bidder in the aggregate is such a material deviation that is not waivable. See Matter of: New Shawmut Timber Co., B-286881, 2001 CPD P 42, 2001 WL 185214, \*1 (Comp. Gen. Feb. 26, 2001) ("The failure to include a price for a line item evidences a bidder's intent not to be bound or obligated to perform that element of the requirement, and thus generally renders the bid nonresponsive."); Matter of: The Jorgensen Forge Corp., B-255426, 94-1 CPD P 157, 1994 WL 64911, \*2 (Comp. Gen. Feb. 28, 1994) ("Where, as here, an IFB provides that award will be made to the low aggregate bidder, a bid that fails to include a price for every item required by the IFB generally must be rejected as nonresponsive since the bidder would not be obligated to provide the item for which it has provided no price.")

As such, based on the facts set forth above, Standing Ovation's bids for the items identified above are nonresponsive. Because the solicitation clearly provided that the awards would be on an item-by-item basis, bids from Standing Ovation for other items (except those discussed below) are still valid and awardable provided they do not suffer from this identified defect.

In addition, upon a review of Carily's bid and the ITB, it is apparent that the bid form was defective for Group 1, Items 8 and 17 and Group 2, Item 15. In those items, the bid form left spaces for the vendor to fill out the bids for the sub-items as well as the direction that the price bid would be for "each" unit on incorrect lines in the bid form. This defect left unclear the manner in which vendors would be proposing on these items and what product a bidder was bidding on. The assignment of any meaning to the bids by any vendor to this bid form would be speculative and any award would be invalid. As a result, all bids for Group 1, Items 8 and 17 and Group 2, Item 15 should be rejected and another solicitation should be issued for these items. The remaining items may be properly awarded to lowest responsive responsible bidder on each item.



Oren Rosenthal



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** June 30, 2015

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

Amended  
**SUBJECT:** Agenda Item No. 8(F)(5)

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 \_\_\_\_\_

Amended  
Agenda Item No. 8(F)(5)  
6-30-15

RESOLUTION NO.      R-565-15

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00151 FOR PURCHASE OF T-SHIRTS FOR VARIOUS COUNTY DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$1,058,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT

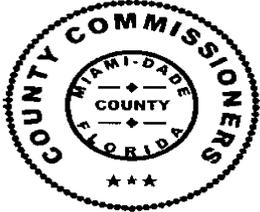
**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board approves award of Contract No. FB-00151 for purchase of t-shirts for various County departments as set forth in the incorporated memorandum in a total amount not to exceed \$1,058,000.00, and authorizes the County Mayor or County Mayor's designee to give notice of this award, issue the appropriate purchase order to give effect to same and exercise all provisions of the contract pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38. A copy of the contract is on file with and available upon request from the Internal Services Department, Procurement Management Services Division.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Jean Monestime, Chairman	<b>aye</b>	
	Esteban L. Bovo, Jr., Vice Chairman	<b>aye</b>	
Bruno A. Barreiro	<b>aye</b>	Daniella Levine Cava	<b>aye</b>
Jose "Pepe" Diaz	<b>absent</b>	Audrey M. Edmonson	<b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan	<b>aye</b>
Dennis C. Moss	<b>aye</b>	Rebeca Sosa	<b>aye</b>
Sen. Javier D. Souto	<b>aye</b>	Xavier L. Suarez	<b>aye</b>
Juan C. Zapata	<b>aye</b>		

The Chairperson thereupon declared the resolution duly passed and adopted this 30<sup>th</sup> day of June, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



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

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.  
Hugo Benitez