

DEPARTMENTAL INPUT
CONTRACT/PROJECT MEASURE ANALYSIS AND RECOMMENDATION

New OTR Sole Source Bid Waiver Emergency Previous Contract/Project No. RFP410

Contract
 Re-Bid Other LIVING WAGE APPLIES: YES NO
 Requisition No./Project No.: RQCU1500003 TERM OF CONTRACT 2 YEAR(S) WITH 3 YEAR(S) OTR

Requisition /Project Title: Event Ticketing System and Services

Description: Soliciting proposals for a PCI compliant, hosted, event ticketing and access control software and hardware system (or software as a service) for two cultural facilities managed by Cultural Affairs. County anticipates awarding a contract to a single proposer.

Issuing Department: CUA Contact Person: Jessica Tyrrell Phone: 305-375-4946
 Estimate Cost: Cost neutral and rev gen Funding Source: GENERAL FEDERAL OTHER

ANALYSIS

Commodity Codes:	<u>860</u>	<u>96234</u>	<u>92045</u>	<u>98574</u>
Contract/Project History of previous purchases three (3) years Check here <input type="checkbox"/> if this is a new contract/purchase with no previous history.				
	EXISTING	2ND YEAR	3RD YEAR	
Contractor:				
Small Business Enterprise:				
Contract Value:				
Comments:				
Continued on another page (s):	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			

RECOMMENDATIONS

	Set-aside	Sub-contractor goal	Bid preference	Selection factor
SBE				

Basis of recommendation:

Signed: Jessica Tyrrell Date sent to SBD: 2/12/16
 Date returned to DPM:



**REQUEST FOR PROPOSALS (RFP) No. EPPRFP-00000
FOR
EVENT TICKETING SYSTEM AND SERVICES**

PRE-PROPOSAL QUESTION PERIOD:

All questions are to be submitted in writing to the County Contact via Bidsync no later than:
_____, 2015 at ____:00 AM (local time)

ISSUED BY MIAMI-DADE COUNTY:

Internal Services Department, Procurement Management Services Division
(Through the Expedited Purchasing Program)
for
Department of Cultural Affairs

COUNTY CONTACT FOR THIS SOLICITATION:

Jessica Tyrrell, Procurement Contracting Officer
111 NW 1st Street, Suite 1300, Miami, Florida 33128
Telephone: (305) 375-4946
E-mail: tyrrell@miamidade.gov

**PROPOSAL RESPONSES DUE:
INSERT DATE AND TIME**

Electronic proposal responses to this RFP are to be submitted through a secure mailbox at BidSync until the date and time as indicated in this document. It is the sole responsibility of the Proposer to ensure its proposal reaches BidSync before the Solicitation closing date and time. There is no cost to the Proposer to submit a proposal in response to a Miami-Dade County solicitation via BidSync. Electronic proposal submissions may require the uploading of electronic attachments. The submission of attachments containing embedded documents or proprietary file extensions is prohibited. All documents should be attached as separate files. All proposals received and time stamped through the County's third party partner, BidSync, prior to the proposal submittal deadline shall be accepted as timely submitted. The circumstances surrounding all proposals received and time stamped after the proposal submittal deadline will be evaluated by the procuring department in consultation with the County Attorney's Office to determine whether the proposal will be accepted as timely. Proposals will be opened promptly at the time and date specified. The responsibility for submitting a proposal on or before the stated time and date is solely and strictly the responsibility of the Proposer. The County will in no way be responsible for delays caused by technical difficulty or caused by any other occurrence. All expenses involved with the preparation and submission of proposals to the County, or any work performed in connection therewith, shall be borne by the Proposer(s).

A Proposer may submit a modified proposal to replace all or any portion of a previously submitted proposal up until the proposal due date. The County will only consider the latest version of the proposal. For competitive bidding opportunities available, please visit the County's Internal Services Department website at: <http://www.miamidade.gov/procurement/>.

Requests for additional information or inquiries must be made in writing and submitted using the question/answer feature provided by BidSync at www.bidsync.com. The County will issue responses to inquiries and any changes to this Solicitation it deems necessary in written addenda issued prior to the proposal due date (see addendum section of BidSync Site). Proposers who obtain copies of this Solicitation from sources other than through BidSync risk the possibility of not receiving addenda and are solely responsible for those risks.

1.0 PROJECT OVERVIEW AND GENERAL TERMS AND CONDITIONS

1.1 Introduction

Miami-Dade County ("County") as represented by the Department of Cultural Affairs ("Department"), is soliciting proposals for a Payment Card Industry ("PCI") Compliant, hosted, event ticketing, and access control software (or Software as a Service) and hardware system for two cultural facilities managed by the Department, 1) Miami-Dade County Auditorium and 2) Caleb Auditorium.

The County anticipates awarding a contract to a single Proposer for a two-year period, with three additional, one-year options to renew at the County's sole discretion.

The anticipated schedule for this Solicitation is as follows:

Solicitation Issued:	TBD
Deadline for Receipt of Questions:	TBD
Proposal Due Date:	See front cover for date and time.
Evaluation Process:	TBD
Projected Award Date:	TBD

1.2 Definitions

The following words and expressions used in this Solicitation shall be construed as follows, except when it is clear from the context that another meaning is intended:

1. The word "Contractor" to mean the Proposer that receives any award of a contract from the County as a result of this Solicitation, also to be known as "the prime Contractor".
2. The word "County" to mean Miami-Dade County, a political subdivision of the State of Florida.
3. The words "Patron" or "Customer" to mean someone from the general public interested in purchasing tickets for an Event at the Miami-Dade County Auditorium or the Caleb Auditorium.
4. The word "Proposal" to mean the properly signed and completed written submission in response to this solicitation by a Proposer for the Services, and as amended or modified through negotiations.
5. The word "Proposer" to mean the person, firm, entity or organization, as stated on the Solicitation Submittal Form, submitting a response to this Solicitation.
6. The words "Scope of Services" to mean Section 2.0 of this Solicitation, which details the work to be performed by the Contractor.
7. The word "Solicitation" to mean this Request for Proposals (RFP) or Request for Qualifications (RFQ) document, and all associated addenda and attachments.
8. The word "Subcontractor" to mean any person, firm, entity or organization, other than the employees of the Contractor, who contracts with the Contractor to furnish labor, or labor and materials, in connection with the Services to the County, whether directly or indirectly, on behalf of the Contractor.
9. The words "Work", "Services", "Program", or "Project" to mean all matters and things that will be required to be done by the Contractor in accordance with the Scope of Services and the terms and conditions of this Solicitation.
10. The words "PCI Compliant" to mean compliance with the Payment Card Industry Data Security Standard requirements established by the Payment Card Industry Security Standards Counsel designed to ensure that all companies that process, store, or transmit credit card information maintain a secure environment.
11. The words "Will Call Tickets" to mean tickets that patrons/customers have purchased and requested to pick up at the theatre on the day of the Event.
12. The words "Quick Pick/Quick Sell Option" to mean the ticketing system selects seats automatically.
13. The words "Software as a Service" to mean a software distribution model in which software is hosted by the Contractor and made available to the County over the Internet.

14. The word "Event" to mean a planned occasion to be held at Miami-Dade County Auditorium or Caleb Auditorium in which a ticket is required.

1.3 General Proposal Information

The County may, at its sole and absolute discretion, reject any and all or parts of any or all responses; accept parts of any and all responses; further negotiate project scope and fees; postpone or cancel at any time this Solicitation process; or waive any irregularities in this Solicitation or in the responses received as a result of this process. In the event that a Proposer wishes to take an exception to any of the terms of this Solicitation, the Proposer shall clearly indicate the exception in its proposal. No exception shall be taken where the Solicitation specifically states that exceptions may not be taken. Further, no exception shall be allowed that, in the County's sole discretion, constitutes a material deviation from the requirements of the Solicitation. Proposals taking such exceptions may, in the County's sole discretion, be deemed nonresponsive. The County reserves the right to request and evaluate additional information from any respondent regarding respondent's responsibility after the submission deadline as the County deems necessary.

The submittal of a proposal by a Proposer will be considered a good faith commitment by the Proposer to negotiate a contract with the County in substantially similar terms to the proposal offered and, if successful in the process set forth in this Solicitation and subject to its conditions, to enter into a contract substantially in the terms herein. Proposals shall be irrevocable until contract award unless the proposal is withdrawn. A proposal may be withdrawn in writing only, addressed to the County contact person for this Solicitation, prior to the proposal due date or upon the expiration of 180 calendar days after the opening of proposals.

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 may, in its sole discretion, either (a) communicate with the Proposer in writing in an effort to obtain the Proposer's written withdrawal of the confidentiality restriction or (b) endeavor to redact and return that information to the Proposer as quickly as possible, and if appropriate, evaluate the balance of the proposal. Under no circumstances shall the County request the withdrawal of the confidentiality restriction if such communication would in the County's sole discretion give to such Proposer a competitive advantage over other proposers. The redaction or return of information pursuant to this clause may render a proposal non-responsive.

Any Proposer who, at the time of proposal submission, is involved in an ongoing bankruptcy as a debtor, or in a reorganization, liquidation, or dissolution proceeding, or if a trustee or receiver has been appointed over all or a substantial portion of the property of the Proposer under federal bankruptcy law or any state insolvency law, may be found non-responsible. To request a copy of any ordinance, resolution and/or administrative order cited in this Solicitation, the Proposer must contact the Clerk of the Board at (305) 375-5126.

1.4 Cone of Silence

Pursuant to Section 2-11.1(t) of the Miami-Dade County Code, as amended, a "Cone of Silence" is imposed upon each RFP or RFQ after advertisement and terminates at the time a written recommendation is issued. The Cone of Silence prohibits any communication regarding RFPs or RFQs between, among others:

- potential Proposers, service providers, lobbyists or consultants **and** the County's professional staff including, but not limited to, the County Mayor and the County Mayor's staff, County Commissioners or their respective staffs;

- the County Commissioners or their respective staffs **and** the County's professional staff including, but not limited to, the County Mayor and the County Mayor's staff; or
- potential Proposers, service providers, lobbyists or consultants, any member of the County's professional staff, the Mayor, County Commissioners or their respective staffs **and** any member of the respective Competitive Selection Committee.

The provisions do not apply to, among other communications:

- oral communications with the staff of the Vendor Services Section, the responsible Procurement Contracting Officer, provided the communication is limited strictly to matters of process or procedure already contained in the solicitation document;
- oral communications at pre-proposal conferences and oral presentations before Competitive Selection Committees during any duly noticed public meeting, public presentations made to the Board of County Commissioners during any duly noticed public meeting;
- recorded contract negotiations and contract negotiation strategy sessions; or
- communications in writing at any time with any county employees, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFP or RFQ documents.

When the Cone of Silence is in effect, all potential vendors, service providers, bidders, lobbyists and consultants shall file a copy of any written correspondence concerning the particular RFP or RFQ with the Clerk of the Board, which shall be made available to any person upon request. The County shall respond in writing (if County deems a response necessary) and file a copy with the Clerk of the Board, which shall be made available to any person upon request. Written communications may be in the form of e-mail, with a copy to the Clerk of the Board at clerkbcc@miamidadegov.

All requirements of the Cone of Silence policies are applicable to this Solicitation and must be adhered to. Any and all written communications regarding the Solicitation are to be submitted only to the Procurement Contracting Officer with a copy to the Clerk of the Board. The Proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to any person upon request.

1.5 Communication with Review Team Members

Proposers are hereby notified that direct communication, written or otherwise, to Review Team members or the Review Team as a whole are expressly prohibited. Any oral communications with Review Team members other than as provided in Section 2-11.1 of the Miami-Dade County Code are prohibited.

1.6 Public Entity Crimes

Pursuant to Paragraph 2(a) of Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal for a contract to provide any goods or services to a public entity; may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and, may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

1.7 Lobbyist Contingency Fees

- a) In accordance with Section 2-11.1(s) of the Code of Miami-Dade County, after May, 16, 2003, no person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee.
- b) A contingency fee is a fee, bonus, commission or non-monetary benefit as compensation which is dependent on or in any way contingent upon the passage, defeat, or modification of: 1) any ordinance, resolution, action or

decision of the County Commission; 2) any action, decision or recommendation of the County Mayor or any County board or committee; or 3) any action, decision or recommendation of any County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission or a County board or committee.

1.8 Collusion

In accordance with Section 2-8.1.1 of the Code of Miami-Dade County, where two (2) or more related parties, as defined herein, each submit a proposal for any contract, such proposals shall be presumed to be collusive. The foregoing presumption may be rebutted by the presentation of evidence as to the extent of ownership, control and management of such related parties in preparation and submittal of such proposals. Related parties shall mean Proposer or the principals thereof which have a direct or indirect ownership interest in another Proposer for the same contract or in which a parent company or the principals thereof of one Proposer have a direct or indirect ownership interest in another Proposer for the same contract. Proposals found to be collusive shall be rejected. Proposers who have been found to have engaged in collusion may be considered non-responsible, and may be suspended or debarred, and any contract resulting from collusive bidding may be terminated for default.

1.9 Expedited Purchasing Program

Pursuant to Ordinance 07-49, the County has created a pilot program for expedited purchasing, subject to terms and conditions as outlined in Section 2-8.1.6 of the Code of Miami-Dade County. The program shall be referred to as the Expedited Purchasing Program (EPP). Due to the expedited nature of County projects issued under the EPP, participating vendors should anticipate a shortened solicitation timeline for responding. Technical, professional and legal staff may be used to determine best value as set forth in the solicitation documents without the need to utilize the formal Review Team process established by the County. The County Mayor's or designee's written recommendation to award a contract under the EPP shall be sufficient to commence the bid protest period and terminate the Cone of Silence. Any legislation contrary to the provisions of the EPP shall be deemed suspended or amended as necessary to give effect to the intent of this ordinance during its effective term.

2.0 SCOPE OF SERVICES

2.1 Introduction

Miami-Dade County is seeking a PCI Compliant, hosted, ticketing and access control software (or Software as a Service) and hardware system (System) for two cultural facilities managed by the Department of Cultural Affairs; the Miami-Dade County Auditorium (MDCA) and the Caleb Auditorium (Caleb). Selected Proposer shall provide a System that delivers a real-time, hosted, ticketing, and access control system that includes, but is not be limited to the following:

- Enables primary and secondary box office sales, internet sales, phone sales, mobile device sales, and retail/outlet sales;
- Allows for Events requiring reserved and/or general admission seating in multiple seating configurations;
- Accounts for the sale of season subscriptions, sale and tracking of Event and non-event related merchandise, parking fees, and concession/food item sales;
- Provides access to the system for up to 20 ticket sellers with unique credentials;

The Department anticipates ticket volume of approximately 180,000 tickets per year with a variety of ticket prices ranging from free to \$80 and gross receipts averaging approximately \$1.5 million per year; and annual attendance between 150,000 and 180,000 patrons/customers to paid and non-paid Events.

2.2 Background

2.2.1 Miami-Dade County Auditorium (MDCA)

Miami-Dade County Auditorium (MDCA) opened its doors in 1951. It has a splendid history as one of South Florida's premiere performing arts center. Over the years it has hosted countless numbers of operas, symphonies, theatre presentations, ballets, concerts, lectures, presidential candidates, graduations,

naturalization services and a host of other programs of great community interest. This popular multipurpose theatre features Art Deco Revival décor. For decades, MDCA has served as the center for showcasing the diversity of our cultural life and celebrating the Hispanic arts community. The operation of MDCA was transferred to the Department of Cultural Affairs in January 2012. The Department has a track record and reputation for innovation and artistic excellence.

MDCA offers four dynamic presentation spaces:

- 1) The Main Stage Theatre can accommodate up to 2,372 patron/customers and can host major dance, theatre, and music performances;
- 2) The Orchestra Theatre can accommodate up to 1,489 patron/customers and can host large dance, theatre, and music performances;
- 3) The Mid-Stage Theatre can accommodate up to 450 patron/customers and is well suited for small concerts, dance, and theatre; and
- 4) The On-Stage Black.Box can accommodate up to 250 patron/customers (depending on configuration) and is perhaps the most dynamic of all spaces as both the audience and performers share the stage which is adapted into an innovative studio theatre for more intimate and often cutting edge shows.

2.2.2 Joseph Caleb Auditorium (Caleb)

The Joseph Caleb Auditorium (Caleb) is a 962-seat theater that has been the gathering place in the Liberty City community for the performing arts for more than 36 years. The Auditorium has featured concerts, community forums, movie screenings and productions by community arts organizations throughout the year. The parking lot serving the Auditorium and the adjoining Caleb Center office complex is currently closed for construction of a new parking garage.

With the loss of parking resulting from the ongoing construction of the parking garage for the Caleb Center, the Department has launched a plan that converts the Caleb Auditorium into a venue for school field trip performances. This has the benefits of: 1) providing more students with opportunities to experience the arts; 2) offering opportunities for local arts organizations to develop and present programs designed for children; and 3) introducing arts organizations and artists to the Caleb Auditorium so that when the parking situation is resolved, they can use the theater for evening performances. Ultimately, the goal for the Joseph Caleb Auditorium is to continue the field trip program and also to program the theater proactively with prominent arts groups and artists to re-establish its reputation for artistic excellence, diversity and community outreach.

2.3 Description of Tasks/Services to be Provided/System Functionality

The selected Proposer shall provide a System that includes two major components: 1) a public facing website/service that allows for tickets to be purchased 24 hours per day, 7 days per week by customers, and 2) a client interface to be utilized by MDCA and Caleb staff for ticket sales as well as administrative and reporting functions, inclusive of hardware or devices required for the sale of tickets, such as but not limited to computers, monitors, credit card terminals, ticket printers, etc. The public facing website/service shall provide user-friendly ease for customer online ticket purchases. The proposed System shall include a Proposer hosted backend application that interfaces with both the web service and the box office components for seamless transaction processing. The selected Proposer shall provide, install, host, maintain, repair, upgrade, update, and/or replace all on-site hardware and software (including but not limited to, computers, servers, monitors, thermal ticket printers, barcode scanners, data lines, access control hardware, software, etc.) required for the complete and proper functioning of the ticketing system (System). The System will be used by staff located at the MDCA and Caleb and administrators who are responsible for the various business processes, including tickets sales and reporting.

The proposed System shall provide interactive venue maps that can be customized by Event to allow those using the web services as well as MDCA and Caleb box office staff to select seats for purchase. The proposed System should allow users of the web services to either purchase tickets without creating a user account or to create a user account that stores information for future purchases. The proposed System shall include the ability to create targeted emails

Commented [TJ(1)]: Do you have a current Payment Gateway? How is this system expected to work with the current gateway?

Commented [BG2]: How are we going to get the money?

Commented [TJ(3R2)]: Sales made at our box office go directly through County owned terminals to County bank account. No convenience charges are applied to sales at ticket office.

Whatever is sold by vendor is collected directly by them and revenues are then sent via check to the County after an event closes. Events are on sale an average of 3-5 months.

by searching client purchase histories for marketing purposes, as well as the ability to merge outside user lists with the user lists gathered during transactions. Proposers are required to complete the System Functionality Table in the Proposer Information Section, indicating whether the proposed System meets, does not meet, or requires customization to meet the outlined functionality.

2.3.1 Training Services to be Provided

The selected Proposer shall provide system administration, user, and maintenance training of System component to designated MDCA and Caleb staff. Training shall be on-site at the County for up to ten (10) users. Additional training shall be made available via on-line videos or other resources on an ongoing basis throughout the term of the contract and any renewal or extension periods.

2.3.2 Technical Support Services to be Provided

The proposed System should be available 24 hours per day, 7 days per week to allow members of the public to purchase tickets at their convenience and to allow staff members of MDCA and Caleb to perform administrative functions such as marketing and reporting activities. The proposed System should be accessible with an average uptime of more than 99.9%.

The selected Proposer should have a live response, in-house customer service help desk available on a toll-free basis for members of the public seven (7) days per week between the hours 8:00 AM to 8:00 PM to assist with the completion of ticket purchases.

The selected Proposer should have a live response, in-house, technical support services available on a toll free basis for MDCA and Caleb staff seven (7) days per week between the hours of 8:00 AM and 12:00 AM (Midnight) to address potential system outages.

2.3.3 Implementation Services to be Provided

The selected Proposer shall be responsible for providing on-site installation and configuration services for the proposed System. The selected Proposer shall be responsible for testing the proposed System and insuring proper functionality prior to launching the proposed System for public and box office use.

2.3.4 Maintenance Services to be Provided

The selected Proposer shall provide maintenance services for the System throughout the term of the contract. These services shall include updates and upgrades to the System.

3.0 RESPONSE REQUIREMENTS

3.1 Submittal Requirements

In response to this Solicitation, Proposer should **complete and return the entire Proposal Submission Package**. Proposers should carefully follow the format and instructions outlined therein. All documents and information must be fully completed and signed as required and submitted in the manner described.

The proposal shall be written in sufficient detail to permit the County to conduct a meaningful evaluation of the proposed services. However, overly elaborate responses are not requested or desired.

4.0 EVALUATION PROCESS

4.1 Review of Proposals for Responsiveness

Each proposal will be reviewed to determine if the proposal is responsive to the submission requirements outlined in this Solicitation. A responsive proposal is one which follows the requirements of this Solicitation, includes all documentation, is submitted in the format outlined in this Solicitation, is of timely submission, and has the appropriate

signatures as required on each document. Failure to comply with these requirements may result in the proposal being deemed non-responsive.

4.2 Evaluation Criteria

Proposals will be evaluated by a Review Team which will evaluate and rank proposals on criteria listed below. The Review Team will be comprised of appropriate County personnel and members of the community, as deemed necessary, with the appropriate experience and/or knowledge, striving to ensure that the Review Team is balanced with regard to both ethnicity and gender. The criteria are itemized with their respective weights for a maximum total of one hundred (100) points per Review Team member.

Evaluation Criteria		Points
Technical Criteria		
1.	Proposer's ability to meet the functional and technical specification requirements described in this Solicitation, together with an evaluation of how well it matches the Proposer's understanding of the County's needs described in this Solicitation including but not limited to: Technology, Configuration and Maps, Venue Administration, Point of Sale (POS), Reporting, Patron/Customer, Patron/Customer Data & Marketing, Ticket Stock, Technical Support, Implementation Services, Training, Maintenance Services, as well as Desired Functionality including but not limited to Venue Administration, Patron/Customer, Membership, and Patron/Customer Data & Marketing.	50
2.	Proposer's approach and methodology to providing the services requested in this Solicitation including customization, implementation, training, maintenance and support services.	10
3.	Proposer's relevant experience and qualifications including that of key personnel including key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors.	10
Fee and Revenue Criteria		
5.	Proposed fees to the Customers will be evaluated based on the overall best value to the County.	15
6.	Proposed revenue to the County will be evaluated based on the overall best value to the County.	15
Total Points Available Per Review Team Member:		100

4.3 Oral Presentations

Upon evaluation of the technical criteria indicated above, rating and ranking, the Review Team may choose to conduct an oral presentation with the Proposer(s) which the Review Team deems to warrant further consideration based on, among other considerations, scores in clusters and/or maintaining competition. (See Affidavit – "Lobbyist Registration for Oral Presentation" regarding registering speakers in the proposal for oral presentations.) Upon completion of the oral presentation(s), the Review Team will re-evaluate, re-rate and re-rank the proposals remaining in consideration based upon the written documents combined with the oral presentation.

4.4 Selection Factor

This Solicitation includes a selection factor for Miami-Dade County Certified Small Business Enterprises (SBE's) as follows. A SBE/Micro Business Enterprise is entitled to receive an additional ten percent (10%) of the total technical evaluation points on the technical portion of such Proposer's proposal. An SBE/Micro Business Enterprise must be

certified by Small Business Development for the type of goods and/or services the Proposer provides in accordance with the applicable Commodity Code(s) for this Solicitation. For certification information contact Small Business Development at (305) 375-2378 or access <http://www.miamidade.gov/business/business-certification-programs-SBE.asp>. The SBE/Micro Business Enterprise must be certified by proposal submission deadline, at contract award, and for the duration of the contract to remain eligible for the preference. Firms that graduate from the SBE program during the contract may remain on the contract.

Whenever there are two best ranked proposals that are substantially equal and only one of the two so ranked proposals is submitted by a Proposer entitled to a selection factor, the selection factor shall be the deciding factor for award.

4.5 Local Certified Veteran Business Enterprise Preference

This Solicitation includes a preference for Miami-Dade County Local Certified Veteran Business Enterprises in accordance with Section 2-8.5.1 of the Code of Miami-Dade County. "Local Certified Veteran Business Enterprise" or "VBE" is a firm that is (a) a local business pursuant to Section 2-8.5 of the Code of Miami-Dade County and (b) prior to proposal or bid submittal is certified by the State of Florida Department of Management Services as a veteran business enterprise pursuant to Section 295.187 of the Florida Statutes. A VBE that submits a proposal in response to this solicitation is entitled to receive an additional five percent of the evaluation points scored on the technical portion of such vendor's proposal. If a Miami-Dade County Certified Small Business Enterprise (SBE) measure is being applied to this Solicitation, a VBE which also qualifies for the SBE measure shall not receive the veteran's preference provided in this section and shall be limited to the applicable SBE preference. At the time of proposal submission, the firm must affirm in writing its compliance with the certification requirements of Section 295.187 of the Florida Statutes and submit this affirmation and a copy of the actual certification along with the proposal submittal form.

4.6 Fee and Revenue Evaluation

The fee and revenue proposal will be evaluated subjectively in combination with the technical proposal, including an evaluation of how well it matches Proposer's understanding of the County's needs described in this Solicitation, the Proposer's assumptions, and the value of the proposed services. The fee and revenue evaluation is used as part of the evaluation process to determine the highest ranked Proposer. The County reserves the right to negotiate the final terms, conditions, fees, and revenue of the contract as may be in the best interest of the County.

4.7 Local Preference

The evaluation of competitive solicitations is subject to Section 2-8.5 of the Miami-Dade County Code, which, except where contrary to federal or state law, or any other funding source requirements, provides that preference be given to local businesses. If, following the completion of final rankings by the Review Team a non-local Proposer is the highest ranked responsive and responsible Proposer, and the ranking of a responsive and responsible local Proposer is within 5% of the ranking obtained by said non-local Proposer, then the Review Team will recommend that a contract be negotiated with said local Proposer.

4.8 Negotiations

The Review Team will evaluate, score and rank proposals, and submit the results of the evaluation to the County Mayor or designee with its recommendation. The County Mayor or designee will determine with which Proposer(s) the County shall negotiate, if any, taking into consideration the Local Preference Section above. The County Mayor or designee, at their sole discretion, may direct negotiations with the highest ranked Proposer, negotiations with multiple Proposers, and/or may request best and final offers. In any event the County engages in negotiations with a single or multiple Proposers and/or requests best and final offers, the discussions may include revenue and conditions attendant to revenue.

Notwithstanding the foregoing, if the County and said Proposer(s) cannot reach agreement on a contract, the County reserves the right to terminate negotiations and may, at the County Mayor's or designee's discretion, begin negotiations with the next highest ranked Proposer(s). This process may continue until a contract acceptable to the County has

been executed or all proposals are rejected. No Proposer shall have any rights against the County arising from such negotiations or termination thereof.

Any Proposer recommended for negotiations shall complete a Collusion Affidavit, in accordance with Sections 2-8.1.1 of the Miami-Dade County Code. (If a Proposer fails to submit the required Collusion Affidavit, said Proposer shall be ineligible for award.)

Any Proposer recommended for negotiations may be required to provide to the County:

- a) Its most recent certified business financial statements as of a date not earlier than the end of the Proposer's preceding official tax accounting period, together with a statement in writing, signed by a duly authorized representative, stating that the present financial condition is materially the same as that shown on the balance sheet and income statement submitted, or with an explanation for a material change in the financial condition. A copy of the most recent business income tax return will be accepted if certified financial statements are unavailable.
- b) Information concerning any prior or pending litigation, either civil or criminal, involving a governmental agency or which may affect the performance of the services to be rendered herein, in which the Proposer, any of its employees or subcontractors is or has been involved within the last three years.

4.9 Contract Award

Any proposed contract, resulting from this Solicitation, will be submitted to the County Mayor or designee. All Proposers will be notified in writing of the decision of the County Mayor or designee with respect to contract award. The Contract award, if any, shall be made to the Proposer whose proposal shall be deemed by the County to be in the best interest of the County. Notwithstanding the rights of protest listed below, the County's decision of whether to make the award and to which Proposer shall be final.

4.10 Rights of Protest

A recommendation for contract award or rejection of all proposals may be protested by a Proposer in accordance with the procedures contained in Sections 2-8.3 and 2-8.4 of the County Code, as amended, and as established in Implementing Order No. 3-21.

5.0 TERMS AND CONDITIONS

The anticipated form of agreement is attached. The terms and conditions summarized below are of special note and can be found in their entirety in the agreement:

a) Vendor Registration

Prior to being recommended for award, the Proposer shall complete a Miami-Dade County Vendor Registration Package. For online vendor registration, visit the Vendor Portal: <http://www.miamidade.gov/procurement/vendor-registration.asp>. Then, the recommended Proposer shall affirm that all information submitted with its Vendor Registration Package is current, complete and accurate at the time it submitted a response to the Solicitation by completing an Affirmation of Vendor Affidavit form as requested by the County.

b) Insurance Requirements

The Contractor shall furnish to the County, Internal Services Department, Procurement Management Services Division, prior to the commencement of any work under any agreement, Certificates of Insurance which indicate insurance coverage has been obtained that meets the stated requirements.

c) Inspector General Reviews

According to Section 2-1076 of the Code of Miami-Dade County, as amended by Ordinance No. 99-63, Miami-Dade

County has established the Office of the Inspector General which may, on a random basis, perform audits on all County contracts, throughout the duration of said contracts, except as otherwise indicated. The cost of the audit, if applicable, shall be one quarter (1/4) of one (1) percent of the total contract amount and the cost shall be included in any proposed price. The audit cost will be deducted by the County from progress payments to the Contractor, if applicable.

6.0 ATTACHMENTS

Proposer Information Section

Form 1 – Fee and Revenue Proposal Schedule

Draft Form of Agreement

Web Forms - Proposal Submission Package including: Proposal Submittal Form, Fair Subcontracting Practices, Affidavit, Subcontractor Listing, and Lobbyist Registration Form