

Memorandum



Date: September 19, 2012

To: Lester Sola, Director
Internal Services Department

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

From:  Melissa Adames, CPPB, Procurement Contracting Manager
Chairperson, Evaluation/Selection Committee

Subject: Report of Evaluation/Selection Committee for RFP No. 819: Automated Biometric Time and Data Capture Solution

The Evaluation/Selection Committee has completed the evaluation of proposals submitted in response to the referenced Request for Proposals (RFP) following the guidelines published in the solicitation as summarized below.

Committee meeting dates:

July 12, 2012 (Kick-off Meeting)
August 1, 2012 (Technical Discussion and Evaluation Meeting)
August 7, 2012 (Technical Discussion and Evaluation Meeting)
August 9, 2012 2012 (Technical Discussion and Evaluation Meeting)
August 29, 2012 (Oral Presentations, Evaluation Meeting, and Final Scoring)

Verification of compliance with contract measures:

The Review Committee recommended a Small Business Enterprise (SBE) selection factor for this solicitation. None of the Proposers who submitted responses are certified SBE firms.

Verification of compliance with minimum qualification requirements:

The RFP opened on July 9, 2012 with eight proposal responses. The solicitation did not have any minimum qualification requirements; therefore all proposals were reviewed for responsiveness. The responses were reviewed for responsiveness by the Chairperson and the County Attorney's Office (CAO). The proposals submitted by Kronos Incorporated, Novatime Technology and Workforce Software were deemed as non-responsive by the CAO. The proposals submitted by Novatime Technology and Workforce Software were deemed non-responsive due to the firms deeming their proposals proprietary and confidential. The proposal submitted by Kronos Incorporated was deemed non-responsive due to the exception taken by the Proposer in reference to fixed pricing. Since the RFP requires prices to remain fixed, the exception taken by this proposer makes the proposal not responsive based on the opinion received by the CAO. Copies of the CAO opinions is attached.

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

None of the Proposers who submitted responses are Local Certified Service-Disabled Veteran's Business Enterprises.

Evaluation Results/ Summary of Scores:

The Evaluation/Selection Committee was tasked with evaluating, scoring, and ranking the five responsive proposals submitted in reference to the RFP. Several technical discussions and evaluation meetings were held to discuss the responsive proposals submitted in reference to the RFP. A review of the technical merits of each proposal in addition to the devices offered was evaluated based on the criteria outlined within the RFP. After completion of the technical review of the proposals received, the Evaluation/Selection Committee conducted preliminary scoring and shortlisted the vendors remaining in consideration.

Preliminary Scores are as follows:

Pre-Oral Presentations

Proposer	Technical Score (Max 400 points)	Price Score (Max 100 points)	Total Combined Score (Max 500 points)	Price / Cost Submitted
Andrews Technology	306	89	395	\$ 399,995
DL Control & Engineering Inc.	154	50	204	\$ 616,442
KABA Workforce Solutions	378	86	464	\$ 397,088
SMX Services and Consulting Inc.	149	68	217	\$ 441,988
TimeLink	375	89	464	\$ 372,237

The Evaluation/Selection Committee elected to hold oral presentations with the three top ranked vendors: Andrews Technology, KABA Workforce Solutions, and TimeLink. Oral presentations were conducted on August 29, 2012. Immediately following the oral presentations, a final evaluation meeting was held. Proposals were reviewed for those firms remaining in consideration, after the review final scoring was conducted by the Evaluation/Selection Committee.

The final scores are as follows:

Post Oral Presentations

Proposer	Technical Score (Max 400 points)	Price Score (Max 100 points)	Total Combined Score (Max 500 points)	Price / Cost Submitted
Andrews Technology	245	85	330	\$ 399,995
KABA Workforce Solutions	379	87	466	\$ 397,088
TimeLink	343	93	436	\$ 372,237

Local Preference:

Local Preference was considered in accordance with the applicable ordinance, but did not affect the outcome. The highest ranked vendor, KABA Workforce Solutions is a local vendor.

Negotiations:

The Evaluation/Selection Committee recommends that the County enter into negotiations with the highest ranked proposer, KABA Workforce Solutions. The following individuals will participate in the negotiations:

Melissa Adames, Procurement Contracting Manager, ISD
 Chris Rose, Assistant Director, Public Works and Waste Management
 Joe Conway, Systems Support Manager – ERP, Information Technology Department

Justification for Recommendation:

The Evaluation/Selection Committee recommends that the County proceed to negotiations with KABA Workforce Solutions, the top ranked vendor for the purchase and implementation of a new Automated Biometric Time and Data Capture Solution (Solution). The County solicited proposals for a turnkey Solution to be used for recording and tracking time and attendance for County staff located at numerous physical locations throughout the County. The proposed Solution will be integrated into the time and labor module of the County's Oracle's PeopleSoft Enterprise Resource Planning (ERP) System and will incorporate basic business rules for managing, or processing staff time from multiple locations and

Memo to Miriam Singer

Report of Evaluation/Selection Committee or Review Team for RFP No. 819: Automated Biometric Time and Data Capture Solution

operating environments to allow the County to minimize user input and facilitate validation of data and consistency of business processes. This will be an enterprise solution managed by the Information Technology Department (ITD) on behalf of the Parks, Recreation and Open Spaces (PROS), Seaport, and Public Works and Waste Management (PWWM) departments. The Miami-Dade Transit department was listed as an optional department and may access this contract in the future.

The proposed Solution presented by KABA will provide a web based application that directly ties to integrated devices that will employ either biometric technology, such as fingerprint identification, or automated card swipe devices that will be used to identify County staff in order to capture and record staff sign-in and sign-out times. The use of biometric and or card swipe devices will be determined based on the intended location of the devices and operational need of the departments.

Each of the above mentioned departments actively participated in the evaluation and review of the proposals submitted in reference to the RFP solicitation. In addition to ITD, PWWM will participate in the negotiations to ensure the operational needs of each department are fulfilled within the resultant contract.

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

Approved



Lester Sola, Director
Internal Services Department

9/21/12
/Date

REP NO.876
 AUTOMATED BIOMETRIC TIME AND DATA CAPTURE SOLUTION
 EVALUATION OF PROPOSALS
COMPOSITE - FINAL SCORES

SELECTION	PROPOSERS	CRITERIA	Minimum Points (Performance)		Maximum Total Points (Maximum)		Andrew's Technology	KABA Workforce Solutions	Timelink
			Weighted	Raw	Weighted	Raw			
		Solution Requirements: Proposer's capability 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: A) Device Requirements B) Software Requirements C) Desired Requirements D) Interface Requirements	40	20	200	100	111	199	170
		Proposer's approach and methodology to providing the services requested in this Solicitation including usability, customization, implementation, training, maintenance and technical support services.	20	10	100	50	69	92	80
		Proposer's relevant experience and qualifications including key personnel of the Proposer and any key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors.	20	10	100	50	65	98	93
		Total Technical Points	80	40	400	200	245	379	343
		Proposed price will be evaluated based on the solution proposed and overall best value to the County.	20	10	100	50	65	87	33
		Selection Factor (10% of the Total Technical Points)			N/A		N/A	N/A	N/A
		TOTAL POINTS	100	50	500	250	330	466	436
		Ranking					3rd	1st	2nd

Signature: *Andrew's Technology* 9/17/12
 Date: 9/17/12
 Reviewed By: *Andrew's Technology*

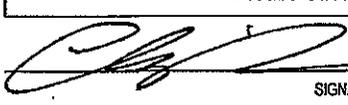
Local Preference* (Highest ranked proposer's total points - 3% = Local Preference award)									
Is any firm within 5% of the highest ranked? Y/N									
Is highest ranked local? Y/N									
Is firm within 5% local? Y/N									

*N/A = Not Applicable

RFP NO.819
 AUTOMATED BIOMETRIC TIME AND DATA CAPTURE SOLUTION
 EVALUATION OF PROPOSALS - FINAL SCORING

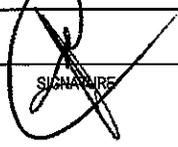
COMMITTEE MEMBER - CHRIS ROSE

SELECTION	PROPOSERS CRITERIA	Maximum Points	Andrew's Technology	KABA Workforce Solutions	TimeLink
	Solution Requirements: Proposer's capability 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: A) Device Requirements B) Software Requirements C) Desired Requirements D) Interface Requirements	40	25	40	30
	Proposer's approach and methodology to providing the services requested in this Solicitation including usability, customization, implementation, training, maintenance and technical support services.	20	5	20	10
	Proposer's relevant experience and qualifications including key personnel of the Proposer and any key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors.	20	20	20	20
	Total Technical Points	80	50	80	60
	Proposed price will be evaluated based on the solution proposed and overall best value to the County.	20	18	17	20
	Selection Factor (10% of the Total Technical Points)		N/A	N/A	N/A
	TOTAL POINTS	100	68	97	80

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RFP NO.819
AUTOMATED BIOMETRIC TIME AND DATA CAPTURE SOLUTION
EVALUATION OF PROPOSALS - FINAL SCORING
COMMITTEE MEMBER - HUGO HERNANDEZ

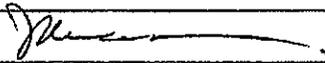
SELECTION CRITERIA	PROPOSERS	Maximum Points	Andrew's Technology	KABA Workforce Solutions	TimeLink
Solution Requirements: Proposer's capability to meet the functional and technical specification requirements described in this Solicitation, together with an evaluation of how well it matches the Proposer's understanding of the County's needs described in this Solicitation including but not limited to: A) Device Requirements B) Software Requirements C) Desired Requirements D) Interface Requirements		40	21	39	33
Proposer's approach and methodology to providing the services requested in this Solicitation including usability, customization, implementation, training, maintenance and technical support services.		20	19	19	19
Proposer's relevant experience and qualifications including key personnel of the Proposer and any key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors.		20	10	20	18
Total Technical Points		80			
Proposed price will be evaluated based on the solution proposed and overall best value to the County.		20	19	19	20
Selection Factor <i>(10% of the Total Technical Points)</i>		2	N/A	N/A	N/A
TOTAL POINTS		100	0	0	0


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RFP NO.819
 AUTOMATED BIOMETRIC TIME AND DATA CAPTURE SOLUTION
 EVALUATION OF PROPOSALS - FINAL SCORING
 COMMITTEE MEMBER - MELANIE MCLEAN

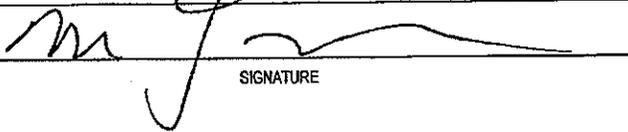
SELECTION	PROPOSERS CRITERIA	Maximum Points	349,995 Andrew's Technology	347,088 KABA Workforce Solutions	372,287 TimeLink
	Solution Requirements: Proposer's capability to meet the functional and technical specification requirements described in this Solicitation, together with an evaluation of how well it matches the Proposer's understanding of the County's needs described in this Solicitation including but not limited to: A) Device Requirements B) Software Requirements C) Desired Requirements D) Interface Requirements	40	20	40	40
	Proposer's approach and methodology to providing the services requested in this Solicitation including usability, customization, implementation, training, maintenance and technical support services.	20	15	18	18
	Proposer's relevant experience and qualifications including key personnel of the Proposer and any key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors.	20	10	20	20
	Total Technical Points	80			
	Proposed price will be evaluated based on the solution proposed and overall best value to the County.	20	15	18	20
	Selection Factor (10% of the Total Technical Points)		N/A	N/A	N/A
	TOTAL POINTS	100	060	096	098



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RFP NO.819
AUTOMATED BIOMETRIC TIME AND DATA CAPTURE SOLUTION
EVALUATION OF PROPOSALS - FINAL SCORING
COMMITTEE MEMBER - MICHAEL TOMASSO

SELECTION / PROPOSERS CRITERIA	Maximum Points	Andrew's Technology	KABA Workforce Solutions	TimeLink
Solution Requirements: Proposer's capability 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: A) Device Requirements B) Software Requirements C) Desired Requirements D) Interface Requirements	40	20	34	33
Proposer's approach and methodology to providing the services requested in this Solicitation including usability, customization, implementation, training, maintenance and technical support services.	20	15	15	15
Proposer's relevant experience and qualifications including key personnel of the Proposer and any key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors.	20	15	20	20
Total Technical Points	80	50	69	68
Proposed price will be evaluated based on the solution proposed and overall best value to the County.	20	15	15	15
Selection Factor <i>(10% of the Total Technical Points)</i>		N/A	N/A	N/A
TOTAL POINTS	100	865	884	883


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RFP NO.819
 AUTOMATED BIOMETRIC TIME AND DATA CAPTURE SOLUTION
 EVALUATION OF PROPOSALS - FINAL SCORING

COMMITTEE MEMBER - MICHELLE SIFONTES

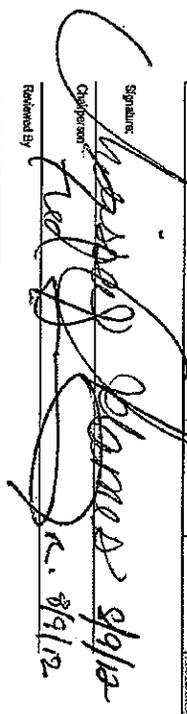
SELECTION PROPOSERS CRITERIA	Maximum Points	Andrew's Technology	KABA Workforce Solutions	TimeLink
Solution Requirements: Proposer's capability to meet the functional and technical specification requirements described in this Solicitation, together with an evaluation of how well it matches the Proposer's understanding of the County's needs described in this Solicitation including but not limited to: A) Device Requirements B) Software Requirements C) Desired Requirements D) Interface Requirements	40	25	36	34
Proposer's approach and methodology to providing the services requested in this Solicitation including usability, customization, implementation, training, maintenance and technical support services.	20	15	20	18
Proposer's relevant experience and qualifications including key personnel of the Proposer and any key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors.	20	10	18	15
Total Technical Points	80			
Proposed price will be evaluated based on the solution proposed and overall best value to the County.	20	18	18	18
Selection Factor (10% of the Total Technical Points)		N/A	N/A	N/A
TOTAL POINTS	100	608	920	850

Michelle Sifontes

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RFP NO.0319
 AUTOMATED BIOMETRIC TIME AND DATA CAPTURE SOLUTION
 EVALUATION OF PROPOSALS
 COMPOSITE - PRE-LIMINARY SCORES

SELECTION CRITERIA	PROPOSERS		Andrew's Technology	DL Control & Engineering Inc.	KABA Workforce Solutions	SIRX Services and Consulting Inc.	ThinkLok
	Maximum Points Available	Maximum Points Awarded					
Solution Requirements: Proposer's capability 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: A) Device Requirements B) Software Requirements C) Desired Requirements D) Interface Requirements	70	200	152	77	190	72	188
Proposer's approach and methodology to providing the services requested in this Solicitation including usability, customization, implementation, training, maintenance and technical support services.	21	100	79	42	92	37	92
Proposer's relevant experience and qualifications including the personnel of the Proposer and any key personnel or subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors.	20	100	75	35	96	40	95
Total Technical Points	80	400	306	154	378	149	375
Proposed price will be evaluated based on the solution proposed and overall best value to the County.	20	100	89	50	86	68	89
Selection Factor (10% of the Total Technical Points)			N/A	N/A	N/A	N/A	N/A
TOTAL POINTS	100	500	395	204	464	217	464
Ranking							

Signature: 
 Chief of Staff
 Reviewed By: Fred S. Plummer 8/9/12

Local Preference* (Highest ranked proposer's total points - 5% = Local Preference range)	204						
Is any firm within 5% of the highest ranked? Y/N							
Is highest ranked local? Y/N							
Is firm within 5% local? Y/N							

RFP NO.819
AUTOMATED BIOMETRIC TIME AND DATA CAPTURE SOLUTION
EVALUATION OF PROPOSALS

COMMITTEE MEMBER - CHRIS ROSE

SELECTION	PROPOSERS CRITERIA	Maximum Points	Andrew's Technology	DL Control & Engineering Inc.	KABA Workforce Solutions	SMX Services and Consulting Inc.	Timelink
	Solution Requirements: Proposer's capability 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: A) Device Requirements B) Software Requirements C) Desired Requirements D) Interface Requirements	40	35	5	40	15	40
	Proposer's approach and methodology to providing the services requested in this Solicitation including usability, customization, implementation, training, maintenance and technical support services.	20	18	5	20	5	20
	Proposer's relevant experience and qualifications including key personnel of the Proposer and any key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors.	20	15	0	20	0	20
	Total Technical Points	80	0	0	0	0	0
	Proposed price will be evaluated based on the solution proposed and overall best value to the County.	20	15	10	14	15	16
	Selection Factor (10% of the Total Technical Points)						
	TOTAL POINTS	100	83	20	84	35	96


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RFP NO.819
 AUTOMATED BIOMETRIC TIME AND DATA CAPTURE SOLUTION
 EVALUATION OF PROPOSALS
 COMMITTEE MEMBER - MICHAEL TOMASSO

SELECTION	PROPOSERS CRITERIA	Maximum Points	Andrew's Technology	DL Control & Engineering Inc.	KABA Workforce Solutions	SMX Services and Consulting Inc.	Timelink
	Solution Requirements: Proposer's capability 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: A) Device Requirements B) Software Requirements C) Desired Requirements D) Interface Requirements	40	22	15	37	15	37
	Proposer's approach and methodology to providing the services requested in this Solicitation including usability, customization, implementation, training, maintenance and technical support services.	20	12	12	15	12	15
	Proposer's relevant experience and qualifications including key personnel of the Proposer and any key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors.	20	15	10	18	10	18
	Total Technical Points	80	49	37	70	37	70
	Proposed price will be evaluated based on the solution proposed and overall best value to the County.	20	15	10	15	10	15
	Selection Factor (10% of the Total Technical Points)	NA					
	TOTAL POINTS	100	64	47	85	47	85

M. Tomasso
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RFP NO. 819
 AUTOMATED BIOMETRIC TIME AND DATA CAPTURE SOLUTION
 EVALUATION OF PROPOSALS

COMMITTEE MEMBER - HUGO HERNANDEZ

SELECTION	PROPOSERS CRITERIA	Maximum Points	Andrew's Technology	DL Control & Engineering Inc.	KABA Workforce Solutions	SMX Services and Consulting Inc.	Timelink
	Solution Requirements: Proposer's capability 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: A) Device Requirements B) Software Requirements C) Desired Requirements D) Interface Requirements	40	30	32	38	17	35
	Proposer's approach and methodology to providing the services requested in this Solicitation including usability, customization, implementation, training, maintenance and technical support services.	20	19	15	19	10	19
	Proposer's relevant experience and qualifications including key personnel of the Proposer and any key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors.	20	15	10	20	15	19
	Total Technical Points	80	0	0	0	0	0
	Proposed price will be evaluated based on the solution proposed and overall best value to the County.	20	19	15	19	18	20
	Selection Factor (10% of the Total Technical Points)	N/A					
	TOTAL POINTS	100	0	0	0	0	0


SIGNATURE

83 72 96 60 93

RFP NO.819
 AUTOMATED BIOMETRIC TIME AND DATA CAPTURE SOLUTION
 EVALUATION OF PROPOSALS
 COMMITTEE MEMBER - MICHELLE SIFONTES

SELECTION PROPOSERS CRITERIA	Maximum Points	Andrew's Technology	DL Control & Engineering Inc.	KABA Workforce Solutions	SMX Services and Consulting Inc.	Timelink
Solution Requirements: Proposer's capability 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: A) Device Requirements B) Software Requirements C) Desired Requirements D) Interface Requirements	40	35	10	40	10	40
Proposer's approach and methodology to providing the services requested in this Solicitation including usability, customization, implementation, training, maintenance and technical support services.	20	15	5	20	5	20
Proposer's relevant experience and qualifications including key personnel of the Proposer and any key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors.	20	15	10	20	10	20
Total Technical Points	80	65	25	80	0 25	0 80
Proposed price will be evaluated based on the solution proposed and overall best value to the County.	20	20	5	18	15	18
Selection Factor (10% of the Total Technical Points)	N/A					
TOTAL POINTS	100	85	30	98	40	98

Michelle Sifontes
 SIGNATURE

RFP NO.819
 AUTOMATED BIOMETRIC TIME AND DATA CAPTURE SOLUTION
 EVALUATION OF PROPOSALS
 COMMITTEE MEMBER - MELANIE MCLEAN

SELECTION PROPOSERS CRITERIA	Maximum Points	Andrew's Technology	DL Control & Engineering Inc.	KABA Workforce Solutions	SMX Services and Consulting Inc.	TimeLink
Solution Requirements: Proposer's capability 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: A) Device Requirements B) Software Requirements C) Desired Requirements D) Interface Requirements	40	30	15	35	15	36
Proposer's approach and methodology to providing the services requested in this Solicitation including usability, customization, implementation, training, maintenance and technical support services.	20	15	5	18	5	18
Proposer's relevant experience and qualifications including key personnel of the Proposer and any key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors.	20	15	5	18	5	18
Total Technical Points Proposed price will be evaluated based on the solution proposed and overall best value to the County.	80	60	25	0	25	72
Selection Factor (10% of the Total Technical Points)	N/A	20	10	20	10	20
TOTAL POINTS	100	80	35	91	35	92

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Adames, Melissa (ISD)

From: Frastai, Daniel (CAO)
Sent: Thursday, August 09, 2012 8:59 AM
To: Adames, Melissa (ISD)
Subject: Re: RFP819 - Automated Biometric Time and Data Capture Solution

Melissa,

As we discussed, since the RFP requires prices to remain fixed, the exception taken by this proposer makes the proposal not responsive.

Danny Frastai

On Aug 8, 2012, at 5:11 PM, "Adames, Melissa (ISD)" <MADAMES@miamidade.gov> wrote:

Danny,

As per our discussion, please review the attached excerpt from the proposal received from Kronos Incorporated in reference to the above request for proposal and advise whether or not it is responsive.

Thank you,

Melissa Adames, CPPB

Procurement Contracting Manager

Procurement Management Services

Internal Services Department

P: (305) 375-4029 F: (305) 375-5688

Visit us online: <http://www.miamidade.gov/Procurement/home.asp>

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and are subject to disclosure.



Save our resources, please do not print this e-mail unless absolutely necessary.

<0503_001.pdf>

Test Period, Kronos shall have 30 days to correct the deficiency, and Customer shall have an additional 30 days to evaluate the Equipment and Software. If the Equipment or Software does not meet the Specifications at the end of the second 30 day period, either Customer or Kronos may terminate this Agreement. Upon any such termination, Customer shall return all Equipment and Software (and related documentation) to Kronos, and Kronos shall refund any monies paid by Customer to Kronos for the returned Equipment and Software. Neither party shall then have any further liability to the other for the products that were the subject of the Acceptance Test."

Ownership and License Terms: Kronos provides standard Software under standard license terms (and does not anticipate Software Modifications or Developed Software), consequently Kronos does not expect to transfer any intellectual property rights to Miami-Dade County.

Maintenance Service Offerings: maintenance offerings for Kronos' Products are set forth in the Kronos Agreements.

Fixed Pricing: While Kronos can provide firm hardware and software pricing, the implementation scope and time frame is an estimate only and will be subject to a final Statement of Work to be mutually agreed upon by Miami-Dade County and Kronos prior to finalizing the contract.

Insurance: Kronos hereby includes evidence of its insurance as part of its proposal and takes exception to any insurance requirements of the RFP that are inconsistent with its provided insurance certificate.

Termination for Convenience: Kronos will expect to receive payment for products and services delivered prior to the effective date of any termination for convenience.

Escrow: Kronos customers can subscribe at their request to the Escrow subscription agreement that Kronos has in place with Iron Mountain which provides for right to the source code in certain specific circumstances. Additional fees payable to Iron Mountain are applicable.

Indemnification and Limitation of Liability: Kronos does not indemnify for all damages under the Agreement; see Kronos' intellectual property infringement indemnification and Limitation of Liability sections in the Kronos Agreements.

Standard Warranties: Kronos takes exception to warranties tied to performance standards. See Kronos' standard product and services warranties in the Kronos Agreements.

Rights and Remedies for Default and Termination for Default: Kronos takes exception to the lack of a guaranteed cure period before being determined to be in default of the Agreement, as well as to the scope of remedies available and proposes that any damages resulting from Kronos' breach be limited to actual and direct damages subject to the limitation of liability set forth in the Kronos Agreements.

Liquidated Damages; Functionally Equivalent Software; and System Performance Sections: Kronos takes exceptions to these provisions.

Adames, Melissa (ISD)

From: Frastai, Daniel (CAO)
Sent: Wednesday, July 11, 2012 3:33 PM
To: Adames, Melissa (ISD)
Subject: re: Request for Legal Opinion RFP 819 Automated Biometric Time and Attendance Data
Capture Solution

Melissa,

You have asked about the responsiveness of two proposals, NOVAtime Submission and WorkForce Software. NOVAtime submitted a proposal with the pricing section labeled as confidential and WorkForce Software submitted a proposal that is marked as confidential on the front cover of the entire proposal and in a footer throughout the proposal.

Based on the bid documents and the above information, both proposals are not responsive.

Feel free to contact me to discuss.

Thanks,

Danny Frastai
Assistant County Attorney
Miami-Dade County
111 N.W. 1st Street, Suite 2810
Miami, FL 33128
Tel. (305) 375-5480
Fax (305) 375-5634
frastai@miamidade.gov

Memorandum



Date: July 11, 2012

To: Daniel Frastai
Assistant County Attorney
County Attorney's Office

From:  Melissa Adames, CPPB
Procurement Contracting Manager
Procurement Management Services Division
Internal Services Department

Subject: Request for Legal Opinion RFP819: Automated Biometric Time and Attendance Data Capture Solution

On July 9, 2012 Proposal responses were received for RFP819: Automated Biometric Time and Attendance Data Capture Solution and subsequently reviewed for responsiveness. (1) During the review, it was noted the following proposers have not complied with the requirements of the solicitation document.

NOVAtime Proposal Submission

- Proposer submitted documents marked Confidential on Page 71 of the submission in regards to Form B-1, Price Proposal Schedule.

WorkForce Software Proposal Submission:

- Proposer submitted documents marked Confidential on front cover of Proposal and throughout the submission in the footer on all pages.

(1) Per Solicitation, 1.3 General Proposal Information

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. A proposal shall be the Proposer's firm commitment to provide the goods and services solicited in the manner requested in the Solicitation and described in the proposal. 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.

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.

Please review this issue and advise whether the proposal is responsive. If you have any questions, please contact me at (305) 375-4029. Thank you for your attention to this matter.

Attachments:

RFP819: Automated Biometric Time and Attendance Data Capture Solution

NOVAtime Proposal Submission

WorkForce Software Proposal Submission