

# Memorandum



**Date:** December 17, 2013

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

Agenda Item No. 8(N)(1)

**From:** Carlos A. Gimenez  
County Mayor

**Subject:** Request to Award Metromover Fiber Optic and CCTV Replacement - MCC 7360 Plan - CICC 7360-0/08 - RPQ NO: 230195-R3 Contract to Tri-City Electric Co., Inc. in the Base Amount of \$3,000,000 and Allowance Account for Unforeseen Changes in the Amount of \$300,000

Resolution No. R-1058-13

## Recommendation

It is recommended that the Board of County Commissioners (Board) award Metromover Fiber Optic and CCTV Replacement - MCC 7360 Plan - CICC 7360-0/08 - RPQ NO: 230195-R3 Contract to Tri-City Electric Co., Inc., in the base amount of \$3,000,000 and allowance account for unforeseen changes in the amount of \$300,000. This award recommendation has been prepared by Miami-Dade Transit and recommended for approval pursuant to Section 2-8.2.7 of the Code of Miami Dade County.

This project is funded with American Recovery and Reinvestment Act (ARRA) / Federal Transit Administration (FTA) funds. Miami-Dade County is therefore requesting the Board to include this item at the next Board meeting in order to not jeopardize ARRA/FTA funding and to be able to obtain Board approval to expedite the award of the Metromover Fiber Optic and CCTV Replacement contract to Tri-City Electric Co., Inc.

## Scope

**PROJECT NAME:** Metromover Fiber Optic and CCTV Replacement

**PROJECT NO:** IRP007

**CONTRACT NO:** MCC 7360 Plan - CICC 7360-0/08 - RPQ NO: 230195-R3

**PROJECT DESCRIPTION:** The scope of work consists of installation, labor, permitting of required hardware, testing configuration, installation of network fiber optics cable, replacing existing connectors, the enclosure of cameras with mounting brackets at various Metromover stations, and integrating the entire system.

<b>PROJECT SITES:</b>	<u>Site #</u>	<u>LOCATION</u>	<u>DIST</u>
	75907	Various	Various

**PRIMARY COMMISSION DISTRICT:** Various

**APPROVAL PATH:** Board of County Commissioners

**USING DEPARTMENT:** Transit

**MANAGING DEPARTMENT:** Transit

**Fiscal Impact / Funding Source**

<b>FUNDING SOURCE:</b>	<b><u>SOURCE</u></b>	<b><u>PROJECT NUM</u></b>	<b><u>SITE #</u></b>	<b><u>AMOUNT</u></b>
	FTA Section 5307 Formula Grant	677250 677520	75907	\$3,300,000.00

**PTP FUNDING:** No

**GOB FUNDING:** No

**ARRA FUNDING:** Yes

<b>CAPITAL BUDGET PROJECT:</b>	<b>CAPITAL BUDGET PROJECT # - DESCRIPTION</b>	<b><u>AWARD ESTIMATE</u></b>
	676250- MOVER FIBER REPLACEMENT Book Page:111 Funding Year: Prior year's through 2013	\$2,602,000.00
	677520- MOVER VIDEO PROJECT Book Page:112 Funding Year: Prior year's through 2013.	\$ 698,000.00
	<b>CAPITAL BUDGET PROJECTS TOTAL</b>	<b>\$3,300,000.00</b>

**SUSTAINABLE BUILDINGS ORDINANCE:** (I.O NO. 8-8) Did the Notice to Professional Consultants contain Specific Language requiring compliance with the Sustainable Buildings Program?  
 Not Applicable

**TOTAL CONTRACT PERIOD:** 365 Days

**IG FEE INCLUDED IN BASE CONTRACT:** No

**ART IN PUBLIC PLACES:** No

**BASE CONTRACT AMOUNT:** \$3,000,000.00

CONTINGENCY ALLOWANCE (SECTION 2-8.1 MIAMI DADE COUNTY CODE):	PERCENT	AMOUNT
	10%	\$ 300,000.00
TOTAL DEDICATED ALLOWANCE:	\$0.00	
TOTAL CONTRACT AMOUNT:	\$3,300,000.00	

Track Record/Monitor

**EXPLANATION:**

This project was advertised under the Miami-Dade County, Request for Price Quotation, MCC 7360, RPQ No. 230195-R3, on July 9, 2013. Six bids were received on August 8, 2013. Based on MDT's bid analysis and due diligence efforts, MDT issued an award recommendation to Waveguide Communications, Inc., the lowest bidder, on August 13, 2013 at a cost of \$ 1,788,718.12.

A bid protest was filed by Tri-City Electric Co., Inc., the second lowest bidder, on August 15, 2013., which resulted in the scheduling of a bid protest hearing on August 27, 2013. The hearing was concluded with a recommendation made by the hearing officer to Miami-Dade County to reject the lowest bidder due to non-responsiveness to contract requirements, and to recommend award to Tri-City Electric Co., Inc., the new lowest responsible and responsive bidder.

Miami-Dade County requested that all bids be rejected to expeditiously re-advertise the project in order to clarify that contractors must be capable of pulling the master permit to be eligible for award, thereby avoiding any potential ambiguities, and to maximize competition to achieve the best possible price based on scope of services,

On October 22, 2013, the Board of County Commissioners moved that Waveguide's bid be rejected as non-responsible and directed the Mayor or designee to negotiate with Tri-City Electric Co., Inc.

MDT complied with the Board's request by scheduling a public meeting on November 11, 2013 with Tri-City Electric, (Contractor), and requesting the Contractor to submit its means, methods and materials to be used during construction in order for the County to negotiate the best possible price.

The Contractor was therefore instructed by MDT to provide the following information: (1) comprehensive construction loaded schedule; (2) schedule of values; (3) written narrative and descriptions of scope of work from sub-contractors and suppliers; (4) submittal schedule and list of products/ materials requiring review and approval by the Engineer of Record, verifying that the proposed end product meets the contract specifications, including all federal requirements; (5) complete breakdown of all costs related to products/materials and manpower needed to complete the project, including the equipment procurement plan; (6) permit

acquisition activities; (7) all major work elements and rates of production; (8) submittals; and (9) work elements by other parties.

MDT met with the Contractor on November 11, 2013 to review the Contractor's submittals and initiate negotiations. During the meeting, the Contractor negotiated a discount of \$160,000 with MDT, and both parties later agreed to search for additional cost savings in order to bring the project costs closer to the engineer's cost estimate. Following the meeting's conclusion, and in accordance with the contract's technical specifications, MDT decided to consult with its Track Allocation personnel to propose an increase in contractor's working hours. As a result, MDT was able to propose two additional work hours per day to the Contractor, thereby reducing mobilization costs and resulting in a cost savings to the County.

MDT subsequently scheduled a public meeting on November 14, 2013 in order to conduct a second negotiations meeting with the Contractor. Based on MDT's careful review of the Contractor's schedule of values, MDT was able to propose price reductions to the fiber optic items that were acceptable to the Contractor. As such, MDT and the Contractor negotiated a final reduction in pricing and successfully concluded contract negotiations. MDT's final negotiated base amount price is \$3,000,000, with an allowance account of \$300,000 for unforeseen changes. The engineer's estimate is \$2,926,021.00 while Tri-City's negotiated base price is \$3,000,000 which represents 2.53% higher than the engineer's estimate. The final negotiated amount reflects the Contractor's total discount to the base price of \$334,480.

MDT found no project evaluations in the County's system and therefore requested Tri-City to provide references regarding its contract performance in other projects. MDT checked all references provided by Tri-City and reached a favorable conclusion regarding Tri-City's past performance.

Based on Tri-City's price discounts provided during negotiations and positive references, MDT recommends proceeding with the award of this contract to Tri-City Electric Co., Inc.

**DATE ADVERTISED:** July 9, 2013  
**PRE-BID MEETING DATE:** July 19, 2013 and July 30, 2013  
**BID OPENING DATE:** August 8, 2013  
**PLANNED BID AWARD:** August 13, 2013  
**PLANNED NOTICE TO PROCEED:** August 26, 2013  
**PRIME CONTRACTOR:** Tri-City Electric Co., Inc.  
**COMPANY PRINCIPAL:** Dillard R. Borden, Jr.

**COMPANY QUALIFIERS:** Dillard R. Borden, Jr.

**COMPANY EMAIL ADDRESS:** [russ@tceinc.com](mailto:russ@tceinc.com)

**COMPANY STREET ADDRESS:** 625 N.W. 16<sup>th</sup> Avenue  
 Miami, FL 33125  
**COMPANY CITY-STATE-ZIP:**

**YEARS IN BUSINESS:** 60 Years

**PREVIOUS CONTRACTS WITH COUNTY IN THE LAST FIVE YEARS:** According to the Firm History Report provided by the Department of Regulatory and Economic Resources / Small Business Development, Tri-City Electric Co., Inc. has received one (1) contract as a Prime Contractor on March 22, 2010 from Miami-Dade County valued at \$2,142,843.00 for Non-departmental, new Marlins Ball Park – Electrical Sports Lighting.

**MINIMUM QUALIFICATIONS EXCEED LEGAL REQUIREMENTS:** Yes

**APPLICABLE WAGES:** Building Construction  
 (RESOLUTION No. R-54-10)

REVIEW COMMITTEE ASSIGNED CONTRACT MEASURES:	ESTIMATED		COMMENT
	TYPE	GOAL VALUE	
	DBE 15%	\$525,000.00	

**MANDATORY CLEARING HOUSE:** N/A

**CONTRACT MANAGER NAME / PHONE / EMAIL:** Jesus Valderrama (786) 469-5291 [jvalder@miamidade.gov](mailto:jvalder@miamidade.gov)

**PROJECT MANAGER NAME/ PHONE / EMAIL:** Daniel Mondesir (786) 469-5267 [MDS@miamidade.gov](mailto:MDS@miamidade.gov)

**BACKGROUND:** This project consists of installing fiber optic cable throughout Miami-Dade Transit's Metro Mover System which will provide infrastructure to support the following:

- A Data Transmission System (DTS) that shall be used to provide control commands to and receive indications and alarms from each of the Metro Mover stations and locations that receive or send such Central Control.
- Extension of the County Enterprise Network to each of the Metro Mover Station Train Control rooms, Mover Maintenance Building and Central Control.

APPROVED AS TO  
LEGAL SUFFICIENCY:

Bruce Filibaker 11/15/13  
COUNTY ATTORNEY DATE

MIAMI-DADE TRANSIT  
DEPARTMENT  
CONCURRENCE:

[Signature] 11-15-13  
DIRECTOR, MDT DATE

APPROVED  
PURSUANT TO  
SECTION 2-8.1 OF THE  
MIAMI-DADE COUNTY  
CODE:

[Signature] 11/29/13  
DEPUTY MAYOR DATE

CLERK:

\_\_\_\_\_  
DATE



**MEMORANDUM**  
(Revised)

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

**DATE:** December 17, 2013

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

**SUBJECT:** Agenda Item No. 8(N)(1)

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(N)(1)  
12-17-13

RESOLUTION NO. R-1058-13

RESOLUTION AUTHORIZING AWARD OF METROMOVER FIBER OPTIC AND CCTV REPLACEMENT MCC 7360 PLAN - CICC 7360-0/08 - RPQ NO: 230195-R3 CONTRACT TO TRI-CITY ELECTRIC CO., INC. IN THE BASE AMOUNT OF \$3,000,000 AND ALLOWANCE ACCOUNT FOR UNFORSEEN CHANGES IN THE AMOUNT OF \$300,000 AND AUTHORIZING COUNTY MAYOR OR DESIGNEE TO EXECUTE SAID 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 the Award of Metromover Fiber Optic and CCTV Replacement – MCC 7360 Plan - CICC 7360-0/08 – RPQ No. 230195-R3 Contract to Tri-City Electric Co., Inc. in the base amount of \$3,000,000 and allowance account for unforeseen changes in the amount of \$300,000 and authorizes the County Mayor or designee to execute said contract.

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

	Rebeca Sosa, Chairwoman	<b>absent</b>	
	Lynda Bell, Vice Chair	<b>aye</b>	
Bruno A. Barreiro	<b>aye</b>	Esteban L. Bovo, Jr.	<b>aye</b>
Jose "Pepe" Diaz	<b>aye</b>	Audrey M. Edmonson	<b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan	<b>aye</b>
Jean Monestime	<b>nay</b>	Dennis C. Moss	<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 17<sup>th</sup> day of December, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



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

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

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

Bruce Libhaber



miamidade.gov

Transit

701 NW 1st Court • 1700

Miami, Florida 33136

T 786-469-5431 F 786-469-5580

November 14, 2013

Dillard R. Borden, Jr.  
Tri-City Electric Co., Inc.  
625 N.W. 16<sup>th</sup> Avenue  
Miami, FL 33125

Project Number: IRP007  
Project Name: Metromover Fiber Optic and CCTV Replacement  
FCSC: 8.12  
Description: Miami-Dade Transit Final Negotiated Price  
Contract Number: CICC 7360-0/08 / RPQ. No: 230195-R3

Dear Mr. Borden,

This letter serves as your official notification that Miami-Dade County has successfully completed negotiations with Tri-City Electric Co., Inc., the responsible and responsive bidder for the referenced contract. The final total bid amount is \$3,300,000.00, which includes the new base amount of \$3,000,000.00, and new allowance account of \$300,000.00 for unforeseen changes.

The negotiated base price was the result of the November 14, 2013 negotiation meeting between Miami-Dade Transit (MDT) and Tri-City Electric Co., Inc. The final negotiated amount reflects Tri-City Electric's total discount to the base price of \$334,480.00.

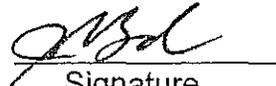
As such, below is Miami-Dade County's adjustment to the bid items to reflect the negotiated base bid amount.

#	Description	Negotiated Amount
1	GENERAL REQUIREMENTS	\$394,077.00
2	FIBER OPTIC	\$1,907,923.00
3	CCTV	\$698,000.00
	NEGOTIATED BASE BID	\$3,000,000.00

Dillard R. Borden, Jr.  
November 14, 2013  
Page Two

This letter also serves as a reminder that all work must be performed according to the scope of work and contract's terms and conditions, all permits and inspections and in accordance with all applicable Federal, State and local laws, codes and regulations.

Please sign and return this letter to signify your agreement with the new total bid amount.

<u>J.R. BORDEN PRESIDENT</u>	<u></u>	<u>11/14/13</u>
Print Name and Title	Signature	Date
<u>TRI-CITY ELECTRIC &amp; INC</u>		

Thank you for your cooperation in agreeing to the adjusted contract amount.

Sincerely  


Jesus Valderrama, Jr.  
Manager  
MDT Engineering Contract Services

- c: Clerk of the Board
- Ysela Llort
- Hugh Chen
- Bruce Libhaber
- Colin Armorer



**MIAMI DADE COUNTY**  
 Department of Small Business Development  
 Firm History Report

From: 11/15/2008 To: 11/15/2013

FIRM NAME: TRI-CITY ELECTRIC CO., INC.  
 625 NW 16th Ave  
 Miami, FL 33125

PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
* BP NO. 20	1	NDBASI	GOAL - SBE SBE 2%	03/22/2010	\$2,142,843.00
			GOAL - CSBE CSBE 7%		
					\$2,142,843.00

Total Award Amount		\$2,142,843.00
Total Change Orders Approved by BCC		\$0.00
		<u>\$2,142,843.00</u>

12

\* Indicates closed or expired contracts.  
 Disclaimer: Payments shown may not reflect current information



miamidade.gov

Transit  
701 NW 1st Court · 1700  
Miami, Florida 33136  
T 786-469-5431  
F 786-469-5580

October 23, 2013

Mr. J.R. Borden  
Tri-City Electric Co.  
625 N.W. 16<sup>th</sup> Avenue  
Miami, FL 33125

Project Number: IRP007  
Project Name: Metro Mover Fiber Optic and CCTV Replacement  
FCSC: 8.12  
Description: Negotiation Meeting  
Contract Number: CICC 7360-0/08 / RPQ, No: 230195-R3

Dear Mr. Borden:

This letter will serve as your notification that Miami-Dade County (MDC) will negotiate with Tri-City Electric Co., regarding the above-referenced contract solicitation, as instructed by the Board of County Commissioners on October 22, 2013.

MDT has scheduled a negotiation meeting for November 4, 2013, 10:00 a.m., Overtown Transit Village, 701 N.W. 1st Court, 15<sup>th</sup> Floor, North Conference Room.

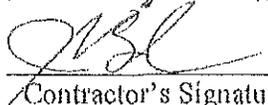
The following items are to be provided during this meeting:

- A. The Contractor shall develop and submit a comprehensive and detailed construction loaded schedule which represents the Contractor's own plan for the project as well as the sequence of each operation and all the involved parties. The schedule shall also identify the project's critical path.
- B. As a minimum, the schedule will cover the following areas:
  1. Shop drawing preparation, review and approval
  2. Procurement of major equipment or product/material
  3. Permit acquisition activities
  4. Product/Material delivery
  5. All major work elements

6. Punch list activities
  7. Rates of Production
  8. Submittals
  9. Work Elements by other
- C. In support of the construction loaded schedule, please provide a written narrative on separate sheets. This narrative will describe the Contractor's general approach for performing the work and any additional or unusual requirements not clearly represented in the schedule including, but not limited to, equipment to be used and the time equipment is to be on-site, anticipated delivery dates for material and/or equipment, crews and crew sizes, estimated quantities and rates of production. The narrative shall explain the basis for the Contractor's determination of durations for major work items and describe his approach for meeting the interim and final completion dates in his schedule. The narrative shall also address workdays per week, hours per shift, rain days, holidays or any other non-work periods that the Contractor is assuming in the planning of the work. Activities which may be expedited by the use of overtime or additional shifts shall be identified. Sequencing and other restraints such as manpower, material or equipment shall be identified and explained.
- D. The Contractor shall provide scope of work with letters from all his sub-contractors and suppliers indicating that they have reviewed the Contractor's schedule and concur with the sequence of events, activity durations and rates of production.
- E. The Contractor shall submit a completed submittal schedule and list of products/materials for all items requiring the Engineer-of-Record's (EOR) review and approval with the understanding that the end product for this project is the Fiber Optic replacement and expansion of the existing CCTV system. The contractor must identify all components and subcomponents in compliance with the Buy America requirements, identification of products/materials by description, model number, style number, serial number, manufacturer's literature, catalog cuts and material safety data sheets and any other relevant information.
- F. The Contractor shall submit a completed break down cost estimate including a detail list of all product/material to be used for this project. The cost of manpower or equipment shall also be identified.

Page Three  
Mr. J.R. Borden

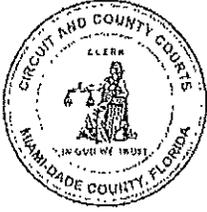
This letter will also serve as a reminder that all work must be performed according to the scope of work and contract's terms and conditions, all permits and inspections and in accordance with all applicable Federal, State and local laws, codes and regulations.

*TCL-CITY ELECTRIC Co. Inc.*  
By:  *J.R. Borden PRESIDENT* 10/25/13  
Contractor's Signature Date

Sincerely,   
Jesus Valderrama, Jr.  
Engineering Contract Services  
Manager

- c: Clerk of the Board
- Ysela Llori, MDT
- Hugh Chen, MDT
- Albert Hernandez, MDT
- Bruce Libhaber, CAO
- Daniel Mondesir, MDT
- Colin Armorer, MDT
- Patra Liu, OIG

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



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

September 4, 2013

Kerry M. Lewis, Esq.  
Elder & Lewis  
1500 San Remo Avenue, Suite 214  
Coral Gables, Florida 33146

Re: Bid Protest – CICC 7360-0/08 – RPQ No. 230195-R 3  
Metro Mover Fiber Optic and CCTV Replacement

Dear Attorney Lewis:

Pursuant to Section 2-8.4 of the Code and Implementing Order 3-21, forwarded for your information is a copy of the Findings and Recommendation filed by the Honorable Judge David Tobin, Hearing Examiner, in connection with the foregoing bid protest hearing which took place on August 27, 2013.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Sincerely,  
HARVEY RUVIN, Clerk  
Circuit and County Courts

By

Christopher Agrippa, Division Chief  
Clerk of the Board Division

CA/fcd  
Attachment

Kerry M. Lewis, Esq.  
Elder & Lewis  
Page Two  
September 4, 2013

cc: Honorable Chairwoman Rebeca Sosa and  
Members, Miami-Dade County Board of County Commissioners (via email)  
R.A. Cuevas, County Attorney (via email)  
Hugo Benitez, Assistant County Attorney (via email)  
Bruce Libhaber, Assistant County Attorney (via email)  
Jenelle Snyder, County Attorney's Office (via email)  
Rita Gonzalez, County Attorney's Office (via email)  
Elizabeth Alfonso Ruiz, County Attorney's Office (via email)  
Charles Anderson, Commission Auditor (via email)  
Elizabeth Owens, BCC Legislative Analyst, Commission Auditor's Office (via email)  
Ysela Llori, Director, Miami-Dade Transit (via email)  
Jesus Valderrama, Manager, Contract Services, Miami-Dade Transit (via email)  
Lester Sola, Director, Internal Services Department (via email)  
Miriam Singer, Assistant Director, Procurement Management, ISD (via email)  
Ray Baker, Assistant to the Director, ISD (via email)  
Walter Fogarty, Manager, Procurement Vendor Services, ISD (via email)  
Amos Roundtree, Director, Purchase Division, ISD (via email)  
Yvonne Andres, Miami-Dade Transit (via email)

HARVEY RUVIN, CLERK OF THE BOARD

TRI-CITY ELECTRIC CO., INC.  
Petitioner

v.

MIAMI-DADE COUNTY  
Respondent

BID PROTEST  
PROJECT NO. IRP 007  
PROJECT NAME- METRO-  
MOVER FIBER OPTIC &  
CCTV REPLACEMENT  
AWARD TO WAVEGUIDE  
COMMUNICATIONS, INC.  
RPQ No. 230195-R3

RECCOMENDATION OF HEARING EXAMINER

On August 27, 2013, after proper notice to all interested parties, a hearing was held at 10:00 A.M. in conference Room "B", 27th Floor, in the Stephen P. Clark Government Center Building, 111 N.W. 1st Street, Miami, Florida.

Present were: For Petitioner - Kerry Lewis, Esq., David B. Williams, Esq., Russ Borden and Rodney Borden, Officers of Tri-City Electric, the protestor; Bruce Libhaber, Esq., County attorney and Jesus Valderamma, Manager of MDT Engineering Contract Services Section, and Hearing Examiner David L. Tobin, Senior Circuit Judge of the 11th Judicial Circuit

All witnesses were sworn and each party made opening statements and arguments and submitted exhibits to which there were no objections.

FINDINGS OF FACT

There were six bids submitted for this project. Waveguide was the low bidder at \$1,788,718.12. Tri-City was the second lowest bidder at \$3,667,928.00. The county originally estimated this project at approximately \$3,200,00.00.

Waveguide was recommended on August 9, 2013. This protest followed.

With regard to the project RPQ's requirements for licensing MDC RPQ comment 17 states: "...A. All contractors must hold a current valid Certificate of Competency for General Building/Engineering or Specialty Trades Contracting, as required by the Florida Building Code, for the types of work covered by the Contract at the time of RPQ submission and maintain same throughout the duration of the project".

At the time of the submission Waveguide did not have a current valid

CLERK OF THE BOARD  
2013 SEP -4 PM 2:10  
CLERM, CHARLOTTE CLAYTON  
MIAMI-DADE COUNTY, FLA.  
#1

certificate of Competency for General Building/Engineering. Nor did Waveguide have a valid Electrical license. (They had a low-voltage license suitable for alarm systems) The Project required both high and low voltage work.

Waveguides sole license at the time of the RPQ submission was a Certified Alarm System Contractor license.

#### CONCLUSIONS OF LAW

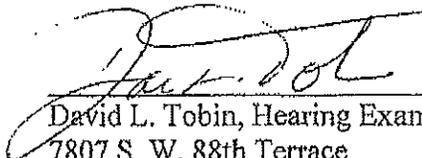
It was clear to the Hearing Examiner that this is a one-issue case. That is, was Waveguide qualified to be awarded the subject contract based upon its low voltage alarm license?

Although the Dade County employees were motivated to accomplish this job at the most cost efficient price to act in the best interest of their employer - Dade County taxpayers- and they mightily tried to put the square peg in the round hole, it simply flies in the face of the fact that Waveguide's bid is Non-Responsive by its inability to qualify as a bona fide bidder.

There is no finding that the award to Waveguide was arbitrary, capricious, or was the product of dishonesty, fraud, oppression or misconduct. It was, however, clearly illegal.

It is recommended that the next lowest bidder, Tri-City Electric be awarded this bid, forthwith.

Respectfully submitted this 14 Day of September, 2013.

  
David L. Tobin, Hearing Examiner  
7807 S. W. 88th Terrace  
Miami, Fl. 33156  
Tel. (305) 274-6403  
Fax (305) 274-3161

Copies furnished to:  
Clerk of the Board (Original)  
Kerry Lewis, Esq. Via Fax Only: (305) 667-4664  
Bruce Libhaber, Esq. Via Fax Only: (305) 375-5634