

Memorandum



Date: May 1, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation for Approval to Award: Polo Shirts

Agenda Item No. 8(F)(11)

Recommendation

It is recommended that the Board of County Commissioners (Board) approve a competitive contract award, *Contract No. FB-00685, Polo Shirts*, for multiple County departments. This contract provides for the purchase of both long-and short-sleeved polos, made of various fabrics, each embroidered with the County and/or individual department's logo. The majority of these polo shirts will be used as departmental uniforms. The solicitation includes two groups: (A) polo shirts purchased with non-federal funds, which include set-aside for local and certified Small Business Enterprises, and (B) polo shirts purchased with federal funds.

Scope

The scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the five-year term is \$1,482,000. The current bridge contract, FB-00685B, is valued at \$164,000 for a six-month term and expires on October 31, 2018. The previous contract, 8148-0/17, was valued at \$1,851,000 for a five-year and six-month term and expired on April 30, 2018. The allocation in the recommended contract is lower than the current based on the contract usage and future estimated quantities.

Department	Allocation	Funding Source	Contract Manager
Animal Services	\$70,000	General Fund	Michael Garateix
Aviation	\$90,000	Proprietary Funds	Neivy Garcia
Clerk of the Courts	\$4,000	Clerk Revenue	Charis Lubeck
Communications	\$55,000	General Fund	Deborah Dean
Community Action and Human Services	\$135,000	Federal Funds / General Fund	Kimberly Craig
Corrections and Rehabilitation	\$100,000	General Fund	Mohammed Haq
Information Technology	\$99,000	Internal Service Funds	Manuel Fernandez
Inspector General	\$2,000	Proprietary Funds	Adria Dilme-Bejel
Internal Services	\$60,000	Internal Service Funds	Lorena Zapustas
Juvenile Services	\$2,000	General Fund / State Funds	Sabrina Burch
Medical Examiner	\$2,000	General Fund	Aylin Concepcion
Parks, Recreation and Open Spaces	\$250,000	General Fund	Bernie Rodriguez
Police	\$200,000	General Fund	Laura Romano
PortMiami	\$5,000	Proprietary Funds	Gyselle Pino
Public Housing and Community Development	\$30,000	Federal Funds	Indira Rajkumar-Futch

Department	Allocation	Funding Source	Contract Manager
Regulatory and Economic Resources	\$100,000	Proprietary Funds	Manuel Blanco
Solid Waste Management	\$90,000	General Fund / Proprietary Funds	Olga Espinosa-Anderson
Transportation and Public Works	\$38,000	DTPM Operating	Angela Mathews-Tranumn
Water and Sewer	\$150,000	Proprietary Funds	Susan Pascul
Total:	\$1,482,000		

Track Record/Monitor

Basia Pruna of the Internal Services Department is the Procurement Contracting Manager.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise all provisions of the contract, including any cancellation, renewal and extension provisions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Vendor(s) Recommended for Award

An Invitation to Bid was issued under full and open competition. The method of award was to the lowest-priced, responsive and responsible bidder by item in the two groups: Group A - Non-Federally funded and Group B - Federally funded. Fifteen bids were received in response to the solicitation. Four vendors are recommended for award, of which three are certified Small Business Enterprises, have Miami-Dade addresses and are locally headquartered.

Awardee	Principal Address	Address of Branch Offices or Headquarters in Miami-Dade*	Number of Employee Residents	Principal	Award
			1) Miami-Dade 2) Percentage*		
DGG Uniform and Work Apparel, LLC	8725 Youngerman Court Number 305 Jacksonville, FL	None	0	Gary Meares	Group B: Items 4, 6-13, 18
			0%		
Global Trading Inc. (SBE)	7262 NW 33 Street Miami, FL	Same	11	Viraj Wikramanayake	Group A: Item 14 Group B: Items 17, 19
			52%		
IPA Corp. (SBE)	19840 Cutler Court Cutler Bay, FL	Same	2	Norberto Cederna	Group A: Item 4
			100%		
Paragon Uniform Group, Inc. (SBE)	1612 Jefferson Avenue PH-1 Miami Beach, FL	Same	6	Pedro Gonzalez	Group A: Items 1, 2, 5-13, 15-23 Group B: Items 1, 2, 5, 14-16
			100%		

Item number three in Group A and Group B was discontinued by the manufacturer and deleted from the solicitation via addendum.

*Provided pursuant to Resolution No. R-1011-15. Percentage of employee residents is the percentage of vendors' employees who reside in Miami-Dade County as compared to the vendor's total workforce.

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Vendors Not Recommended for Award

Vendor	Reason for Not Recommending
C6 Tactical Corp.	Higher than lowest bid
D&D 15232 Corp./Permatex of Florida	
Designlab, Inc.	
Ibiley Uniforms, Inc.	
Innovative Incentives, Inc.	
IPhone and Ipad Warehouse, LLC d/b/a Phone and Pad Warehouse	
Proud Custom Apparel Company, LLC	
Riddell/All American	
The Player's Connection of Florida, LLC	
Monica Manufacturing d/b/a All Uniform Wear	Deemed non-responsive by the County Attorney's Office for failure to bid in accordance with solicitation requirements (opinion attached).
T-Shirts Plus Color, Inc.	

Due Diligence

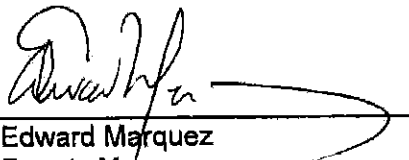
Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine vendor responsibility, including verifying corporate status and that there are no performance and compliance issues through various vendor responsibility lists and a keyword internet search. The lists that were referenced included convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to vendor responsibility.

Pursuant to Resolution No. R-140-15, prior to the re-procurement of the replacement contract, a full review of the scope of services was conducted to ensure the replacement contract reflects the County's current needs. The review included conducting market research, posting a draft solicitation for industry comment, and holding drafting sessions with the user department.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies and will be collected on all purchases made under Group A.
- The Small Business Enterprise Set-Aside was applied to Group A. No Measures were applied to Group B.
- The Local Preference was applied to Group A.
- The Living Wage does not apply.

Attachment



Edward Marquez
 Deputy Mayor

Memorandum



Date: January 17, 2018

To: Abelin Rodriguez
Contracting Officer
Internal Services Department, Procurement Management Section

From: Eduardo W. Gonzalez
Assistant County Attorney

Subject: Request for Responsiveness Determination on Invitation to Bid (ITB)
FB-00685: Titled, Polo Shirts

You have asked this office if bids submitted by two vendors, Monica Manufacturing, Inc. d/b/a All Uniform Wear (Monica) and TShirts Plus Color, on Invitation to Bid No. FB-00685 are responsive. We rely on the information provided in your December 5, 2017 memorandum, the terms of the ITB itself and the bids submitted by the vendors identified above. For the reasons set forth below, the bids at issue are nonresponsive.

Background

Monica provided bid prices for all items in part 2 but requires a minimum order of 30 units for each of letters 'n', 'dd', 'ff' and 'mm'. The general terms and conditions of the solicitation states, "[t]he Bidder may be considered non-responsive if bids are conditioned to modifications, changes, or revisions to the terms and conditions of this solicitation." Section 1, Paragraph 1.3E. The solicitation does not state that minimum order quantities are allowed.

TShirts Plus Color, did not bid letters 'ii' and 'mm' in part 2 and letter 'n' in part 4. The ITB's method of award states in part, "In order to be considered for award, bidders are to provide pricing for the polo shirt(s) listed under Part 1 and/or Part 3 along with pricing for all embroidery/screening services listed in Part 2 and/or Part 4 . . . [f]ailure to provide a price for a required size or for any embroidery services may result in the bid for that item being rejected."

Discussion

In general, a bid may be rejected or disregarded if there is a material variance between the proposal and the advertisement. A minor variance, however, will not invalidate the proposal. See Robinson Elec. Co. v. Dade County, 417 So. 2d 1032, 1034 (Fla. 3d DCA 1982). The determination of whether a variance or irregularity is minor is fact specific and may differ from bid to bid. Florida courts have used a two-part test to determine if a specific noncompliance in a bid would constitute a substantial and, thus, nonwaivable issue: (1) whether the effect of the waiver would be to deprive the County of the assurance that the contract would be entered into, performed and guaranteed according to its specific requirements; and (2) whether it would adversely affect competitive bidding by placing a proposer in a position of advantage over other proposers. See Glatstien v. City of Miami, 399 So. 2d 1005 (Fla. 3d DCA 1981).

T-Shirts Plus Color failed to submit prices on all the items required by the ITB. Such failure deprives the County of the assurance that the contract will be performed and guaranteed in accordance with the terms of the solicitation and thereby renders T-Shirts Plus Color's bid on the items at issue non-responsive. See Matter of: New Shawmut Timber Co., B-286881, 2001 CPD P 42, 2001 WL 185214, *1

(Comp. Gen. Feb. 26, 2001) (“The failure to include a price for a line item evidences a bidder’s intent not to be bound or obligated to perform that element of the requirement, and thus generally renders the bid nonresponsive.”).

Monica is likewise non-responsive. Monica conditions its pricing on a minimum quantity amount. Such a variance is material as it conditions the element of pricing, not permitted by the terms of the ITB and confers an unfair competitive advantage to Monica if allowed. Accordingly, Monica’s bid on the items at issue is nonresponsive.


/s/ Eduardo W. Gonzalez



MEMORANDUM
(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: May 1, 2018

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(F)(11)

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(F)(11)
5-1-18

RESOLUTION NO. _____

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00685 FOR PURCHASE OF POLO SHIRTS FOR VARIOUS COUNTY DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$1,562,000.00 FOR AN INITIAL TERM OF FIVE YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves award of Contract No. FB-00685 for purchase of polo shirts for various County departments as set forth in the incorporated memorandum in a total amount not to exceed \$1,562,000.00 for an initial term of five years, and authorizes the County Mayor or County Mayor's designee to give notice of this award, issue the appropriate purchase order to give effect to same and exercise all provisions of the contract pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38. A copy of the contract is on file with and available upon request from the Internal Services Department, Procurement Management Services Division.

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

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Daniella Levine Cava	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
District 5 - Vacant	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of May, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Eduardo W. Gonzalez