

Memorandum



Date: March 15, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor *Daniella Levine Cava*

Subject: Recommendation to Waive Competitive Bidding and Authorize the County Mayor or County Mayor’s Designee to Negotiate and Enter into a Contract to Continue Leasing PROS Current Inventory of Golf Carts for a Period of 18 Months

Agenda Item No. 8(H)(1)

EXECUTIVE SUMMARY

It is recommended that the County waive the competitive bidding requirements of Section 2-8.1(b)(1) of the County Code and Section 5.03(D) of the County Charter by a two-thirds vote of the Board members present and authorize the County Mayor or County Mayor’s designee to negotiate and enter into a contract with Advantage Golf Cars, Inc. (Advantage) for golf carts. This recommendation is in the best interest of the County as it will allow the continuation of the use of golf carts during the delay of the current procurement caused by COVID-19 manufacturing shutdowns and supply chain disruptions. If approved, the negotiated contract will allow the department to retain the current inventory of golf carts and continue with no disruption of service to critical operations, maintenance and revenue generating activities.

Recommendation

It is recommended that the Board of County Commissioners (Board):

1. Waive competitive bidding pursuant to Miami-Dade County Code (County Code) Section 2-8.1(b)(1) and Section 5.03(D) of the County Charter, by a two-thirds vote of the Board members present.
2. Authorize the County Mayor or County Mayor’s designee to negotiate and execute a contract between the County and Advantage in an amount not to exceed \$4,730,000 for a period of 18 months that will allow PROS to retain the current inventory of golf carts (approximately 626) and continue with no disruption of service to critical operations, maintenance and revenue generating activities. A report will be brought back to the Board once the contract is awarded to provide a summary of the key terms of the executed contract.

Background

Given the history described more fully below, it is not practicable to competitively solicit these goods and services, and it is in the best interest of the County to waive formal bid procedures to ensure that PROS can retain the current inventory of golf carts and continue with no disruption of service to critical operations, maintenance, and revenue generating activities.

Over the course of the last approximately 18 months, the Internal Services department (ISD) and PROS have attempted to competitively procure a new contract for golf cart leases to replace expired contract, FB-00068-1 (1), Lease of Golf Carts and Turf/Work Vehicles, on two separate occasions.

The first replacement solicitation, FB-01620, Golf Carts and Utility Vehicles was advertised on August 10, 2020. Yamaha Golf Car Company provided the lowest bid, and Advantage Golf Cars, Inc. provided the second lowest bid. Throughout the period, the apparent low-bidder, Yamaha Golf Car Company, along with Jeffrey Allen Inc., were deemed non-responsive by the County Attorney’s office for discrepancies in the completion of the pricing sheet. Yamaha was only deemed partially non-responsive

for the groups pertaining to Parks. This left only Advantage Golf Cars LLC, whose prices were close to 40% higher than the other bidders. At the April 15, 2021 Recreation and Culture Committee, staff was directed to negotiate pricing with Advantage as the second lowest bidder. The results of which yielded reduced pricing that was still 30% higher than the lowest bid provided. In an effort to obtain the best value for the County and ensure healthy competition, the decision was made to re-advertise and ensure that pricing sheets included in the procurement were simplified to avoid unnecessary confusion or errors.

FB-01843, PROS Golf Carts & Utility Vehicles, was advertised on March 26, 2021. As you are aware, over the past two years, manufacturing plants, both domestic and international, were closed for extended periods of time as a result of COVID-19. This led to significant delays in manufacturing, a decrease in the workforce, and significant product shortages inclusive of components of the golf carts we have attempted to procure. Once again, Yamaha was the apparent lowest bidder on FB-01843, yet before the award recommendation could be presented to the Board for approval, Yamaha advised the County that they were withdrawing their bid because of the manufacturing delays and product shortages mentioned above. The vendor could not commit to delivery timelines, as production was still uncertain. This led to ISD and Parks holding several meetings and discussions with both bidders (Yamaha and Advantage) on the ability for either one of them to deliver the golf carts in accordance with their submitted bids and most importantly, the submitted timeline. Both vendors stated that due to the production shortages and manufacturing delays, the County’s timeline for delivery of new golf carts could not be met, and now had lead times of almost 18 months. Meanwhile, there was a growing concern as to the department’s ability to continue leasing the current fleet of 626 golf carts with both Yamaha and Advantage.

While the County was able to extend the expired golf cart contract under the ISD Director’s authority, the allocation under that extension will soon be exhausted and we will be left with no contract with Yamaha to retain the golf carts. In meeting with Parks and ISD, Yamaha has since declared that they are not interested or in a position to continue contracting with the County at this point. In the interim, Yamaha has agreed to sell the current fleet leased by the County to Advantage, and Advantage has agreed to buy the golf carts and contract with the County in order for the department to continue operations and subsequently to allow for another contract for the delivery of new golf carts with approval by the Board. Advantage requested commitment from the County in order to move forward with the purchase of Yamaha’s golf carts, however the administration cannot make such a commitment without the express approval of the Board. As such, PROS is recommending a bid waiver and that the Board delegate to the Mayor or designee, the authority to, negotiate, and enter into a leasing contract with Advantage for golf carts to serve as a bridge contract. It is in the best interest of the County to enter into this contract with Advantage in order for PROS to retain the current inventory of golf carts with no disruption of service to critical operations, maintenance, and revenue generating activities. Since it was not possible to simply award the second solicitation to Advantage due to the fact that the prices, delivery timelines, and the types of vehicles are different from the procurement due to supply chain issues, ISD is currently preparing a bid waiver for approval to enter into a second contract with Advantage for the purchase to lease new golf carts. The expected lead time for delivery is 12-18 months, which would occur in a staggered manner, as new carts become available.

Scope

The scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact shall not exceed \$4,730,000. The Department allocation is based on the adopted budget for Fiscal Year 2021-22. As indicated in the table below, the golf carts will be funded by the General Fund and Proprietary funds.

Department	Allocation	Number of Carts	Funding Source	Contract Manager
Parks, Recreation and Open Spaces	\$4,730,000	Approximate ly626	General Fund/Proprietary funds - \$4,730,000	Fernando L. Robreño
Total:	\$4,730,00	626		

Track Record/Monitor

Vanessa Stroman, ISD, is the Procurement Contracting Manager. Christina Salinas Cotter, Assistant Director of Performance Excellence, will monitor the contract for PROS.

Delegated Authority

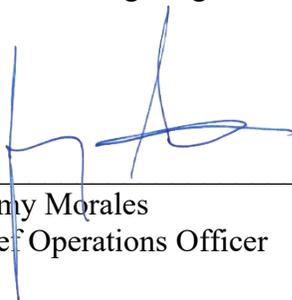
Upon approval of this item, the County Mayor or the County Mayor’s designee will have the authority to negotiate and enter into a contract with Advantage Golf Cars, Inc. up to the aggregate amount of \$4,730,000 authorized by the Board. The County Mayor or County Mayor’s designee will have the authority to exercise all provisions of the contract pursuant to such designation, including any cancellation, renewal and extension provisions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Due Diligence

Pursuant to Resolution No. R-187-12, due diligence will be conducted prior to each award, access or modification, in accordance with ISD’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.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision will be applied for each specific purchase where permitted by the funding source.
- The Small Business Enterprise contract measures and Local Preference will be applied for each specific purchase where permitted by the funding source.
- The Living Wage does not apply as these are not covered services under the Ordinance.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(H)(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
- 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 present , 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(H)(1)
3-15-22

RESOLUTION NO. _____

RESOLUTION WAIVING THE COMPETITIVE BIDDING REQUIREMENTS OF SECTION 2-8.1(B)(1) OF THE COUNTY CODE AND SECTION 5.03(D) OF THE COUNTY CHARTER BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AND EXECUTE A CONTRACT TO CONTINUE LEASING PARKS, RECREATION AND OPENS SPACES (PROS) CURRENT INVENTORY OF GOLF CARTS FOR A PERIOD OF 18-MONTHS IN AN AMOUNT NOT TO EXCEED \$4,730,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF SUCH CONTRACT PURSUANT TO THIS DELEGATION, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF ANY AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF ANY SUCH CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38; AND REQUIRING A REPORT TO THE BOARD

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

WHEREAS, the Board finds it in the best interest of the County to waive competitive bidding requirements of section 2-8.1(b)(1) of the County Code and section 5.03(D) of the County Charter by a two-thirds vote of the Board members present,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated into this resolution and are approved.

Section 2. This Board finds that it is in the best interest of Miami-Dade County to waive the competitive bidding requirements of section 2-8.1(b)(1) of the County Code and section 5.03(D) of the Home Rule Charter by a two-thirds vote of the Board members present to allow for the County to contract for the retention of Parks, Recreation and Open Spaces' current inventory of golf carts.

Section 3. This Board also authorizes the County Mayor or County Mayor's designee to negotiate and execute a contract with the current vendor, Advantage Golf Cars, Inc., for term of 18 months in an amount not to exceed \$4,739,000.00 for the retention of such golf carts and to exercise all provisions contained therein. This Board further authorizes the County Mayor or County Mayor's designee to give notice of the award, issue the appropriate purchase orders to give effect to the same, and exercise all provisions of this contract, including any cancellation, renewal or extension provisions, pursuant to section 2-8.1 of the County Code and Implementing Order 3-38. Copies of the contract will be kept on file with and available upon request from the Internal Services Department, Strategic Procurement Division.

Section 4. The County Mayor or County Mayor's designee is directed to prepare a report once the contract is awarded summarizing the key terms of the executed contract. The completed report and executed contract shall be placed on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

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:

Jose "Pepe" Diaz, Chairman
Oliver G. Gilbert, III, Vice-Chairman

Sen. René García
Sally A. Heyman
Eileen Higgins
Kionne L. McGhee
Raquel A. Regalado
Sen. Javier D. Souto

Keon Hardemon
Danielle Cohen Higgins
Joe A. Martinez
Jean Monestime
Rebeca Sosa

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of March, 2022. 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.

Melanie J. Spencer

MJS