

# Memorandum



Agenda Item No. 2(B)(8)  
June 1, 2022

**Date:** April 18, 2022

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

**From:** Daniella Levine Cava   
Mayor

**Subject:** Report on Implementing Policy Regarding Solicitations for County Contracts that Require Minimum Years of Experience or Completed Similar Projects, the Experience of the Bidding or Proposing Vendor's Key Personnel be Considered in Assessing Vendor's Compliance with Solicitation's Minimum Requirements - Directive No. 212675

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This report is being presented in response to Resolution No. R-1122-21 sponsored by Commissioner Raquel A. Regalado and adopted by the Board of County Commissioners (Board) on November 16, 2021, directing the County Mayor or Mayor's designee to: (1) implement policy allowing for the experience of a bidder's or proposer's key personnel to be considered when assessing whether bidder or proposer meets the solicitation's minimum experience requirements in County construction contracts and/or the procurement of goods or services, excluding professional services whose procurement procedures are governed by §287.055, Florida Statutes; (2) develop language for inclusion in specifications, ensuring that required experience/references of a bidder's or proposer's key personnel are considered, in lieu of the references from the bidder or proposer; and, (3) provide a report detailing the actions taken in implementing the policy set forth in Resolution No. 1122-21.

The acquisition of goods and services, along with architectural, engineering, and construction services, are critical to the support of Miami-Dade County's operations and the County's ability to provide services and resources to the community. The County's procurement process also provides many opportunities to advance the County's ability to help small businesses grow and is a ladder of opportunity and economic self-sufficiency for our residents. At my direction, the Internal Services Department (ISD) developed and implemented a "Values-Based Procurement" model which officially launched on April 11<sup>th</sup>, 2022. The goals of Values-Based Procurement are to ensure greater small and local business participation, environmental resiliency, access, efficiency, and transparency. Implementation of this effort commenced in 2021 and has already resulted in new opportunities.

Strategic Procurement Division (SPD), a division of the Internal Services Department, is responsible for the acquisition of goods and services, architectural and engineering services, and design-build projects on behalf of County departments. In the recent years, solicitations issued by SPD have NOT included minimum experience requirements since the number of years of experience may not be reflective of vendor capability and, as such, could reduce competition. This resolution is in alignment with our best practice model in maximizing competition by eliminating barriers.

SPD does request similar project references in determining bidder's or proposer's responsibility, which relates to whether the vendor can perform as provided for in the solicitation. Resolution No. R-1122-21 presents a unique opportunity to further expand upon the best practice model by considering key personnel's references in lieu of the bidder or proposer. The outcomes of

implementing the policy set forth in this resolution include a reduction in barriers to competition for newly formed legal entities (vendors) that have the necessary key personnel experience to responsibly perform contract requirements, and an increase in vendor participation in the County's competitive solicitations.

ISD has revised its applicable solicitation templates (i.e., Invitation to Bid, Request for Proposals, Request for Qualifications, Work Order Proposal Requests) to include language which considers prior experience of bidder's or proposer's key personnel and allows for the evaluation of their references, in lieu of the references from the bidder or proposer which are part of the current requirements to determine responsibility. In addition, ISD will further implement this policy by working with County departments to ensure that the minimum requirements for capital projects processed through the Miscellaneous Construction Contracts Program incorporates the newly developed language.

This report will be placed on the next available Board Agenda pursuant Ordinance No. 14-65. Should you need further information, please contact Alex Muñoz, Director of the Internal Services Department, at 305-375-5893.

Attachments:

Invitation to Bid Template – Sections 2 through 4  
Request for Proposals Template – Proposer Information

- c: Geri Bonzon-Keenan, County Attorney
- Gerald K. Sanchez, First Assistant County Attorney
- Jess M. McCarty, Executive Assistant County Attorney
- Office of the Mayor Senior Staff
- Department Directors
- Alex Muñoz, Director, Internal Services Department
- Yinka Majekodunmi, Commission Auditor
- Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
- Basia M. Pruna, Director, Clerk of the Board
- Eugene Love, Agenda Coordinator

**SECTION 2**

**ADDITIONAL/SPECIAL TERMS AND CONDITIONS**

**2.1 PURPOSE**

**2.2 TERM OF CONTRACT**

This Contract shall commence on the first calendar day of the month succeeding approval of the Contract by the Board of County Commissioners, or designee, unless otherwise stipulated in the Purchase Order issued by the Internal Services Department, Strategic Procurement Division. The Contract shall expire on the last day of the \_\_\_\_\_ month.

***Or (if one-time purchase, use below)***

This Contract shall commence on the first calendar day of the month succeeding approval of the Contract by the Board of County Commissioners, or designee, unless otherwise stipulated in the Purchase Order issued by the Internal Services Department, Strategic Procurement Division, and shall remain in effect until such time as the goods are delivered and/or services are completed and accepted by the County's authorized representative.

**2.3 OPTION TO RENEW**

**2.4 METHOD OF AWARD**

**2.5 QUALIFICATION CRITERIA**

Bidders must meet the following requirements to be considered for award:

**2.5.1** Bidder or Bidder's Subcontractor shall be regularly engaged in the business of providing ----- services to be considered for award. Bidder or Bidder's Subcontractor shall provide three (3) ***different*** references from customers to whom the Bidder or Bidder's Subcontractor has provided or is currently providing liquid waste handling services as described throughout this Solicitation. **In lieu of the references from the Bidder or Bidder's Subcontractor, the County will consider the references from Bidder's key personnel in accordance with Resolution No. 1122-21.**

The references should include the customer's company name, and the contact's name, title, address, telephone number, and e-mail address of the contact person who can verify that the **Bidder/key personnel/Subcontractor** has successfully provided the services (Section 4: Bid Submittal – Required Criteria). These references shall ascertain to the County's satisfaction that the Bidder/key personnel/Subcontractor has sufficient expertise in the industry and its firm is properly equipped to perform the required services.

**2.6 PRICES**

**2.7 METHOD OF PAYMENT**

**SECTION 3**

**SCOPE OF WORK/TECHNICAL SPECIFICATIONS**

**3.1 SCOPE OF WORK**

**3.2 GOODS/SERVICES TO BE PROVIDED**

DRAFT

**SECTION 4**

**BID SUBMITTAL REQUIRED CRITERIA**

TO BE COMPLETED BY ALL BIDDERS	
Paragraph Reference	Bidder Requirements
	<p>Refer to Paragraph 2.XX to ensure that Bidder's responses and attachments comply with the Solicitation's requirements.</p>
2.XX	<p>Bidder or Bidder's Subcontractor shall be regularly engaged in the business of providing liquid waste handling services to be considered for award. Bidder or Bidder's Subcontractor shall provide three (3) <b><i>different</i></b> references from customers to whom the Bidder has provided or is currently providing liquid waste handling services as described throughout this Solicitation. <b>In lieu of the references from the Bidder or Bidder's Subcontractor, the County will consider the references from Bidder's key personnel in accordance with Resolution No. 1122-21.</b></p> <p>The references should include the customer's company name, and the contact's name, title, address, telephone number, and e-mail address of the contact person who can verify that the <b>Bidder/Subcontractor/Bidder's key personnel</b> has successfully provided the services. These references shall ascertain to the County's satisfaction that the Bidder has sufficient expertise in the industry and its firm is properly equipped to perform the required services.</p> <p><b>Reference Company Name No. 1:</b> <input type="text"/></p> <p>Is reference for the Bidder, Subcontractor, <b>or</b> key personnel: <input type="text"/></p> <p>If <b>Subcontractor</b>, then identify the name of the Subcontractor: <input type="text"/></p> <p>If <b>key personnel</b>, then identify the name of the key personnel: <input type="text"/></p> <p>and make sure that company key personnel worked for is listed <b>above</b> as "Reference Company 1."</p> <p>Contact's name: _____ Title: _____</p> <p>Address: _____</p> <p>Phone Number: _____ Email: _____</p> <p><b>Reference Company Name No. 2:</b> <input type="text"/></p> <p>Is reference for the Bidder, Subcontractor, <b>or</b> key personnel: <input type="text"/></p> <p>If <b>Subcontractor</b>, then identify the name of the Subcontractor: <input type="text"/></p> <p>If <b>key personnel</b>, then identify the name of the key personnel: <input type="text"/></p> <p>and make sure that company key personnel worked for is listed <b>above</b> as "Reference Company 2."</p> <p>Contact's name: _____ Title: _____</p> <p>Address: _____</p> <p>Phone Number: _____ Email: _____</p>





## PROPOSER INFORMATION

### Minimum Qualification Requirements

1. Provide documentation that demonstrates Proposer's ability to satisfy all the minimum qualification requirements. Proposers who do not meet the minimum qualification requirements or who fail to provide supporting documentation may be deemed non-responsive. The minimum qualification requirements for this Solicitation are:



### Proposer's Experience and Past Performance

2. Describe the Proposer's past performance and experience and state the number of years that the Proposer has been in existence, the current number of employees, and the primary markets served.
3. Provide a detailed description of three (3) comparable contracts (similar in scope of services to those requested herein) which the Proposer has either ongoing or completed within the past three (3) years. **In lieu of the comparable contracts from the Proposer, the County will consider the contractual experience from Proposer's proposed Subcontractor or proposed key personnel, in accordance with Resolution No. 1122-21.**

The description should identify for each project: (i) client, (ii) description of work, (iii) total dollar value of the contract, (iv) dates covering the term of the contract, (v) client contact person and phone number, (vi) statement of whether **Proposer/key personnel/Subcontractor** was the prime contractor or subcontractor, and (vii) the results of the project. Where possible, list and describe those projects performed for government clients or similar size private entities (excluding any work performed for the County).

4. List all contracts which the Proposer has performed for Miami-Dade County. The County will review all contracts the Proposer has performed for the County in accordance with Section 2-8.1(g) of the Miami-Dade County Code, which requires that "a Bidder's or Proposer's past performance on County Contracts be considered in the selection of Consultants and Contractors for future County Contracts." As such, the Proposer must list and describe all work performed for Miami-Dade County and include for each project: (i) name of the County Department which administers or administered the contract, (ii) description of work, (iii) total dollar value of the contract, (iv) dates covering the term of the contract, (v) County contact person and phone number, (vi) statement of whether Proposer was the prime contractor or subcontractor, and (vii) the results of the project.
5. List and describe all bankruptcy petitions (voluntary or involuntary) which has been filed by or against the Proposer, its parent or subsidiaries, predecessor organization(s), or any wholly-owned subsidiary during the past three (3) years. Include in the description the disposition of each such petition.

### Key Personnel and Subcontractors Performing Services

6. Identify all key personnel. Provide an organization chart showing all key personnel, including their titles, to be assigned to this project. This chart must clearly identify the Proposer's employees and those of the subcontractors or subconsultants and shall include the functions to be performed by the key personnel. All key personnel includes all partners, managers, seniors and other professional staff that will perform work and/or services in this project.
7. Identify Subcontractors, if any. List the names and addresses of all first tier subcontractors, and describe the extent of work to be performed by each first tier subcontractor. Describe the experience, qualifications and other vital information, including relevant experience on previous similar projects, of the Subcontractors who will be assigned to this project.
8. Describe the experience, qualifications and other vital information, including relevant experience on previous similar projects, of all key personnel, including those of Subcontractors, who will be assigned to this project. Please



include: (i) names; (ii) titles; (iii) roles/functions to be performed; and (iv) copies of applicable certifications/accreditations. Address relevant experience, qualifications and other vital information on previous similar contracts, that qualifies the key personnel to perform the services as specified in Appendix A – Scope of Services. Provide resumes, if available, with job descriptions including any key personnel of subcontractors who will be assigned to this contract.

**Note:** After proposal submission, but prior to the award of any contract issued as a result of this Solicitation, the Proposer has a continuing obligation to advise the County of any changes, intended or otherwise, to the key personnel identified in its proposal.

### **Proposed Approach to Providing the Services**

9. Describe Proposer's specific project plan and procedures to be used in providing the services in the Scope of Services (see Section 2.0).
10. Describe Proposer's approach to project organization and management, including the responsibilities of Proposer's management and staff personnel that will perform work in this project.
11. Provide a project schedule identifying specific key tasks and duration.

### **Proposer's Sustainable Practices**

12. Describe in detail Proposer's sustainable business practices, by addressing the three pillars of sustainability: environmental, social, and economic
  - a. Environmental – Consideration of Product Attributes
    - i. Explain how Proposer will perform the Work required in this project by using durable products, reusable products and products (including those used in services) that contain the maximum level of post-consumer waste, post-industrial and/or recyclable content, without significantly affecting the intended use of the goods or services required.
    - ii. Provide Proposer's environmental policies, programs, certifications, in addition to specific requirements
  - b. Social/Fair Labor Standards - Contributions to the health, well-being and development of its employees
    - i. Describe Proposer's criteria in support of safe, fair, and equitable work practices and ethical behavior, to include
      - ✓ Job classification descriptions of any and all services to be performed;
      - ✓ geographic area within which the services are to be performed, under safe and accessible working conditions
      - ✓ Equitable wage/benefit determination practices
      - ✓ Detailed documentation on employee development and evaluation process
  - c. Economic - Equal access to small, diverse and disadvantaged suppliers
    - i. Identify Proposer's direct efforts to develop supplier diversity initiatives used to increase the participation of small, diverse and disadvantaged enterprises, in contracting opportunities.

13. Identify if Proposer has taken any exception to the terms of this Solicitation. If so, indicate what alternative is being offered and the cost implications of the exception(s). Only those exceptions identified herein will be considered by the County. Exceptions not specifically delineated will not be accepted from any Proposer(s) that may be invited to participate in Negotiations as outlined in Section 4.8 of the Solicitation.