

Agenda Item No. 8(P)(10)



Date: November 7, 2023

To: Honorable Chairman Oliver G. Gilbert, III

and Members, Board of County Commissioners

From: Daniella Levine Cava

Mayor

Subject: Request for Approval of a Non-Competitive Designated Purchase for Amendments to

Janitorial Services Contracts for the Miami-Dade Aviation Department

Summary

This item is for approval of a designated purchase to amend four janitorial services contracts by increasing the rates paid to the vendors by the Miami-Dade Aviation Department (MDAD). The current janitorial services contracts were awarded in 2019 with annual fixed and firm rates for each year, with prices increasing each year as proposed by the vendors in their proposals. These incremental yearly increases did not adequately cover the actual cost of Living Wage increases. The increases for Living Wage rates for Year 3 and Year 4 started to substantially impact the awarded vendors. In efforts to mitigate any adverse economic impact, each of MDAD's awarded janitorial services contracts require an amendment. These amendments represent a material change to each contract, and therefore require Board of County Commissioners (Board) approval.

Recommendation

It is recommended that the Board approve this request for a designated purchase for the contracts listed below which were awarded under *Pre-qualification Pool No. 9562-5/22-1, Janitorial Services,* for MDAD. Approval of a designated purchase, by a two-thirds vote of the Board members present, is being requested pursuant to Section 2-8.1(b)(3) of the Miami-Dade County Code to authorize adjustment to the contract rates for Year 3 and Year 4 (the final periods of performance).

Contract	Awarded Vendor
WOPR-00919 Janitorial Services for Miami International Airport, Terminals (D,E) Zone 1	C&W Facility Services, Inc.
WOPR-01150 Janitorial Services for Miami International Airport, Terminals (F,G,H,J) Zone 2	C&W Facility Services, Inc.
FB-01166 Janitorial Services for Miami International Airport Zone 3	N&K Enterprises, Inc.
FB-01167 Janitorial Services for Miami International and General Aviation Airports Zone 4	SFM Services, Inc.

Background

This pool was established by the Board via Resolution No. R-456-12 for five years, with five, one-year renewals for multiple County departments. MDAD accessed the pool for one year via Resolution No. R-1306-18 for \$40,072,750. The Board subsequently authorized additional expenditure authority via Resolution No. R-814-21 for \$63,186,375, to cover departmental needs through December 31, 2022. Additionally, the Board approved a two-year extension and additional expenditure of \$62,550,000 on November 15, 2022, via Resolution No. R-1113-22 to cover the operational needs for the departments to extend the term of pool to December 2024, and to allow for the transition from the prequalification pool to the Janitorial Services program.

Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners Page 2

This pool is used to solicit quotes for the establishment of contracts for janitorial services for over 300 County facilities. The pool is divided into three groups (1, 2, and 3) based on the square footage and number of floors within the facilities. The services include cleaning and disinfecting carpet, tile, windows, water fountains, carpet shampooing, dusting furniture, emptying trash cans and recycling containers, etc.

Aviation has four contracts, divided in zones, as follows: Zone 1 (includes terminals D and E); Zone 2 (includes terminals F, G, H, and J); Zone 3 (includes all nonterminal buildings and airport properties including public parking garages, employee parking areas, maintenance shops, Taxi Lot, Central Collection Plaza, Miami-Dade Police station, and other outlying buildings); and Zone 4 (includes all nonterminal buildings and airport properties including cargo buildings and other outlying buildings at MIA and the four General Aviation Airport sites).

These contracts are critical as they provide for janitorial services which are required for the health and safety of the public and County employees who utilize the County's airport facilities. Contractors are required to comply with the Miami-Dade County Living Wage (LW) Ordinance for the life of the contract. Rates on these contracts are awarded at an annual fixed rate inclusive of all costs, including LW expenses.

In March 2023, the janitorial services contractors requested adjustments to the labor portion of their annual rates (which represents approximately 70% of the overall cost of the services being rendered) for Year 3 and Year 4 to assist in relieving the impact that LW increases represented to their operations. Each vendor advised that the awarded contract rates included estimated Living Wage increases year over year between 2 to 2.5 percent based on historical data; however, increases of 6.3 percent for Fiscal Year 22-23 and 8.6 percent for Fiscal Year 23-24 were unforeseen. Staff reviewed the request with each vendor along with the increase already contemplated in their rates and has negotiated adjustments that range from 0.53% to 1.16% for the last two years of each contract.

Competition is not practicable as these contracts are in their final period of performance and a new competitive process is underway. To mitigate this issue going forward, the replacement contracts for these janitorial services for MDAD will include a provision that allows price adjustments based on annual Living Wage (labor portion of price) and Consumer Price Index (for non-labor portion of price) changes. Accordingly, it is in the County's best interest to award this designated purchase contract pursuant to Section 2-8.1(b)(3) of the Miami-Dade County Code to allow for the adjustments in rates for Year 3 and Year 4 to ensure continuity of services.

Scope

Miami International Airport is located within District 6, which is represented by Commissioner Kevin Marino Cabrera; however, the impact of this item is countywide.

Fiscal Impact/Funding Source

The pool term expires on December 31, 2024, and has a current cumulative allocation of \$477,791,957. There is no additional expenditure authority requested.

Track Record/Monitor

Natalya Vasilyeva of the Strategic Procurement Department (SPD) 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 execute the supplemental agreements and exercise all provisions contained therein.

Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners Page 3

Awarded Vendors

Vendor	Principal Address	Local Address	Principal
C&W Facility Services, Inc.	140 Kendrick Street Building C, Suite 201 Needham, MA	5200 Blue Lagoon Drive, Suite 760 Miami, FL	Mia Mends
N&K Enterprises, Inc. (ACDBE, DBE, SBE)	147 Alhambra Circle Suite 220 Coral Gables, FL	Same	Neale B. Jennings
SFM Services, Inc.	7500 NW 74 Avenue Medley, FL	Same	Jose MJR Infante

Due Diligence

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with SPD's Procurement Guidelines to determine contractor responsibility, including verifying corporate status and that there are no performance or 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 contractor responsibility other than a settlement from C&W Facility Services, Inc. due to failure to provide accurate wages to employees in a timely manner. No issues were found with the vendor under existing County contracts.

Applicability of Ordinances and Contract Measures

- The two percent User Access Program applies where permitted by funding source.
- Small Business Enterprise (SBE) subcontracting goals of 15% apply to WOPR-00919 and WOPR-01150, and 16.8% applies to FB-01167. In compliance with Resolution No. R-1001-15, at least 85% of the small business goal has been met for WOPR-00919, WOPR-01150 and FB-01167 (see attached). For WOPR-00919, the subcontractor has an open violation for underpayment of employees and has agreed to issue payments to achieve compliance. An SBE set-aside applies to FB-01166.
- The Local Preference was applied at the time of the spot market competition.
- The Living Wage Ordinance applies.

Attachments

Jimmy Morales

Chief Operations Officer





Date:

August 28, 2023

To:

Namita Uppal, Director

Strategic Procurement Department

From:

Gary T. Hartfield, Director

Small Business Development Division

Internal Services Department

Subject:

Project No. WOPR No. 00919 Janitorial Services for Miami International Airport,

Terminals (D&E) - Zone 1

Contract No. WOPR No. 00919, Janitorial Services for Miami International Airport, Terminals (D&E) – Zone 1 was awarded with a 15% Small Business Enterprise – Goods and Services (SBE-G&S) goal. The proposed amendment was reviewed for application of SBE measures. The awarded 15% SBE-G&S goal will apply to the amendment.

Contract No. WOPR No. 00919 was reviewed for compliance with the 15% SBE-G&S goal and Living Wage requirement. Resolution No. R-1001-15 requires County contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for Board approval. The prime, C&W Facility Services, Inc (C&W), has performed \$59,321,967 requiring the SBE subcontractors to have performed \$7,563,551 for compliance with Resolution No. R-1001-15. The SBE-G&S subcontractors have been paid \$9,015,201 in compliance with this requirement.

The prime is in compliance with the Living Wage requirement. There is one subcontractor with an open Notice of Violation for the underpayment of thirteen employees. The subcontractor has agreed to the findings in the Notice and will issue payments to employees to achieve compliance. For additional information, please contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153

Memorandum MA

MIAMI-DADE COUNTY

Date:

August 28, 2023

To:

Namita Uppal, Director

Strategic Procurement Department

From:

Gary T. Hartfield, Director

Small Business Development Division

Internal Services Department

Subject:

Contract No. WOPR No. 001150 (9562-5/22-1), Janitorial Services for Miami

International Airport - Terminals (FGHJ) - Zone 2

Contract No. WOPR No. 001150, Janitorial Services for Miami International Airport, Terminals (FGHJ) – Zone 2 was awarded with a 15% Small Business Enterprise – Goods and Services (SBE-G&S) goal. The proposed amendment was reviewed for the application of SBE measures. The awarded 15% SBE-G&S goal will apply to the amendment.

Contract No. WOPR No. 001150 was reviewed for compliance with the 15% SBE-G&S goal and Living Wage requirement. Resolution No. R-1001-15 requires County contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for Board approval. The prime, C&W Facility Services, Inc (C&W), has performed \$45,847,157 requiring the SBE subcontractors to have performed \$5,845,513 for compliance with Resolution No. R-1001-15. The SBE-G&S subcontractors have been paid \$8,087,580 in compliance with this requirement.

The prime and subcontractors are in compliance with the Living Wage requirement. For additional information, please contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153



Date:

August 28, 2023

To:

Namita Uppal, Director

Strategic Procurement Department

From:

Gary T. Hartfield, Director

Small Business Development Division

Internal Services Department

Subject:

Contract No. FB-01166, Janitorial Services for Miami International Airport - Zone 3

Contract No. FB-01166, Janitorial Services for Miami International Airport – Zone 3 was awarded with a Small Business Enterprise – Goods and Services (SBE-G&S) Set-Aside measure. The proposed amendment was reviewed for application of SBE measures. The SBE-G&S Set-Aside measure will apply to the amendment.

Contract No. FB-01166 was reviewed for compliance with the SBE-G&S Set-Aside measure and Living Wage requirement. Resolution No. R-1001-15 requires County contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for Board approval. The prime, N&K Enterprises, Inc (N&K), has performed \$10,784,593 and been paid \$10,733,701 for compliance with Resolution No. R-1001-15.

The prime is in compliance with the Living Wage requirements. For additional information, please contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153.



Date:

August 28, 2023

To:

Namita Uppal, Director

Strategic Procurement Department

From:

Gary T. Hartfield, Director

Small Business Development Division

Internal Services Department

Subject:

Contract No. FB-01167, Janitorial Services for Miami International and General

Aviation Airports – Zone 4

Contract No. FB-01167, Janitorial Services for Miami International and General Aviation Airports – Zone 4 was awarded with a 16.8% Small Business Enterprise – Goods and Services (SBE-G&S) goal. The proposed amendment was reviewed for application of SBE measures. The awarded 16.8% SBE-G&S goal will apply to the amendment.

Contract No. FB-01167 was reviewed for compliance with the 16.8% SBE-G&S goal and Living Wage requirement. Resolution No. R-1001-15 requires County contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for Board approval. The prime, SFM Services, Inc. (SFM) has performed \$10,547,087 requiring the SBE subcontractors to have performed \$1,506,124 for compliance with Resolution No. R-1001-15. The SBE-G&S subcontractors have been paid \$1,568,063 in compliance with this requirement.

The prime and subcontractors are in compliance with the Living Wages requirements. For additional information, please contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153.



MEMORANDUM

(Revised)

TO:	Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners	DATE:	November 7, 2023			
FROM:	Bonzon-Keenan County Attorney	SUBJECT:	Agenda Item No. 8(P)(10)			
Ple	ease note any items checked.					
	"3-Day Rule" for committees applicable if ra	ised				
	6 weeks required between first reading and p	oublic hearing	g			
	4 weeks notification to municipal officials required prior to public hearing					
	Decreases revenues or increases expenditures	s without bal	ancing budget			
	Budget required					
	Statement of fiscal impact required					
	Statement of social equity required					
	Ordinance creating a new board requires det report for public hearing	tailed County	Mayor's			
	No committee review					
<u> </u>	Applicable legislation requires more than a more present, 2/3 membership, 3/5's 7 vote requirement per 2-116.1(3)(h) or (4)(c) requirement per 2-116.1(3)(h) or (4)(c), requirement per 2-116.1(4)(c)(2)) to apply the second of the second	, unanimou), CDM or CDMP 9	S, CDMP P 2/3 vote			

Current information regarding funding source, index code and available

balance, and available capacity (if debt is contemplated) required

Approved	<u>Mayor</u>	Agenda Item No. 8(P)(10)
Veto		11-7-23
Override		
RESO	LUTION NO.	

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; APPROVING (1) SUPPLEMENTAL AGREEMENT NO. 1, CONTRACT NO. WOPR-00919, FOR C&W FACILITY SERVICES, INC.; (2) SUPPLEMENTAL AGREEMENT NO. 1, CONTRACT NO. WOPR-01150, FOR C&W FACILITY SERVICES, INC.; (3) CONTRACT MODIFICATION NO. 1, CONTRACT NO. FB-01166, FOR N&K ENTERPRISES, INC.; AND (4) CONTRACT MODIFICATION NO. 1, CONTRACT NO. FB-01167, FOR SFM SERVICES, INC. TO INCREASE CONTRACT RATES FOR YEARS THREE AND FOUR; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying County Mayor's 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:

Section 1. This Board finds it is in the best interest of Miami-Dade County to approve (1) Supplemental Agreement No. 1, Contract No. WOPR-00919, for C&W Facility Services, Inc.; (2) Supplemental Agreement no. 1, Contract No. WOPR-01150, for C&W Facility Services, Inc.; (3) Contract Modification No. 1, Contract No. FB-01166, for N&K Enterprises, Inc.; and (4) Contract Modification No. 1, Contract No. FB-01167, for SFM Services, Inc., in substantially the form attached hereto and made a part hereof, to increase contract rates for Years three and four, pursuant to section 2-8.1(b)(3) of the County Code, by a two-thirds vote of the Board Members present.

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Section 2. This Board authorizes the County Mayor or County Mayor's designee to execute the agreements and exercise all provisions contained therein. Copies of the original contracts are available upon request from the Strategic Procurement Department.

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:

Oliver G. Gilbert, III, Chairman Anthony Rodríguez, Vice Chairman

Marleine Bastien

Kevin Marino Cabrera

Roberto J. Gonzalez

Danielle Cohen Higgins

Kionne L. McGhee

Juan Carlos Bermudez

Sen. René García

Keon Hardemon

Eileen Higgins

Raquel A. Regalado

Micky Steinberg

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of November, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By:______ Deputy Clerk

Approved by County Attorney as to form and legal sufficiency.

ENG

Eduardo W. Gonzalez

SUPPLEMENTAL AGREEMENT NO. 1

Contract Number:

WOPR-00919

Contract Title:

Janitorial Services for Miami International Airport, Terminals (D&E) - Zone 1

Contractor:

C&W Facility Services, Inc.

In accordance with the above referenced Contract, this Supplemental Agreement, when approved by the Board of County Commissioners, shall become part of the Contract, and:

WHEREAS, in accordance with Article 6.01 of the Agreement, Exhibit C – Price Proposal Schedule of the original Agreement shall be amended in part as follows:

	Original Unit Price	Amended Unit Price
Year 3 – Total Fees for Janitorial Services at MIA, Terminals (D&E) – Zone 1	\$19,318,992.81	\$19,334,071.05
Year 4 – Total Fees for Janitorial Services at MIA, Terminals (D&E) – Zone 1	\$19,801,967.63	\$20,245,174.54
Total Fees for Four (4) Year Term for Janitorial Services at MIA, Terminals (D&E) – Zone 1	\$76,356,853.79	\$76,815,138.95

All other terms, covenants and conditions of the original Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Supplemental Agreement No. 1 to County Contract No. WOPR-00919.

Contractor	Miami-Dade County
By: Neal Leon	By:for
Name: New Hen	Name: <u>Daniella Levine Cava</u>
Title: Scrier vice President	Title: <u>Mayor</u>
Date: 9/7/33	Date:
Attest:Corporate Secretary/Notary	Attest: Juan Fernandez-Barquin Clerk of the Court and Comptroller
Corporate Seal/Notary	Approved as to form and legal sufficiency
APLIFE SEPT 7 1200	Assistant County Attorney

Page 1 of 1

SUPPLEMENTAL AGREEMENT NO. 1

Contract Number:

WOPR-01150

Contract Title:

Janitorial Services for Miami International Airport, Terminals (FGHJ) - Zone 2

Contractor:

C&W Facility Services, Inc.

In accordance with the above referenced Contract, this Supplemental Agreement, when approved by the Board of County Commissioners, shall become part of the Contract, and:

WHEREAS, in accordance with Article 6.01 of the Agreement, Exhibit C – Price Proposal Schedule of the original Agreement shall be amended in part as follows:

	Original Unit Price	Amended Unit Price
Year 3 – Total Fees for Janitorial Services at MIA, Terminals (F, G, H, & J) - Zone 2	\$15,021,564.27	\$15,033,288.42
Year 4 – Total Fees for Janitorial Services at MIA, Terminals (F, G, H, & J) - Zone 2	\$15,397,103.38	\$15,741,720.78
Total Fees for Four (4) Year Term for Janitorial Services at MIA, Terminals (F, G, H, & J) - Zone 2	\$59,371,593.44	\$59,727,934.99

All other terms, covenants and conditions of the original Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Supplemental Agreement No. 1 to County Contract No. WOPR-01150.

Contractor	Miami-Dade County
By: Neal Leaw	By: for
Name: Name:	Name: <u>Daniella Levine Cava</u>
Title: Seriar Vice Prosident	Title: Mayor
Date: 97 2-3	Date:
Attest: Corporate Secretary/Notary	Attest: Juan Fernandez-Barquin Clerk of the Court and Comptrolle
Corporate Seal/Notary	Approved as to form and legal sufficiency
WOTAP, THE	Assistant County Attorney

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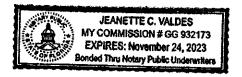
miamidade.gov

CONTRACT MODIFICATION NO. 1

Contract Number:	FB-01166	Title:	Janitorial Sei Airport - Zone	rvices for Miam	i International
Pursuant to Section 1.0, General Terms and Conditions, Paragraph 1.24, titled Modification of Contract, amends the above referenced Contract awarded to N&K Enterprises, Inc. (Contractor), by Miami-Dade County (County).					
	rstood and agreed by ar nodified, contingent upor				
Section 4 -	Pricing of the original C	ontract s	shall be amende	ed in part as follow	/s:
				Original Unit Price	Amended Unit Price
Year 3 – Total Fed G, H, & J) - Zone	es for Janitorial Services 3	at MIA,	, Terminals (F,	\$2,973,804.48	\$3,343,574.33
	es for Janitorial Services	at MIA,	, Terminals (F,	\$3,155,739.24	\$3,491,453.34
	ur (4) Year Term for Jani	itorial Se	ervices at MIA,	\$11,987,844.84	\$12,693,628.78
All terms, covenants and conditions of the original Contract and any modifications issued thereto shall remain in full force and effect, except to the extent herein amended.					
By signing below, the Contractor agrees to this Modification of Contract. This modification becomes effective upon approval by the County.					
Contractor					
Signed By: Herive Jenning					
Print Name: Neville Jennings					
Title: President (Officer / Owner)					
Date: 08/21/2023					
Λ	. 1				

Corporate Seal/Notary Seal

Attest:





miamidade.gov

FB-01167

Contract

Number:

CONTRACT MODIFICATION NO. 1

Janitorial Services for Miami International and

General Aviation Airports - Zone 4

Title:

Contract,	to Section 1.0, General Terms and Conditions, amends the above referenced Contract awarded de County (County).		
	ally understood and agreed by and between the C hall be modified, contingent upon approval by the Bo		
 Sect 	ion 4 - Pricing Sheet of the original Contract shall be	amended in part as	follows:
	Description	Original Monthly Price	Amended Monthly Price
Year 3	Zone 4 Common Areas: 1,192,354 square feet	\$137,898.00	\$138,137.11
Teal 3	Zone 4 Restrooms: 35,435 square feet	\$137,898.00	\$138,137.11
Year 4	Zone 4 Common Areas: 1,192,354 square feet	\$141,412.00	\$144,707.74
Teal 4	Zone 4 Restrooms: 35,435 square feet	\$141,412.00	\$144,707.74
	g below, the Contractor agrees to this Modification of upon approval by the County. Contractor	of Contract. This mo	dification becomes
Signed B	y: / ///		
_Print Nan	ne: Christian Intente		
Title:	(Officer / Owner)		
Date:	8/18/2023		
	Corporate Secretary/Notary Expires 3/23/2027		
Corporate	e Seal/Notary Seal		
1.5	EQ vallezza p lilitera A E		