

Memorandum



Date: July 8, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Agenda Item No. 8(F)(6)

Resolution No. R-634-20

Subject: Recommendation for Approval to Award Contract No. FB-001230, Armored Car Services

Recommendation

It is recommended that the Board of County Commissioners (Board) approve a competitive contract award, *Contract No. FB-01230, Armored Car Services*, for multiple County Departments. The purpose of this contract is to provide countywide armored car services to transport funds (cash, checks, money orders, credit card slips, and other securities) to various bank locations. This contract will replace competitively solicited contract FB-00045, which was awarded under Resolution No. R-97-15 for a five-year term.

The contract provides for the pick-up and delivery of funds from multiple County locations and frequencies per week, to various bank locations. The recommended vendor is required to provide adequate equipment and personnel to perform armored car services, including sufficient number of armored trucks used for transportation of shipments, properly licensed security officers, with valid class "D" security and valid class "G" firearm licenses. Specific requirements include, but are not limited to a minimum, two-person crew of armed and properly licensed security officers per truck for each pick-up and delivery of funds; a secured, fire resistant vault necessary to maintain County funds overnight, on weekends, when banks are closed; and cloth bags, logs, lead seals, sealing machines, identification tags and other supplies furnished at no cost to the County. The vendor assumes entire liability for any loss of any shipment for the total amount received from the County until shipment is delivered to the appropriate location. Approximately 120 locations will be serviced through this contract, including parking operations facilities, courts, auditoriums, libraries, parks, marinas, seaport, and the airport, among others. Delivery locations and pick-up frequencies are subject to change during the term of the contract.

Upon advertisement, BidSync, notified more than 6,000 vendors, and seven downloaded the solicitation. Additionally, Internal Services sent email notification to the vendors identified through market research, including Looming Armored US and Garda World. Three bids were received in response to the solicitation, including one "No Bid." The recommended vendor has a local address.

Scope

The scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the five-year term is \$1,972,230. The current contract, FB-00045, is valued at \$1,777,040 for a five-year and six-month term and expires on August 31, 2020. The allocation under the new contract is higher than the previous contract due to higher prices. Negotiations resulted in a reduction of \$41,470 over the five-year term of the contract.

Department	Allocation	Funding Source	Contract Manager
Animal Services	\$33,735	General Fund	Alex Castro
Aviation	\$36,335	Proprietary Funds	Neivy Garcia
Clerk of Courts	\$728,182	Clerk Revenue	Charis Lubeck
Corrections and Rehabilitation	\$20,241	General Fund	Zuleika Davidson

Department	Allocation	Funding Source	Contract Manager
Cultural Affairs	\$26,988	Proprietary Funds	Regla Lee
Finance	\$107,952	Proprietary Funds	Alvaro Carcache
Fire	\$33,735	Fire District Funds	Marianela Betancourt
Internal Services	\$40,482	Internal Service Funds	Edsel Abreu
Library System	\$337,350	Library District Funds	David Wilson
Parks, Recreation, and Open Spaces	\$202,410	General Fund	Bernie Rodriguez
Police	\$33,735	General Fund	Laura Romano
Regulatory and Economic Resources	\$80,964	Proprietary Funds	Manuel Blanco
PortMiami	\$53,976	Proprietary Funds	Gyselle Pino
Solid Waste Management	\$33,735	Proprietary Funds	Karina Careaga
Water and Sewer	\$202,410	Proprietary Funds	Susan Pascual
Total:	\$1,972,230		

Track Record/Monitor

Pearl Bethel 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 or extension provisions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Vendor Recommended for Award

An Invitation to Bid was issued under full and open competition on December 18, 2019. Three bids were received in response to the solicitation, including one "No Bid."

Vendor	Principal Address	Local Address*	Number of Employee Residents	Principal
			1) Miami-Dade 2) Percentage*	
Transvalue, Inc.	7421 NW 7 Street Miami, FL	Same	44	Jesus Jr. Rodriguez
			94%	

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

Vendors Not Recommended for Award

Vendor	Local Address	Reason for Not Recommending
Brinks, Inc.	Yes	Deemed non-responsive by the County Attorney's Office (opinion attached)
Miami Patrol Eagle Protection, LLC	Yes	No Bid*

*A "No Bid" means the vendor responded indicating that it will not be providing an offer.

Due Diligence

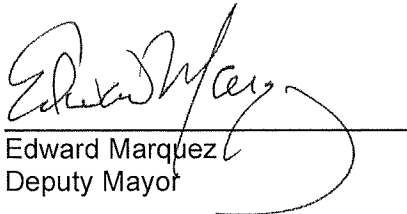
Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine vendor responsibility, including verifying corporate status and that there are no performance and compliance issues. The lists that were referenced 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 re-procurement, 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 meetings and drafting sessions with the user department.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies.
- The Small Business Enterprise Bid Preference and Local Preference were applied.
- The Living Wage does not apply.

Attachment



Edward Marquez
Deputy Mayor

Memorandum



Date: February 25, 2020

To: Natalya Vasilyeva
Procurement Contracting Officer – Internal Services Department

From: Eduardo W. Gonzalez
Assistant County Attorney

Subject: Request for Responsiveness Determination on FB No. 01230 Armored Car Services

You have asked this office if the bid submitted by Brinks, Inc. (“Brinks”) for Solicitation FB-01230 Armored Car Services is responsive. We rely on the information provided in your January 16, 2020 memorandum to Hugo Benitez, the terms of the solicitation itself, the bid submitted by Brinks and our meeting of January 31, 2020.

Background

The solicitation sought to establish a contract for the provision of armored car services for various County departments. In its bid, Brinks asserted various conditions in contravention of the solicitation specifications. Most notably, in a cover letter to the bid, Brinks asserted that its “response . . . is valid for a period of ninety (90) days after submission by Brinks. Thereafter, rates and terms are subject to change.” In its bid, Brinks also asserts that in the event of loss of checks or other financial instruments, the maximum liability amount owed to the County would be \$25,000 per shipment.

These conditions vary from the solicitation’s specifications. Notably, section 1.2(F) of the General Terms and Conditions provide that once submitted bids are irrevocable and may only be withdrawn 180 days after bid opening and prior to award. The bid specifications do not cap liability for the bidder. Rather, section 3.3 of the solicitation provides that “[t]he Awarded Bidder shall agree to assume entire liability for any loss of any shipment(s)”

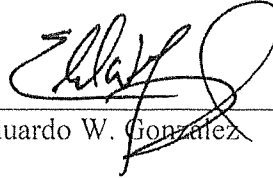
For the reasons set forth here, Brinks is non-responsive.

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).

The method of award in this solicitation is to the lowest priced responsive and responsible bid. As the County contemplated contract award here is primarily price driven, price is the material element of the solicitation. In contravention of the bid specifications, Brinks asserted that its pricing was only

valid for 90 days and thereafter subject to change. Additionally, Brinks ignored the bid's directive to "assume entire liability for any loss of any shipment." Such variance is also a material deviation. Brinks' variances on two material elements: (1) pricing and; (2) liability for lost shipments: (a) are not permitted by the terms of the solicitation; (b) deprive the County of the assurance that the contract would be entered into and performed pursuant to the solicitation's requirements; and (c) confer an unfair competitive advantage to Brinks if allowed. Accordingly, Brinks' bid is nonresponsive.

A handwritten signature in black ink, appearing to read "Eduardo W. Gonzalez", is written over a horizontal line.

Eduardo W. Gonzalez



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: July 8, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(F)(6)

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(F)(6)
7-8-20

RESOLUTION NO. R-634-20

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01230 TO TRANSVALUE, INC. FOR THE PURCHASE OF ARMORED CAR SERVICES FOR MULTIPLE COUNTY DEPARTMENTS FOR A FIVE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$1,972,230.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD TO TRANSVALUE, INC., ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

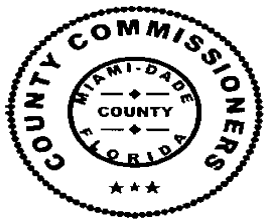
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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-01230 to Transvalue, Inc. for a five-year term in an amount not to exceed \$1,972,230.00, and authorizes the County Mayor or County Mayor's designee to give notice of this award to Transvalue, Inc., issue the appropriate purchase orders to give effect to same and exercise all provisions of the contract, including any cancellation or extension provisions, pursuant to Section 2-8.1 of the Code of Miami-Dade County, Florida and Implementing Order 3-38. A copy of the contract document is on file with and available upon request from the Internal Services Department, Strategic Procurement Division.

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

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

The Chairperson thereupon declared this resolution duly passed and adopted this 8th day of July, 2020. 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Eduardo W. Gonzalez

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