

Date: September 1, 2022

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

From: Daniella Levine Cava
Mayor

Agenda Item No. 8(F)(8)

Resolution No. R-797-22

Subject: Recommendation for Approval to Award FB-00895-S1, Medical Supplies and Related Items (Supplement No. 1)

Summary

This item is for the purchase of medical supplies and related items for multiple County departments. The contract includes items that could not be awarded under current contract, *FB-00895* due to incomplete proposals which did not have adequate and sufficient product information to evaluate products and make an award recommendation. The incomplete proposals were rejected. Departments will use this contract to purchase diagnostic, surgical and trauma supplies, personal protective equipment, oxygen regulators, intravenous administration sets, and miscellaneous medical items including bandages, gauzes, thermometers, first aid kits, and surgical gowns, needed for effective response to medical emergencies. A related item is being presented for the ratification of an emergency allocation for Miami-Dade Fire Rescue for \$1,000,000 under *Contract No. FB-00895*, and requesting additional expenditure authority of \$500,000 due to the increased operational demand and pricing of medical supplies as a result of COVID-19 pandemic.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve a competitive contract award, *Contract No. FB-00895-S1, Medical Supplies and Related Items (Supplement No. 1)*, for multiple County departments for an amount not to exceed \$2,184,436 for a two-year term. This solicitation was issued for 33 categories which could not be awarded under the current contract, *Contract No. FB-00895, Medical Supplies and Related Items*. The current contract was awarded by the Board, through Resolution No. R-737-19, for a five-year term.

Ten vendors are being recommended for award, three of which have local addresses, and two are certified Small Business Enterprise (SBE) firms. The SBE Bid Preference and Local Preference were applied where permitted by funding source. At time of advertisement, there were 22 SBE certified firms under the commodity code assigned to this contract, and two of them responded as being able to meet the contract requirement.

Background

Departments will use this contract for the purchase of medical supplies and related items required for effective response to medical emergencies, with the Fire Rescue Department being the primary user. The solicitation has seven categories (A-G) in Group 3, Federally Funded Purchases, and 26 categories (A-Z) in Group 4, Non-Federally Funded Purchases that were not awarded under the current contract. The categories incorporate diagnostic, surgical and trauma supplies, personal protective equipment, and miscellaneous medical items including bandages, gauzes, thermometers, first aid kits, and surgical gowns, etc.

Scope

The scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the two-year term is \$2,184,436. It should be noted, 25 of the 35 categories included in the solicitation are being recommended for award. The remaining categories could not be

awarded because of no bids or incomplete bid submittals. Staff will find alternate sources for departments to purchase the remaining categories.

Department	Allocation	Funding Source	Contract Manager
Community Action and Human Services	\$3,937	General Fund / Federal Funds	Richard Signori
Fire Rescue	\$2,067,290	Fire District / Federal Funds	Marianela Betancourt
Parks, Recreation and Open Spaces	\$27,072	General Fund	Bernie Rodriguez
Public Housing and Community Development	\$73,832	Federal Funds	Indira Rajkumar-Futch
Transportation and Public Works	\$12,305	DTPW Operating	Ana Rioseco
Total:	\$2,184,436		

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

Vendors Recommended for Award

An Invitation to Bid was issued under full and open competition. Thirty-four bids were received in response to the solicitation, and 10 are recommended for award. Of the 10 vendors recommended for award, three have local addresses and two are certified Small Business Enterprise firms. Upon advertisement of the solicitation, 9,647 vendors were notified in BidSync, of which 310 vendors viewed the solicitation

Pursuant to Resolution No. R-477-18, six of the 10 vendors being recommended for award are non-local due to low number of local vendors responding to the solicitation. The lowest responsive and responsible bidders are recommended for award in accordance with the method of award per the solicitation.

Vendor	Principal Address	Local Address*	Number of Employee Residents	Principal	Group/Line Item Awarded
			Miami-Dade Percentage*		
Agni Enterprises LLC (SBE)	7950 NW 155 Street Miami Lakes, FL	Same	3	Subbarayan R. Pochi	Group 4: Category C Line Items J11,12; K7,20; M4,7,9,17,28;
			66.6%		
Bound Tree Medical, LLC	5000 Tuttle Crossing Boulevard Dublin, OH	None	286	Darrell Hughes	Group 4: Categories B and H; Line Items D8; J1,8; K17,18; L9; M5; P2,5; R1,3-5,7- 10,13,14, Z3
			0%		

Vendor	Principal Address	Local Address*	Number of Employee Residents	Principal	Group/Line Item Awarded
			Miami-Dade Percentage*		
Cassia Partners LLC	8056 Cassia Drive Boynton Beach, FL	None	3	Jake Sarachek	Group 3: Category G
Ever Ready First Aid & Medical Supply	300 Liberty Ave Brooklyn, NY	None	55	Sheldon Perl	Group 4: Category W; Line Items D2,3,7; L2,3,5; M2,8,16,21, 27,31
			0%		
Henry Schein, Inc.	135 Duryea Road Melville, NY	None	19,000	Stanley M. Bergman	Group 4: Categories N and T; Line Items D1,4-6; K1,8,13,14,19; L7; M12,18,26; P4; R2;
			0%		
Life-Assist, Inc.	11277 Sunrise Park Drive Rancho Cordova, CA	None	96	Ramona M. Davis	Group 4: Categories E and O; Line Items K4; L6; M10,15,30; Z4
			0%		
Nashville Medical & EMD Products, Inc.**	701 Central Ave W Springfield, TN	None	1	Nari Sadarangan i	Group 4: Line Items J2, K9, 15; L1,8,11,12; M19,20,24,25
			0%		
Steede Medical, LLC (SBE)	11433 NW 34 Street Doral, FL	Same	5	Louis L. C. Steede	Group 4: Categories Q and X; Line Items K2-3; M3; P1
			100%		
VITI Pharmaceutical, LLC	7105 SW 47 Street Miami, FL	Same	2	Christine M. Forrest	Group 3: Category F Group 4: Line Item M22
			100%		
Wynter & Co., Inc.	101 Plaza Real S Boca Raton, FL	None	0	Rafael Rodriguez	Group 4: Line Items K5, L10,13, R12
			0%		

*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.

Vendors Not Recommended for Award

Vendor	Local Address	Reason for Not Recommending
Flotec, Inc.	No	Vendor Registration incomplete
QuadMed, Inc.**	No	
Green Dream International LLC	No	
Bay Promo, LLC	No	Higher than lowest bid on the awarded categories and /or line items
Campbell Drug Stores Ltd.	No	
Cassia Partners LLC	No	
Cintas Corporation No. 2	No	
Connect6 Group Inc.	No	
Comoroz Inc	Yes	
Core X System LLC**	No	
Enduring Supply Inc.	No	
Essential Cares Supplies, Inc.	No	

ForaCare Inc.	No	
Ibiley Uniform Inc.	Yes	
Invi Bridge Company	No	
LG Apparel LLC	No	
Mersi Distribution LLC **	No	
MVS Enterprises LLC	No	
N36 Merchants LLC	Yes	
Pancar Industrial Supply Corp.**	Yes	
School Health Corp.	No	
Sharp Marketing LLC	No	
Strong Medical Partners LLC	No	
USA Capital Fund LLC	No	
Venous Technologies Inc.	No	

** Vendors deemed non-responsive by the County Attorney's Office (CAO) for certain categories and/or line items. The CAO opinion is attached.

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 adverse findings relating to Henry Schein Inc. for settlements related to dental supplies that will not affect the performance of the vendor under Contract FB-00895-S1 as the County is not procuring such supplies.

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 client departments.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies where permitted by funding source.
- The Small Business Enterprise Bid Preference and Local Preference were applied to Group 4. A no measure was assigned to Group 3 due to federal funding source.
- The Living Wage does not apply.

Attachment



Alfredo "Freddy" Ramirez III
Interim Chief Public Safety Officer

Memorandum



Date: September 29, 2021

To: Denis Chung
Procurement Contracting Officer
Internal Services Department

From: Keoki M. Baron
Assistant County Attorney

Subject: Responsiveness Determination for Solicitation FB-00895-S1: Medical Supplies & Related Services - Supplement No. 1 (the "Solicitation")

You have asked this office if bids submitted by the following five (5) vendors in response to the Solicitation are responsive: Quadmed Inc. ("Quadmed"); Pancar Industrial Supply Corp. ("Pancar Industrial"); Nashville Medical & EMD Products Inc. ("Nashville Medical"); Mersi Distribution LLC ("Mersi Distribution"); and Core X System LLC ("Core X"). Each of these vendors are analyzed below. We rely on the information provided in your memorandum dated September 7, 2021, and the materials accompanying the memorandum; if there is any different or additional information relating to the Solicitation or the above-referenced vendors, please let me know immediately as such information may alter the conclusions set forth herein.

Quadmed, Pancar Industrial, Nashville Medical, and Mersi Distribution

As referenced in your memorandum, the Method of Award listed for this Solicitation (set forth in Section 2.3) makes clear that, as a condition of participation in certain Group 4 categories, bidders are required to "submit[] an offer on all items listed within the category." The specific Group 4 categories for which bidders are required to submit an offer on all of the items listed within the category include Group 4 Categories A, B, C, E, F, G, H, I, N, O, Q, S, T, U, V, W, X, and Y.

Quadmed, Pancar Industrial, Nashville Medical, and Mersi Distribution each failed to bid on all items listed within certain Group 4 categories as follows. Quadmed failed to bid on all of the items listed within Group 4 Categories A and N. Pancar Industrial failed to bid on all of the items listed within Group 4 Category O. Nashville Medical failed to bid on all of the items listed within Group 4 Category Q. And Mersi Distribution failed to bid on all of the items listed within Group 4 Category S.

The above-referenced failures deprive the County of the assurance that the contract will be performed and guaranteed in accordance with the terms of the Solicitation, and thereby renders the respective bids on the items at issue non-responsive—i.e., Quadmed's bids for Group 4 Categories A and N; Pancar Industrial's bid for Group 4 Category O; Nashville Medical's bid for Group 4 Category Q; and Mersi Distribution's bid for Group 4 Category S. *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."); *Matter of: The Jorgensen Forge Corp.*, B-255426, 94-1 CPD P 157, 1994 WL 64911, *2 (Comp. Gen. Feb. 28, 1994) ("Where, as here, an IFB provides that award will be made to the low aggregate bidder, a bid that fails to include a price for every item required by the IFB generally must be rejected as nonresponsive since the bidder would not be obligated to provide the item for which it has provided no price."); *see also Glatstein v. City of Miami*,

399 So. 2d 1005, 1007-1008 (Fla. 3d DCA 1981); *Harry Pepper & Assocs., Inc. v. City of Cape Coral*, 352 So. 2d 1190, 1192 (Fla. 2d DCA 1977) (citing *Wester v. Belote*, 138 So. 721, 723-24 (Fla. 1931)).

Core X

As also referenced in your memorandum, for line items 1 and 2 (surgical gowns) in Group 4 Category S, the unit of measure for which the Solicitation requested pricing is per “Case”—comprised of “15 per box, 5 Boxes per case[.]” In bidding on Group 4 Category S, Core X did not provide its pricing for line items 1 and 2 per “Case” as requested by the Solicitation, but instead provided pricing as follows:

Level 1-\$1.44 per gown
Level 2-\$2.32 per gown
Level 3-\$3.56 per gown

The failure of Core X to offer pricing on line items 1 and 2 in Group 4 Category S per “Case” as requested by the Solicitation is a question of responsiveness.¹ This variance is ultimately material because as a result, it appears to prevent the County from performing, on the face of the bids, a reliable apples to apples comparison of the bids. Indeed, it is unclear what is contemplated by Core X’s provision of three separate prices “per gown” based on “Level 1[.]”, “Level 2[.]” and “Level 3[.]” Accordingly, Core X’s bid on these items is nonresponsive.

In sum, for the reasons set forth above and based upon the facts provided: Quadmed is non-responsive for Group 4 Categories A and N; Pancar Industrial is non-responsive for Group 4 Category O; Nashville Medical is non-responsive for Group 4 Category Q; Mersi Distribution is non-responsive for Group 4 Category S; and Core X is non-responsive for Group 4 Category S. These vendors may be awarded other portions of Group 4 unless additional responsiveness concerns are identified.

/s/ Keoki M. Baron

¹ 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*, 399 So. 2d 1005.



MEMORANDUM

(Revised)

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

DATE: September 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

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

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)(8)
9-1-22

RESOLUTION NO. _____ R-797-22

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00895-S1 GROUP 3 (CATEGORIES A-G FEDERALLY FUNDED PURCHASES) TO CASSIA PARTNERS, LLC. AND VITI PHARMACEUTICAL, LLC., AND CONTRACT NO. FB-00895-S1 GROUP 4 (CATEGORIES A-Z NON-FEDERALLY FUNDED PURCHASES) TO AGNI ENTERPRISES, LLC., BOUND TREE MEDICAL, LLC., EVER READY FIRST AID AND MEDICAL SUPPLY, HENRY SCHEIN, INC., LIFE-ASSIST, INC., NASHVILLE MEDICAL AND EMD PRODUCTS, INC., STEEDE MEDICAL, LLC., VITI PHARMACEUTICAL, LLC., AND WYNTER AND CO., FOR THE PURCHASE OF MEDICAL SUPPLIES AND RELATED ITEMS SUPPLEMENT NO. 1 FOR MULTIPLE COUNTY DEPARTMENTS WITH AN AMOUNT NOT TO EXCEED \$2,184,436.00, FOR A TWO-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD TO CASSIA PARTNERS, LLC. AND VITI PHARMACEUTICAL, LLC. FOR GROUP 3 AND AGNI ENTERPRISES, LLC., BOUND TREE MEDICAL, LLC., EVER READY FIRST AID AND MEDICAL SUPPLY, HENRY SCHEIN, INC., LIFE-ASSIST, INC., NASHVILLE MEDICAL AND EMD PRODUCTS, INC., STEEDE MEDICAL, LLC., VITI PHARMACEUTICAL, LLC., AND WYNTER AND CO., FOR GROUP 4, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL 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,

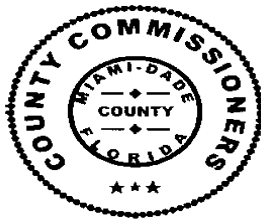
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves award of Contract No. FB-00895-S1 Group 3 (categories A-G federally funded purchases) to

Cassia Partners, LLC. and Viti Pharmaceutical, LLC., and Contract No. FB-00895-S1 Group 4 (categories A-Z non-federally funded purchases) to Agni Enterprises, LLC., Bound Tree Medical, LLC., Ever Ready First Aid and Medical Supply, Henry Schein, Inc., Life-Assist, Inc., Nashville Medical and EMD Products, Inc., Steede Medical, LLC., Viti Pharmaceutical, LLC., and Wynter and Co., for the purchase of Medical Supplies and Related Items Supplement No. 1 for multiple County departments with an amount not to exceed \$2,184,436.00, for a two-year term; and authorizes the County Mayor or County Mayor's to give notice of this award to Cassia Partners, LLC. and Viti Pharmaceutical, LLC. for Group 3 and Agni Enterprises, LLC., Bound Tree Medical, LLC., Ever Ready First Aid and Medical Supply, Henry Schein, Inc., Life-Assist, Inc., Nashville Medical and EMD Products, Inc., Steede Medical, LLC., Viti Pharmaceutical, LLC., and Wynter and Co., for Group 4, issue the appropriate purchase orders to give effect to same and exercise all provisions of the contract, including any cancellation, renewal 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 **Sally A. Heyman** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	absent	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	absent
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of September, 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: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Keoki M. Baron

KMB