

Date: March 5, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Agenda Item No. 8(P)(3)

Resolution No. R-186-24

Subject: Recommendation for Approval to Award a Contract for the North Zone and Reject all bids for the South Zone for Green Waste Processing and Beneficial Use Services

Summary

This item is for the award of a competitive contract for the North Zone for the purchase of green waste processing and beneficial use services for the Department of Solid Waste Management (DSWM), and rejection of all bids received for the South Zone. The solicitation consisted of two zones: North Zone, which includes the geographic area north of Flagler Street, and South Zone, which includes the geographic area south of Flagler Street. The contract for the North Zone will provide for the off-site receiving, handling, processing, and beneficial use of green waste, also referred to as yard trash. DSWM estimates receiving over 25,000 tons per year of green waste at their landfills located in Miami-Dade County. The bids for the South Zone are recommended for rejection because one bidder was deemed non-responsive by the County Attorney's Office (CAO) and the pricing offered by the second bidder exceeds the market value range for these services; therefore, it is not in the best interest of the County to proceed with an award. DSWM will continue to use internal resources for the South Zone, and the Strategic Procurement Department (SPD) is currently preparing a bid for DSWM under an existing prequalification pool for Plant Material to request the grinding services at DSWM locations, along with any other services as needed.

This contract represents a pilot program for DSWM to evaluate its efficacy before expanding the use of these services. The green waste will be processed for beneficial use in accordance with Chapter 62-709 of the Florida Administrative Code (F.A.C.), Chapter 403, Environmental Control of the Florida Statutes, as well as to comply with all other applicable Federal, State, and County Ordinances. Beneficial use, as defined under Chapter 62-709 F.A.C, means that readily degradable organics are placed on or in the soils to provide a viable benefit, such as reducing erosion and water loss, regulating soil temperature, preventing the growth of weeds, or serving as a soil amendment upon decomposition.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve this request to award a competitive contract under *Contract No. EVN0002189, Green Waste Processing and Beneficial Use Services*, to Florida Wood Recycling, Inc. for DSWM for a three-year term with two, two-year options to renew with a cumulative allocation of \$6,081,250 for the North Zone, and reject all bids received for the South Zone. For the South Zone, one bid was deemed non-responsive and the second bidder, Florida Wood Recycling, Inc., bid over fifty-one percent higher than its price for the North Zone. The pricing offered exceeds the market value range for the requested services, and it is not in the best interest of the County to proceed with the award. DSWM will closely monitor the performance of this contract.

Background

An Invitation to Bid was issued under full and open competition on August 15, 2023, for green waste processing and beneficial use services. Upon advertisement of the solicitation in INFORMS, 103 vendors were notified, of which four accepted the invitation and downloaded the solicitation. On the closing date of September 21, 2023, the County received two bids, both from local firms. Outreach efforts included contacting vendors identified through market research, as well as notifying the incumbent vendor. Market research revealed a number of local vendors able to provide the required services in accordance with the specifications.

Upon review of the bids received, staff identified a potential responsiveness issue from the lowest bidder for the South Zone and requested an opinion from the County Attorney's Office (CAO). On October 16, 2023, the CAO determined that the bid was non-responsive as the bid attempts to reduce, limit, or modify a material solicitation requirement, and therefore, the bid is considered conditional and must be rejected as non-responsive.

On October 18, 2023, an attempt to negotiate for better pricing for the South Zone with the remaining responsive bidder was unsuccessful. On October 24, 2023, DSWM recommended that it was in the best interest of the County to reject the bid for the South Zone, due to the bid exceeding market value range for services which are identical to the services provided for the North Zone.

The contract will provide the green waste processing services at the contractor's yard trash processing site, in accordance with the requirements listed in Chapter 62-709 F.A.C., Chapter 403, Environmental Control of the Florida Statutes, as well as in compliance with all other applicable Federal, State, and County Ordinances and other local laws and regulations during operation.

Scope

The scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the three-year term is \$2,606,250. Should the County choose to exercise, at its sole discretion, the two, two-year option to renew terms, the estimated cumulative value will be \$6,081,250.

Department	Allocation	Funding Source	Contract Manager
DSWM	\$6,081,250	Proprietary Funds	Karina Careaga
Total	\$6,081,250		

Track Record/Monitor

Manuel Jimenez of 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 give notice of this award to the recommended vendor, issue the appropriate purchase orders to give effect to same and exercise all provisions of the contract, including any cancellation, renewals, or extensions, 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. Two bids were received in response to the solicitation. The recommended vendor was the lowest bidder for North Zone and is being recommended for award for the North Zone only, as the South Zone is recommended for rejection.

Vendor	Principal Address	Local Address	Number of Employee Residents	Principal
			1) Miami-Dade 2) Percentage*	
Florida Wood Recycling, Inc.	9651 NW 89 Avenue Medley, FL	Same	19	Harvey Schneider
			100%	

*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.

Vendor Not Recommended for Award

Vendor	Local Address	Reason for Not Recommending
Waste Management Inc. of Florida	Yes	Deemed non-responsive by the CAO (Opinion attached).

Due Diligence

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with SPD'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 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 vendor responsibility.

Applicability of Ordinances and Contract Measures

- The two percent User Access Program applies.
- The Small Business Enterprise Bid Preference and Local Preference applied.
- The Living Wage Ordinance applies.

Attachment



Jimmy Morales
Chief Operations Officer

Memorandum



Date: October 16, 2023

To: Brian Spradley
Procurement Contracting Officer
Miami-Dade Strategic Procurement Department

From: Michael B. Valdes
Assistant County Attorney

Subject: Responsiveness Determination for EVN0002189 Green Waste Processing and Beneficial Use Services

The Strategic Procurement Department solicited sealed bids via INFORMS under solicitation No. EVN0002189, on behalf of the Department of Solid Waste Management, for the provision of green waste processing services, which include off-site receiving, handling, processing, and beneficial use of green waste, also referred to as yard trash. ("Solicitation"). Prospective bidders were advised that the County anticipated awarding up to three (3) contracts to responsive and responsible, highest ranked Proposer(s). Additionally, all proposers were advised that the County's general terms and conditions are considered nonnegotiable and include important instructions and requirements that affect all Bids. Accordingly, the Solicitation informs proposers that by submitting a bid for this Solicitation, a Bidder attests to its understanding of these general terms and conditions.

Notwithstanding these requirements, Waste Management Inc. of Florida ("WMIF") submitted a proposal that included the following language:

Although very much interested in providing additional services to Miami-Dade County, Waste Management Inc.; of Florida ("WMIF") is unable to comply with many of the terms contained in this ITB. Since WMIF cannot submit a bid that is "responsive" to all the terms the following is submitted as an "Alternate" bid to offer services to Miami-Dade County.

WMIF's bid also stated that "[i]n submitting this response as an "Alternate" bid, WMIF takes exception to any terms and conditions contained in the ITB or elsewhere that are in conflict with those as proposed in this Alternate bid."

As a general matter, "[i]t is an offeror's responsibility to submit a well-written proposal, with adequately detailed information which clearly demonstrates compliance with the solicitation and allows a meaningful review by the procuring agency." *Matter of: Orion Tech., Inc.*, B-405077, 2011 CPD P 159, 2011 WL 3647315 (Comp. Gen. 2011). Here, WMIF has expressly indicated that its proposal does not comply with the requirements of the Solicitation and does not demonstrate an acceptance of the terms and conditions that the County has made non-negotiable.

Consequently, WMIF has not satisfied the requirements of this Solicitation and is, therefore, nonresponsive. *See Monument Realty LLC v. Washington Metro. Area Transit Auth.*, 535 F. Supp. 2d 60, 74 (D.D.C. 2008) ("Bid-responsiveness determinations focus on whether a bidder has unequivocally offered to perform, without exception, 'the exact thing called for in a solicitation so that acceptance of the bid will bind the contractor to perform in accordance with all of the IFB's material terms and conditions.' ...

Where a bidder provides information within its bid that attempts to reduce, limit, or modify a material solicitation requirement, that bid is considered conditional and must be rejected as non-responsive.”).

/s/ Michael B. Valdes

Michael B. Valdes

Memorandum



Date: September 27, 2023

To: Eduardo Gonzalez
Assistant County Attorney
County Attorney's Office

From: Brian Spradley
Procurement Contracting Officer
Strategic Procurement Department

Subject: Request for Responsiveness Determination on EVN0002189 Green Waste Processing and Beneficial Use Services

Mr. Gonzalez, on August 15, 2023, the Strategic Procurement Department solicited sealed bids via INFORMS under solicitation No. EVN0002189, on behalf of the Department of Solid Waste Management. On September 21, 2023, two (2) bids were received for the subject solicitation and subsequently reviewed for responsiveness and responsibility. The Bidders are (in order of ascending bid price) for South Zone:

1. Waste Management Inc. of Florida
2. Florida Wood Recycling, Inc.

ITB-Solicitation Overview General Terms and Conditions of the subject solicitation states:

"Bidders that receive an award from Miami-Dade County through the competitive procurement process must anticipate the inclusion of these requirements in the resultant Contract. These general terms and conditions are considered nonnegotiable and include important instructions and requirements that affect all Bids. By submitting a Bid for a Miami-Dade County solicitation, a Bidder attests to its understanding of these general terms and conditions."

The lowest priced Bidder for the South Zone is Waste Management Inc. of Florida (WMIF). Upon review of WMIF's bid, it was noted that WMIF submitted an alternative bid with exceptions to several terms and conditions, stating the following on page 52 of the submittal:

Although very much interested in providing additional services to Miami-Dade County, Waste Management Inc.; of Florida ("WMIF") is unable to comply with many of the terms contained in this ITB. Since WMIF cannot submit a bid that is "responsive" to all the terms the following is submitted as an "Alternate" bid to offer services to Miami-Dade County.

WMIF submitted a Section 4 Bid Submittal Form with a strike through of Section 3, Scope of Work/Technical Specifications within the Descriptions in Section 4.1, Pricing. Please review and determine if Waste Management Inc. of Florida is responsive. This solicitation delegated authority is over \$1 million.

If you have any questions, please contact me at (305) 375-4706. Thank you for your attention to this matter.

Attachments:
EVN0002189 Solicitation Packet
EVN0002189 Tabulation Packet
EVN0002189 Tally Sheet



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 5, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(P)(3)

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(P)(3)
3-5-24

RESOLUTION NO. _____ R-186-24

RESOLUTION APPROVING AWARD OF CONTRACT NO. EVN0002189 TO FLORIDA WOOD RECYCLING, INC. FOR THE PURCHASE OF GREEN WASTE PROCESSING AND BENEFICIAL USE SERVICES FOR THE NORTH ZONE FOR THE DEPARTMENT OF SOLID WASTE MANAGEMENT IN A CUMULATIVE AMOUNT NOT TO EXCEED \$6,081,250.00 FOR A THREE-YEAR TERM WITH TWO, TWO-YEAR OPTIONS TO RENEW; REJECTING ALL BIDS RECEIVED FOR GREEN WASTE PROCESSING AND BENEFICIAL USE SERVICES FOR THE SOUTH ZONE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD TO THE RECOMMENDED VENDOR, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWALS OR EXTENSIONS, 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:

Section 1. This Board approves award of Contract No. EVN0002189 to Florida Wood Recycling, Inc. for the purchase of Green Waste Processing and Beneficial Use Services for the North Zone for the Department of Solid Waste Management in a cumulative amount not to exceed \$6,081,250.00 for a three-year term with two, two-year options to renew; and rejects all bids received for Green Waste Processing and Beneficial Use Services for the South Zone.

Section 2. The Board authorizes the County Mayor or County Mayor's designee to give notice of this award to the recommended vendor, issue the appropriate purchase orders to give effect to same and exercise all provisions of the contract, including any cancellation, renewals or

extensions, 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 Strategic Procurement Department.

The foregoing resolution was offered by Commissioner **Anthony Rodriguez**, who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	nay
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	absent	Eileen Higgins	absent
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of March, 2024. 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: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MBV

Michael B. Valdes