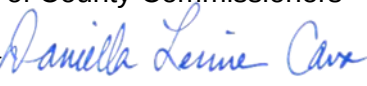


Date: January 22, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Agenda Item No. 14(A)(1)

Resolution No. R-6-25

Subject: Recommendation to Award a Contract for Emergency Medical Services Training

Summary

This contract is to purchase Emergency Medical Services (EMS) training for the Miami-Dade Fire Rescue Department (MDFR), on an as-needed basis. This item is requesting approval to award a contract to allow MDFR personnel to recertify all paramedic and Emergency Medical Technician (EMT) licenses which includes Advanced Cardiac Life Support (ACLS), Basic Life Support (BLS), Pediatric Advanced Life Support (PALS), and Pre-Hospital Trauma Life Support (PHTLS). These trainings are critical to MDFR to provide professional fire rescue services essential to public health, safety, and well-being of County residents and visitors.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve a competitive contract award, *Contract No. EVN0000473, Emergency Medical Services Training*, to Emergency Medical Consultants, Inc. in the amount of \$1,102,500 for a five-year term for MDFR. This contract will replace *Contract No. FB-00630* approved under delegated authority.

Background

An Invitation to Bid was issued under full and open competition on February 12, 2024. On the closing date of March 6, 2024, the County received five bids, including three from local firms. Upon review of the bids received, the Strategic Procurement Department (SPD) identified potential responsiveness issues with the lowest bid received and requested a legal review on March 28, 2024. On April 22, 2024, the County Attorney's Office (CAO) opined that the bidder was ineligible for award due to not providing evidence of instructors having the certifications required by the solicitation, including certification from the American Heart Association (AHA) and the National Association of Emergency Medical Technicians (NAEMT).

On April 4, 2024, the bidder offering the second lowest prices withdrew its bid, advising that due to current resources and commitments, it was not feasible for the bidder to proceed with the bid at this time. The County evaluated the third lowest bid submitted, which is being recommended for award as the lowest responsive and responsible bidder. On April 23, 2024, the County provided the recommended firm the opportunity to submit a "Best and Final Offer" (BAFO), resulting in rates slightly lower than originally submitted.

On September 4, 2024, Med Rescue CPR Inc. filed a formal bid protest. A bid protest hearing was conducted by Hearing Examiner Marc Anthony Douthit on October 4, 2024. The Hearing Examiner denied the protest and upheld the Mayor's recommendation to award Emergency Medical Consultants, Inc. based on the evidence presented, the arguments made, and applicable procurement law. The Hearing Examiner's Report reflecting his Recommendations is attached.

Scope

The scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the five-year term is \$1,102,500. The current contract is valued at \$834,000 for a six-year and six-month term and expires on November 30, 2024. The annualized allocation under the proposed contract is higher than the current contract due to higher prices received and increased number of trainings required by MDFR.

Department	Allocation	Funding Source	Contract Manager
MDFR	\$1,102,500	Fire District	Marianela Betancourt
Total	\$1,102,500		

Track Record/Monitor

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

Vendor Recommended for Award

Pursuant to Resolution No. R-477-18, the lowest bidder is recommended in accordance with the method of award per the solicitation and is non-local.

Vendor	Principal Address	Local Address	Number of Employee Residents	Principal
			1) Miami-Dade 2) Percentage*	
Emergency Medical Consultants, Inc.	597 SE Port Saint Lucie Boulevard Port Saint Lucie, FL	None	0	Shaun D. Fix
			0%	

*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
Med Rescue CPR Inc.	Yes	Deemed not eligible for award by the CAO (opinion attached)
Pernice's Rescue Training LLC	No	Higher than lowest bid
Rayneri Group LLC	Yes	
Recoop CPR	Yes	Vendor withdrew bid

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.

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

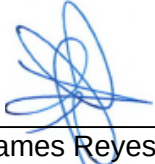
Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners
Page 3

conducting market research, posting a draft solicitation for industry comment, and holding meetings and drafting sessions with the user department.

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 does not apply.

Attachments



James Reyes
Chief of Public Safety

Valcour, Patricia (SPD)

From: Guzzo, Sophia (CAO)
Sent: Monday, April 22, 2024 2:51 PM
To: Valcour, Patricia (SPD)
Cc: Llerandi, Jeanette (CAO); Bethel, Pearl (SPD)
Subject: Re: Request for Responsiveness Determination for EVN0000473- Emergency Medical Services Training - Assigned to Sophia Guzzo

Hi Patricia,

This email is in response to your memorandum titled Request for Responsiveness Determination on EVN0000473: Emergency Medical Services Training and dated March 22, 2024. In the memorandum, you ask whether bidder MED RESCUE CPR INC. ("Med Rescue") is responsive. Section 2.4 of the solicitation requires bidders to "provide instructors for the ACLS, BLS and PALS courses that are certified by the American Heart Association (AHA), and instructors for the PHTLS that are certified by the National Association of Emergency Medical Technicians (NAEMT)." According to the memorandum, the Department, from its own research, cannot verify that Med Rescue's training has the requisite NAEMT certification.

The Department can follow up with Med Rescue to ask for confirmation on whether Med Rescue's training has the requisite NAEMT certification. Without the certifications required by the solicitation, Med Rescue is ineligible for award. In order for the training courses provided by the bidder to count towards the continuing education units that Miami-Dade County's EMT/paramedics need to maintain their EMT/paramedic certification, the training courses must have the requisite certification.

Because this contract is valued less than \$900,000, no formal opinion from this office is required.

Sophia Guzzo

Sophia Guzzo

Assistant County Attorney
Miami-Dade County Attorney's Office
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128
Office: 305-375-1314, Cell: 305-215-9203
E: Sophia.guzzo@miamidade.gov

From: Harpaul-Yapp, Karla (CAO) <Karla.Harpaul@miamidade.gov>
Sent: Thursday, March 28, 2024 2:12 PM
To: Valcour, Patricia (SPD) <Patricia.Valcour@miamidade.gov>
Cc: Gonzalez, Eduardo (CAO) <EduardoCAO.Gonzalez@miamidade.gov>; Guzzo, Sophia (CAO) <Sophia.Guzzo@miamidade.gov>; Llerandi, Jeanette (CAO) <Jeanette.Llerandi@miamidade.gov>; Bethel, Pearl (SPD) <Pearl.Bethel@miamidade.gov>
Subject: Request for Responsiveness Determination for EVN0000473- Emergency Medical Services Training - Assigned to Sophia Guzzo

Good afternoon Patricia,

The above-referenced matter has been received via email and assigned to Assistant County Attorney Sophia Guzzo. Her assistant is Jeanette Llerandi, and both are copied on this email.

Sincerely,

Karla

Karla Harpaul-Yapp
Paralegal Specialist/Legal Assistant to:
Eduardo W. Gonzalez, Assistant County Attorney
Jorge Martinez-Esteve, Assistant County Attorney
Miami Dade County Attorney's Office
111 NW 1st Street Suite 2810
Miami, FL 33128
Tel. (305) 375-1320; Email: kih@miamidade.gov



"Delivering Excellence Every Day"

Please consider the environment before printing this email

From: Valcour, Patricia (SPD) <Patricia.Valcour@miamidade.gov>
Sent: Friday, March 22, 2024 10:23 AM
To: Gonzalez, Eduardo (CAO) <EduardoCAO.Gonzalez@miamidade.gov>; Harpaul-Yapp, Karla (CAO) <Karla.Harpaul@miamidade.gov>
Cc: Bethel, Pearl (SPD) <Pearl.Bethel@miamidade.gov>
Subject: Request for Responsiveness Determination for EVN0000473- Emergency Medical Services Training

Good morning,

HAPPY FRIDAY!

When time allows, could you please review the attached for responsiveness?

Attachments:

- EVN0000473 -Responsiveness Determination Memo
- EVN0000473 Solicitation Packet
- EVN0000473 Tabulation Packet
- Exhibit A- EMAIL- Outreach to MED RESCUE CPR INC.
- Exhibit B- CodeBlue information

Kind Regards,

Patricia Valcour, MPA, CPPB | Procurement Contracting Officer
Miami- Dade County | Strategic Procurement Department
111 NW 1 Street | Miami, FL 33128 | Floor 13
<http://www.miamidade.gov/procurement> | Patricia.valcour@miamidade.gov



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#To be the global leader of purpose-driven procurement

Juan Fernandez-Barquin
CLERK OF THE COURT AND COMPTROLLER
Miami-Dade County, Florida



CLERK OF THE BOARD OF COUNTY COMMISSIONERS

STEPHEN P. CLARK GOVERNMENT CENTER

SUITE 17-202

111 N.W. 1st Street

Miami, FL 33128-1905

Telephone: (305) 375-5126

November 13, 2024

Ginette Parmer
Med Rescue CPR Inc.
20451 NW 2nd Ave, Ste 102
Miami, Florida 33169

Re: Bid Protest of EVN0000473, Emergency Medical Services Training

Dear Ms. Ginette Parmer:

Forwarded for your information is a copy of the Findings and Recommendation filed by Mr. Marc Douthit, presiding Hearing Examiner, in connection with the bid protest hearing held on Friday, October 4, 2024.

Should you have any questions regarding this matter, please do not hesitate to contact Daysha McBride at 305-375-1293.

Sincerely,

Juan Fernandez-Barquin
Clerk of The Court and Comptroller

By 
Basia Pruna, Director
Clerk of the Board Division

BP/dmcb

cc: Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners (via email)
Honorable Daniella Levine Cava, Mayor, Miami-Dade County (via email)
Jimmy Morales, Chief Operations Officer, Office of the Mayor (via email)
Dr. Carladenise Edwards, Chief Administrative Officer, Office of the Mayor (via email)
Geri Bonzon-Keenan, County Attorney, CAO (via email)
Gerald Sanchez, First Assistant County Attorney, CAO (via email)
Eduardo Gonzalez, Assistant County Attorney, CAO (via email)

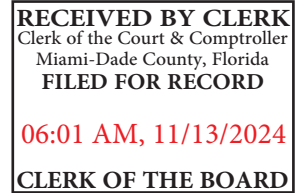
Ginette Parmer
Med Rescue CPR Inc.
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November 13, 2024

Brianna Donet, Assistant County Attorney, CAO (via email)
Clara Pimentel, Assistant Agenda Coordinator, CAO (via email)
Adeyinka Majekodunmi, Commission Auditor, OCA (via email)
Namita Uppal, Director of the Strategic Procurement Department (via email)
Lydia Osborne, Assistant Department Director, SPD (via email)
Pearl Bethel, Procurement Contracting Manager, SPD (via email)
Patricia Valcour, Procurement Contracting Officer 2, SPD (via email)
Marianela Betancourt, Procurement Contracting Officer 2, MDFR (via email)
Jose Paez, III, Administrative Officer II, MDFR (via email)
fromemcoffice@gmail.com, Emergency Medical Consultants Inc.
medrescuecpr@gmail.com, Med Rescue CPR INC
adam@prtcpr.com, Pernice's Rescue Training LLC
info@miamifirstaid.com, Rayneri Group LLC
recoop1972@gmail.com, Recoop CPR

**CLERK OF THE BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

In re: EVN0000473

Emergency Medical Services Training
Bid Protest by Med Rescue CPR Inc.



FINDINGS AND RECOMMENDATIONS OF HEARING EXAMINER

This matter was heard before the undersigned Hearing Examiner on October 4, 2024, via Zoom, upon the bid protest, filed by Med Rescue CPR Inc. (“Med Rescue”), to the Miami-Dade County (the “County”) Mayor’s recommendation to award Contract No. EVN0000473 (the “Contract”) to Emergency Medical Consultants, Inc. (“Emergency Medical”). Med Rescue filed written protest and while there was a discussion as to the adequacy of the protest and its timeliness no formal objection was made and the Hearing proceeded on the merits. Each party submitted supporting documents and those documents were admitted as part of the record of the proceedings. The Protestor provided documents at the time of the Hearing and Miami-Dade County received and examined them prior to the presentation of the Protestors argument. Miami-Dade County submitted a Pre-Hearing Brief and Memorandum of Law, with attachments thereto, and appornting authorities. The only live testimony at the resented at the hearing was that

of Dr. Ginnette Parmour, who is a Principal of the Protestor and Patricia Valcour, a procurement contracting officer for Miami-Dade County.

As with all Bid Protests of this type, this Hearing Examiner must determine whether the County acted in an illegal, dishonest, fraudulent, or arbitrary manner in finding Med Rescue ineligible for award and recommending the award of the Contract to Emergency Medical. *See Liberty Cty. v. Baxter's Asphalt & Concrete, Inc.*, 421 So. 2d 505, 507 (Fla. 1982). In making this determination, the award process and criteria outlined in the Solicitation undermined vague and ambiguous as to undermine the fairness and integrity of the procurement.

In making that determination, I must determine whether the Protestors is supported by material facts necessary to establish the claim, or if the claim is supported by the application of existing law to those facts.

FINDINGS OF FACT

1. On February 12, 2024, the County opened its Solicitation to bidders seeking to award a contract for the procurement of Emergency Medical Services (EMS) Training for the Miami-Dade County Fire Rescue Department (MDFR), on an as-needed basis. The training will include Advanced Cardiac Life Support (ACLS), Basic Life Support (BLS), Pediatric Advanced Life Support (PALS) and Pre-Hospital Trauma Life Support

(PHTLS).” See County’s Pre-Hearing Brief, Exhibit 1 (the “Solicitation”) at § 2.4.

2. The Solicitation also specifies that to be considered for award, “[t]he Bidder shall be authorized to provide training under the guidelines and curriculum of the American Heart Association (AHA) and the National Association of Emergency Medical Technicians (NAEMT). Proof of certification/authorization shall be provided by the Bidder with their submittal.” *Id.* at § 2.4.

3. Further,

[t]he Bidder shall provide instructors for the ACLS, BLS and PALS courses that are certified by the American Heart Association (AHA), and instructors for the PHTLS that are certified by the National Association of Emergency Medical Technicians (NAEMT). All instructors shall be certified for the level of course they will be delivering (ACLS, BLS, PALS and PHTLS) and have the instructional experience necessary for delivering the course(s). Bidders shall submit a list of qualified and certified instructors to include curriculum vitae and a valid instructor card for each instructor with their submittal. This is a continuing requirement throughout the term of the contract.

Id.

4. The Solicitation allowed potential bidders to ask questions related to the bid requirements. See *id.* at Addendum No. 1. Both the questions and answers were made available to all bidders. See *id.*

5. There were no questions from potential bidders regarding the Qualification Criteria outlined in § 2.4 of the Solicitation. See *id.*

6. The County received five bids at the close of the Solicitation on March 6, 2024. See County's Pre-Hearing Brief, Exhibit 2 (the "Recommendation of Award"); Bid Protest Hearing Tr. 61:22–23.

7. According to the testimony, Ms. Valcour, a procurement contracting officer for the County, initially reviewed all bids and prepared a tally that included each bidder's information, pricing, and whether each bidder met the Solicitation's requirements. Bid Protest Hearing Tr. 62:1–7.

8. While Med Rescue was the lowest apparent bidder at the time the bids were closed, further review of the Med Rescue Bid showed the Med rescue did not submit proof of the required authorizations to provide training under the AHA or the NAEMT. Med Rescue also failed to submit curriculum vitae for its instructors. *Id.* at 62:11–13; 62:20–25.

9. After Ms. Valcour asked for the missing items via email, on March 20, 2024, Med Rescue provided the curriculum vitae, but "was given the explanation that Med Rescue does not have [the proof of authorization to provide training under the AHA or the NAEMT]. However, their child or parent company, whichever other company that they own, Code Blue, that they have it." *Id.* at 63:2–9.

10. Code Blue was not listed as a subcontractor in Med Rescue's bid submittal. *Id.* at 63:13–16.

11. Ms. Valcour then asked the County Attorney's Office for a Responsiveness Determination regarding Med Rescue's bid, and the County Attorney's Office advised that Med Rescue was ineligible for award because it did not meet the requirements of § 2.4 of the Solicitation. *Id.* at 63:17–64:6.

12. Med Rescue disputes that it did not have the necessary authorizations and pointed out the confusing language of Section 2.4 of the solicitation to make the point that Med Rescue's interpretation of the language was reasonable under the circumstances and further the language of Section 2.4 was not clear.

13. The second lowest bidder withdrew its bid, the County then evaluated the third lowest bid submitted, from Emergency Medical. *Id.* at 64:8–14.

14. On August 26, 2024, the Mayor recommended Emergency Medical for Contract award. See County's Pre-Hearing Brief, Exhibit 2.

15. On August 29, 2024, Med Rescue filed its Letter of Intent to protest the Mayor's Recommendation.

16. On September 4, 2024, Med Rescue filed an updated Letter of Intent to protest, along with (1) email correspondence between Med Rescue

and the NAEMT indicating Med Rescue’s NAEMT training center application was submitted on August 26, 2024, (2) proof of submittal of the bid protest filing fee, (3) instructor certification documents, and (4) documents showing Code Blue as an AHA training site.

17. At the bid protest hearing, Dr. Ginette Parmer, owner of Med Rescue, testified: “So is Med Rescue authorized? Med Rescue is authorized, because Med Rescue have authorized and certified instructors, but if you mean is Med Rescue an authorized training center, **Med Rescue is currently not an authorized training center.**” Bid Protest Hearing Tr. 48:6–13 (emphasis added).

18. Dr. Parmer further testified: “At the time of the bid submittal, Med Rescue CPR, Inc. **was not an authorized training center**, but it’s authorized to teach, because I have authorized instructors.” *Id.* 48:19–22 (emphasis added).

LEGAL STANDARD

In *Dep’t of Transp. v. Groves-Watkins Constr.*, 530 So. 2d 912, 913 (Fla. 1988), the Florida Supreme Court stated: “A public body has wide discretion in soliciting and accepting bids for public improvements and its decision, when based on an honest exercise of this discretion will not be overturned by a court even if it may appear erroneous and even if reasonable

persons may disagree.” Thus, neither Hearing Examiners. nor judges may overturn or second guess the judgment of government employees or elected officials as to the merits or wisdom of a procurement decision. See *Miami-Dade Cty v. Church and Tower, Inc.*, 715 So. 2d 1084, 1089 (Fla. 3d DCA 1998) (“So long as such a public agency acts in good faith, even though [it] may reach a conclusion on facts upon which reasonable men may differ, the courts will not generally interfere with their judgment, even though the decision reached may appear to some persons to be erroneous.”).

A recommendation may only be overturned if arbitrary, capricious or the product of dishonesty, fraud, illegality, oppression, or misconduct. See *Baxter’s Asphalt & Concrete, Inc.*, 421 So. 2d 505, 507 (Fla. 1982). Accordingly, the core tenet of bid protest hearings provides that “the hearing officer’s sole responsibility [in reviewing a protest] is to ascertain whether the agency acted fraudulently, arbitrarily, illegally or dishonestly.” *Dep’t of Transp. v. Groves-Watkins Constr.*, 530 So.2d 912, 914 (Fla. 1988). The County’s action may be considered arbitrary if it is not supported by facts or logic. See *Agrico Chemical Co. v. Dep’t of Env’t Regulation*, 365 So.2d 759, 763 (Fla. 1st DCA 1978). The County’s action may be considered arbitrary if it is taken without thought or reason or with irrationality. *Id.*

A protester attempting to overturn a contracting entity's decision on arbitrariness bears a very high burden because, "the test is 'whether the contracting agency provided a coherent and reasonable explanation of its exercise of discretion, and the disappointed bidder bears a 'heavy burden' of showing that the award decision had no rational basis.'" *Banknote Corp. of Am., Inc. v. U.S.*, 365 F.3d 1345, 1351 (Fed. Cir. 2004).

Here, however, the issue does not rest solely on the arbitrariness or capriciousness of the decision. The Protestor argues that the language of the Bid Documents themselves is flawed. That requires further analysis. Underlying the Protestor's argument is that what constitutes an "authorized training center" is not clear, given the language of the bid documents.

CONCLUSIONS OF LAW

At the hearing, Med Rescue raised an objection to the Qualification Criteria outlined in § 2.4 of the Solicitation, stating: "So I understand that there are four criteria a bidder must satisfy to qualify for an award, but the primary reason I requested this meeting is because I'm unclear of what is required by the first criteria, namely, the proof of bidder certification/authorization in the application." Bid Protest Hearing Tr. 16:15–22.

The timing of when and how this issue was raised and was the subject of discussion at the hearing. Ultimately, this issue is not dispositive, given the Conclusions regarding the substantive issue raised in the Protest.

Based upon due consideration of the testimony of the witnesses, exhibits, law, argument of counsel and representatives, and foregoing findings, I find that the County did not act in an illegal, dishonest, fraudulent, or arbitrary manner in recommending the award of the Contract to Emergency Medical as the lowest responsive and responsible bidder. I also find that the legal grounds for the protest are not supported by the application of existing law to the material facts.

The County asserts that Section 2-8.4 of the Miami-Dade County Code prohibits a protestor from challenging the weight of the evaluation criteria or the formula specified for assigning points in bid specifications approved by the Commission. Further, Implementing Order 3-21 provides that “[a]ny question, issue, objection or disagreement concerning, generated by, or arising from the published requirements, terms, conditions or processes contained in the solicitation document shall be deemed waived by the protester and shall be rejected as a basis for a bid protest, unless it was brought by that bidder or proposer to the attention, in writing, of the procurement agent, buyer, contracting officer or other contact person of the

County department that issued the solicitation document, at least two (2) work days (not less than 48 hours) prior to the hour of bid opening or proposal submission.”

The confusion of Med Rescue may be understandable, but it was only after fully participating in the bid and the County recommending another vendor for award did Med Rescue voice any concern as to any ambiguity in the requirement in the Solicitation that “[t]he Bidder shall be authorized to provide training under the guidelines and curriculum of the American Heart Association (AHA) and the National Association of Emergency Medical Technicians (NAEMT). Proof of certification/authorization shall be provided by the Bidder with their submittal.” Solicitation at § 2.4. That is impermissible and too late. I do not have jurisdiction to hear Med Rescue’s argument on this issue and reject it.

At the hearing, Med Rescue argued that the County’s “recommendation is arbitrary, because the criteria the County now claims to be outcome determinative are nowhere to be found in the solicitation, or, at minimum, unambiguously so.” Bid Protest Hearing Tr. 32:5–9. The solicitation itself provided an opportunity to raise questions and challenge ambiguities. Med Rescue did not avail itself of this opportunity. I cannot find

that the County's interpretation, while clearly different than Med Rescue's, was arbitrary or capricious.

The test is 'whether the contracting agency provided a coherent and reasonable explanation of its exercise of discretion, and the disappointed bidder bears a 'heavy burden' of showing that the award decision had no rational basis.'" *Banknote Corp. of Am., Inc. v. U.S.*, 365 F.3d 1345, 1351 (Fed. Cir. 2004). The question of Responsiveness is a threshold determination that must be made by the County. A responsive proposal "is submitted on the correct forms, and contains all required information, signatures and notarizations." *Intercontinental Prop., Inc. v. State Dept. of Health and Rehab. Servs.*, 606 So.2d 380 (Fla. 3d DCA 1992). A bid is not responsive if it cannot form the basis of a contract, or if it contains deviations which provide the bidder with a material advantage over other bidders. *Robinson Elec. Co., Inc. v. Dade Cty*, 417 So. 2d 1032, 1034 (Fla. 3d DCA 1982). Whether a bid is responsive concerns a bidder's unequivocal promise, as shown on the face of its bid, to provide the items or services called for by the material terms of the bid. *Intercontinental Properties, Inc. v. Fla. Dept. of Health and Rehab. Serv.*, 606 So. 2d 380, 381 (Fla. 3d DCA 1992).

The Solicitation specifies that to be considered for award, “[t]he Bidder shall be authorized to provide training under the guidelines and curriculum of the American Heart Association (AHA) and the National Association of Emergency Medical Technicians (NAEMT). Proof of certification/authorization shall be provided by the Bidder with their submittal.” Solicitation at § 2.4. The Solicitation also includes the separate requirement that, “[t]he Bidder shall provide instructors for the ACLS, BLS and PALS courses that are certified by the American Heart Association (AHA), and instructors for the PHTLS that are certified by the National Association of Emergency Medical Technicians (NAEMT). . . . Bidders shall submit a list of qualified and certified instructors to include curriculum vitae and a valid instructor card for each instructor with their submittal.” *Id.* See *a/so* Bid Protest Hearing Tr. 60:12–61:9.

Med Rescue argues it satisfied all of the requirements of the Solicitation by complying with the Solicitation’s requirements regarding AHA- and NAEMT-certified instructors. Med Rescue further argues that, in requiring a bidder to submit proof that it is an authorized training center or training site by the AHA and the NAEMT, the County has imposed a requirement for bid award that is inconsistent with the language in the Solicitation. This is inaccurate.

The Solicitation requires bidders to be “authorized to provide training under the guidelines and curriculum of the” AHA and NAEMT, and the only entities authorized to provide training under the guidelines and curriculum of the AHA and NAEMT *are* authorized training centers or training sites.

A Training Center is contractually aligned with the AHA Training Network. A Training Center may, at its discretion, organize itself using Training Sites which are separate entities that operate under the Training Center, utilizing authorized AHA instructors to deliver courses and issue certification cards. Certification cards for any AHA classes can only be issued by an authorized Training Center listed on the Atlas website, or an authorized Training Site which operates under a Training Center. All authorized Training Centers and Training Sites are listed on the Atlas website. Certified AHA instructors are only able to teach AHA courses if they are “aligned” with a Training Center or Site. Without this alignment, the instructor would not be able to provide students with AHA certification cards, issued by the Training Center or Training Site, following the training. The NAEMT has a similar framework for its training centers.

The instructors teach the courses, but certification cards can only be issued by the Training Center or Training Site the instructor is aligned with, not the instructors themselves. That is why the Solicitation required not only

that the instructors be certified by the AHA and NAEMT, but also that the vendor itself “be authorized to provide training under the guidelines and curriculum of the” AHA and the NAEMT. Solicitation at § 2.4.

The Solicitation required that “[p]roof of certification/authorization shall be provided by the Bidder with their submittal.” *Id.* at § 2.4. At the Protest hearing, Med Rescue sought clarification as to the distinction between “certification” and “authorization,” as well as clarification as to the meaning of the slash between the words. To the extent Med Rescue objects to the requirement as unclear, that objection is waived and cannot be the basis for the protest. See Implementing Order 3-21. The Solicitation provided that “[t]he Bidder shall be authorized to provide training under the guidelines and curriculum of the American Heart Association (AHA) and the National Association of Emergency Medical Technicians (NAEMT).” *Id.* at § 2.4. The Solicitation further required that “[p]roof of certification/authorization shall be provided by the Bidder with their submittal.” In other words, the Solicitation required the bidder to submit proof that it was “authorized to provide training under the guidelines and curriculum” of the AHA and the NAEMT.

The record does not indicate that Med Rescue submitted proof of authorization indicating that it was qualified to provide training under the

guidelines and curriculum of the” AHA and the NAEMT at the time it submitted its bid.

My task is to determine if the County’s determination that Med Rescue is ineligible for award, as well as the County’s recommendation of award to Emergency Medical, is arbitrary, fraudulent, dishonest, or illegal. See *Baxter’s Asphalt & Concrete, Inc.*, 421 So. 2d at 507; see also *Dep’t of Transp. v. Groves-Watkins Constr.*, 530 So.2d 912, 914 (Fla. 1988). Given the testimony of Ms. Valcour, who outlined the various steps and checks the County followed in assessing and ascertaining whether Med Rescue is “authorized to provide training under the guidelines and curriculum of the” AHA and the NAEMT, I cannot conclude that the County’s determination that Med Rescue is ineligible for award, and the County’s subsequent recommendation of award to Emergency Medical, the lowest responsive and responsive bidder, was arbitrary, fraudulent, dishonest, or illegal. The County’s action may be considered arbitrary if it is not supported by facts or logic. See *Agrico Chemical Co. v. Dept. of Env’t Regulation*, 365 So.2d 759, 763 (Fla. 1st DCA 1978).

Med Rescue has not provided any factual basis or record evidence that would allow me to find that the County’s evaluation of Med Rescue was in violation of the laws related to procurement. I find that the County did not act

in an illegal, dishonest, fraudulent, or arbitrary manner when evaluating Med Rescue's eligibility for award of the Contract and recommending award of the Contract to Emergency Medical.

CONCLUSION

The record demonstrates that the County acted in good faith and had a rational basis in recommending Emergency Medical for award of the Contract. The record also demonstrates that the County did not act in an arbitrary, illegal, dishonest, or fraudulent manner when interpreting the Solicitation or reviewing the bid submissions. Therefore, the County Mayor's recommendation to award the subject Contract to Emergency Medical should be UPHOLD and the Bid Protest of Med Rescue be DENIED.

/s/Marc Anthony Douthit____
Hearing Examiner Marc Douthit



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

DATE: January 22, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 14(A)(1)

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 ____, majority plus one ____, 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) ____, 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 *Danielle Lorie Carr* Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(1)
1-22-25

RESOLUTION NO. R-6-25

RESOLUTION APPROVING AWARD OF CONTRACT NO. EVN0000473 TO EMERGENCY MEDICAL CONSULTANTS, INC. FOR THE PURCHASE OF EMERGENCY MEDICAL SERVICES TRAINING IN AN AMOUNT NOT TO EXCEED \$1,102,500.00 FOR A FIVE-YEAR TERM FOR THE MIAMI-DADE FIRE RESCUE DEPARTMENT; 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 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 this Board approves award of Contract No. EVN0000473 to Emergency Medical Consultants, Inc. for the purchase of Emergency Medical Services Training in an amount not to exceed \$1,102,500.00 for a five-year term for the Miami-Dade Fire Rescue Department; and 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 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 **Eileen Higgins**,
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:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 22nd day of January, 2025. 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.

SMG

Sophia Guzzo