

Date: February 16, 2021

To: Gary Hartfield, Division Director
Small Business Development (SBD)
Internal Services Department

From: Scott Mendelsberg, Assistant Director
Miami Dade Fire Rescue Department

Subject: NEW CONSTRUCTION: Miami-Dade Fire Rescue Dolphin Fire Rescue Station 68
located 11091 NW 17 Street, Sweetwater, FL

BACKGROUND:

The Miami Dade Fire Rescue Department (MDFR) is requesting that the subject project be reviewed by Small Business Development (SBD) for Community Small Business Enterprise (CSBE) measures, in order to proceed with the re-advertisement and subsequent re-bidding of this project. MDFR recommends that a 10% CSBE Construction goal be established for this contract, given the scope of the project, the specialized building type and maximizing the bid response in the current active construction environment.

RECOMMENDATION:

This project consists of a new single story, 11,867 square foot, 3-bay fire rescue station located on a parcel of approximately 1.63 acres of land at 11091 NW 17 Street, Sweetwater, FL . This project will be completed in accordance with the project plans and project specifications under the City of Sweetwater municipality permit number 2019-00000920.

The new building will provide fire rescue services to mainly industrial and commercial properties.

On August 31, 2020, the Board of County Commissioners approved Resolution No. R-897-20, approving the recommendation to award the RPQ to TGSV Enterprises Inc. (TGSV). Following this Board's August 31, 2020 meeting, MDFR became aware of irregularities in the process and with TGSV's bid proposal. The recommendation to award had not been filed with the Clerk and all bidders were not notified of the recommended award as required by sections 2-8.3 and 2-8.4 of the County Code, and, as a result, the item had not been properly before the Board. Additionally, MDFR, following consultation with the County Attorney's office, conducted an extensive review of TGSV's bid documents and confirmed that a material irregularity also existed within its bid submission. The bid documents included definitive responsibility criteria for the solar subcontractor specifying that the solar subcontractor must have certain minimum experience, and the solar contractor submitted by TGSV did not meet that requirement. Since this is first solar powered fire station for the County, the experience requirement for the solar subcontractor was an important element that cannot be cured by substituting entities for this component of the project and the bid is therefore materially non-compliant.

Because of these irregularities, the County never formally notified TGSV of a contract award, and no contract was formed between TGSV and the County. On September 14, 2020, MDFR notified TGSV in writing of the irregularities surrounding the award recommendation. On October 26, 2020, MDFR sent follow-up correspondence notifying TGSV that no award of the RPQ or resulting contract had taken place, that MDFR continued to investigate the matter, and that, in accordance with the terms of the Miscellaneous Construction Contract (MCC) 7360 under which the RPQ had been issued, TGSV was

not authorized to incur any expenses unless and until it was issued a formal notice of award. On November 5, 2020, MDRF sent TGSV written correspondence that its subcontractor did not meet the solar panel experience and qualifications of the RPQ and could not be considered for award.

This project was advertised for bids on January 31, 2020 as an economic stimulus project pursuant to Section 2-8.2.7 of the County Code (ESP) and under the MCC 7360 contract with an estimated project amount of \$4.85 million. On March 19, 2020, the County received 11 bids for this project, ranging from \$5.335 million to \$7.848 million. The low bidder, at \$5.335 million, Buslam Company Partners, Inc., was deemed not responsible due to not meeting the County LEED certification criteria. The second low bidder, at \$6.110 million, TGSV, submitted a solar subcontractor that did not meet the experience requirements. The third low bidder was Magnum Construction Management LLC (MCM) at \$6.408 million, and MDRF conducted negotiations with that firm to attempt to reduce the price but was unable to reach agreement. MCM's price is more than 32% over the engineer's estimate for this project.

MDRF recommended to the Board of County Commission (BCC) rescinding Resolution No. R-897-20 which approved the RPQ award recommendation to TGSV and a rejection of all bids. BCC Agenda Item No. 8E1 to rescind Resolution No. R-897-20 went before the BCC on January 20, 2021 and passed.

The applicable trades for the construction portion of this project include but are not limited to: mechanical, electrical, plumbing, fire sprinkler, landscaping and irrigation, roofing, asphalt and paving, fire protection systems and engineering, drywall and finishing, building envelope, concrete and masonry, solar collector, and painting.

The construction project estimate for this project is \$6.5 million.

If additional information is required, please feel free to contact Mrs. Marisabel Bermejo at 786-331-4498 or via email at benedit@miamidade.gov.

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