

**DEPARTMENTAL INPUT**  
**CONTRACT/PROJECT MEASURE ANALYSIS AND RECOMMENDATION**

☒ **New**    ☐ **OTR**    ☐ **Sole Source**    ☐ **Bid Waiver**    ☐ **Emergency**    Previous Contract/Project No. **RFP No. 756**

☐ **Contract**    ☐ **Re-Bid**    ☐ **Other**    LIVING WAGE APPLIES: ☐ **YES**    ☒ **NO**

Requisition No./Project No.: **EPP-RFP00470**    TERM OF CONTRACT **4** YEAR(S) WITH **2** YEAR(S) OTR

Requisition /Project Title: **Occupational Safety Health Administration (OSHA) Training Program**

Description: **To establish a contract to provide for federally mandated Occupational Safety & Health Administration (OSHA) training to County employees, for use by the Department of Environmental Resources Management, and other county departments as needed.**

Issuing Department: **ISD/PMS**    Contact Person: **Marta Fernandez**    Phone: **305-375-4803**

Estimate Cost: **\$812,250**    Funding Source: **GENERAL**    **FEDERAL**    **OTHER**  
**Police**    **Proprietary**

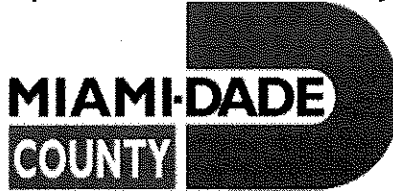
**ANALYSIS**

<b>Commodity Codes:</b>	<b>91838</b>	<b>90772</b>	<b>99077</b>		
Contract/Project History of previous purchases three (3) years Check here <input type="checkbox"/> if this is a new contract/purchase with no previous history.					
	<b>EXISTING</b>	<b>2<sup>ND</sup> YEAR</b>	<b>3<sup>RD</sup> YEAR</b>		
<b>Contractor:</b>	<b>ATC Group Services Inc</b>	<b>ATC Group Services Inc</b>	<b>ATC Group Services Inc</b>		
<b>Small Business Enterprise:</b>					
<b>Contract Value:</b>	<b>\$135,375</b>	<b>\$135,375</b>	<b>\$541,500</b>		
<b>Comments:</b>	<b>3rd Year represents 4-year term</b>				

Continued on another page (s):    ☐ **YES**    ☒ **NO**

**RECOMMENDATIONS**

	<b>Set-aside</b>	<b>Sub-contractor goal</b>	<b>Bid preference</b>	<b>Selection factor</b>
<b>SBE</b>				
<b>Basis of recommendation:</b>				
<b>Signed:</b>	<b>Marta Fernandez</b>		<b>Date sent to SBD:</b>	<b>11/21/16</b>
			<b>Date returned to DPM:</b>	



**REQUEST FOR PROPOSALS (RFP) No. EPPRFP-00470  
FOR  
OCCUPATIONAL SAFETY HEALTH ADMINISTRATION (OSHA) TRAINING PROGRAM**

**PRE-PROPOSAL CONFERENCE TO BE HELD:**

\_\_\_\_\_, 2016 at \_\_:00 AM (local time)  
111 NW 1<sup>st</sup> Street, 13<sup>th</sup> Floor, Conf. Rm. \_\_, Miami, Florida

**ISSUED BY MIAMI-DADE COUNTY:**

Internal Services Department, Procurement Management Services Division  
(Through the Expedited Purchasing Program)

for

Department of Environmental Resources Management

**COUNTY CONTACT FOR THIS SOLICITATION:**

Marta Fernandez, Procurement Contracting Officer  
111 NW 1<sup>st</sup> Street, Suite 1300, Miami, Florida 33128  
Telephone: (305) 375-4803  
E-mail: @miamidade.gov

**PROPOSAL RESPONSES DUE:  
INSERT DATE AND TIME**

**IT IS THE POLICY OF MIAMI-DADE COUNTY THAT ALL ELECTED AND APPOINTED COUNTY OFFICIALS AND COUNTY EMPLOYEES SHALL ADHERE TO THE PUBLIC SERVICE HONOR CODE (HONOR CODE). THE HONOR CODE CONSISTS OF MINIMUM STANDARDS REGARDING THE RESPONSIBILITIES OF ALL PUBLIC SERVANTS IN THE COUNTY. VIOLATION OF ANY OF THE MANDATORY STANDARDS MAY RESULT IN ENFORCEMENT ACTION. (SEE IMPLEMENTING ORDER 7-7)**

**Electronic proposal responses to this RFP are to be submitted through a secure mailbox at BidSync until the date and time as indicated in this document.** It is the sole responsibility of the Proposer to ensure its proposal reaches BidSync before the Solicitation closing date and time. There is no cost to the Proposer to submit a proposal in response to a Miami-Dade County solicitation via BidSync. Electronic proposal submissions may require the uploading of electronic attachments. The submission of attachments containing embedded documents or proprietary file extensions is prohibited. All documents should be attached as separate files. All proposals received and time stamped through the County's third party partner, BidSync, prior to the proposal submittal deadline shall be accepted as timely submitted. The circumstances surrounding all proposals received and time stamped after the proposal submittal deadline will be evaluated by the procuring department in consultation with the County Attorney's Office to determine whether the proposal will be accepted as timely. Proposals will be opened promptly at the time and date specified. The responsibility for submitting a proposal on or before the stated time and date is solely and strictly the responsibility of the Proposer. The County will in no way be responsible for delays caused by technical difficulty or caused by any other occurrence. All expenses involved with the preparation and submission of proposals to the County, or any work performed in connection therewith, shall be borne by the Proposer(s).

A Proposer may submit a modified proposal to replace all or any portion of a previously submitted proposal up until the proposal due date. The County will only consider the latest version of the proposal. For competitive bidding opportunities available, please visit the County's Internal Services Department website at: <http://www.miamidade.gov/procurement/>.

Requests for additional information or inquiries must be made in writing and submitted using the question/answer feature provided by BidSync at [www.bidsync.com](http://www.bidsync.com). The County will issue responses to inquiries and any changes to this Solicitation it deems necessary in written addenda issued prior to the proposal due date (**see addendum section of BidSync Site**). Proposers who obtain copies of this Solicitation from sources other than through BidSync risk the possibility of not receiving addenda and are solely responsible for those risks.

## 1.0 PROJECT OVERVIEW AND GENERAL TERMS AND CONDITIONS

### 1.1 Introduction

Miami-Dade County, hereinafter referred to as the County, as represented by the Miami-Dade County Department of Environmental Resources Management, is soliciting proposals to provide federally mandated Occupational Safety & Health Administration (OSHA) training to County employees.

The County anticipates awarding a contract for a four-year period, with two (2) one-year options to renew, at the County's sole discretion.

#### **The anticipated schedule for this Solicitation is as follows:**

Solicitation Issued:	January 11, 2017 tentative
Pre-Proposal Conference:	See front cover for date, time, and place. Attendance is recommended but not mandatory. If you need a sign language interpreter or materials in accessible format for this event, please call the ADA Coordinator at (305) 375-2013 or email <a href="mailto:hjwrig@miamidadegov">hjwrig@miamidadegov</a> at least five days in advance.
Deadline for Receipt of Questions:	January 31, 2017 tentative
Proposal Due Date:	See front cover for date and time.
Evaluation Process:	March 2017
Projected Award Date:	May 2017

### 1.2 Definitions

The following words and expressions used in this Solicitation shall be construed as follows, except when it is clear from the context that another meaning is intended:

1. The word "Contractor" to mean the Proposer that receives any award of a contract from the County as a result of this Solicitation, also to be known as "the prime Contractor".
2. The word "County" to mean Miami-Dade County, a political subdivision of the State of Florida.
3. The word "Proposal" to mean the properly signed and completed written submission in response to this solicitation by a Proposer for the Services, and as amended or modified through negotiations.
4. The word "Proposer" to mean the person, firm, entity or organization, as stated on the Solicitation Submittal Form, submitting a response to this Solicitation.
5. The words "Scope of Services" to mean Section 2.0 of this Solicitation, which details the work to be performed by the Contractor.
6. The word "Solicitation" to mean this Request for Proposals (RFP) or Request for Qualifications (RFQ) document, and all associated addenda and attachments.
7. The word "Subcontractor" to mean any person, firm, entity or organization, other than the employees of the Contractor, who contracts with the Contractor to furnish labor, or labor and materials, in connection with the Services to the County, whether directly or indirectly, on behalf of the Contractor.
8. The words "Work", "Services", "Program", or "Project" to mean all matters and things that will be required to be done by the Contractor in accordance with the Scope of Services and the terms and conditions of this Solicitation.

### 1.3 General Proposal Information

The County may, at its sole and absolute discretion, reject any and all or parts of any or all responses; accept parts of any and all responses; further negotiate project scope and fees; postpone or cancel at any time this Solicitation process; or waive any irregularities in this Solicitation or in the responses received as a result of this process. In the event that a Proposer wishes to take an exception to any of the terms of this Solicitation, the Proposer shall clearly indicate the exception in its proposal. No exception shall be taken where the Solicitation specifically states that exceptions may not be taken. Further, no exception shall be allowed that, in the County's sole discretion, constitutes a material deviation from the requirements of the Solicitation. Proposals taking such exceptions may, in the County's sole discretion, be deemed nonresponsive. The County reserves the right to request and evaluate additional information from any respondent regarding respondent's responsibility after the submission deadline as the County deems necessary.

The submittal of a proposal by a Proposer will be considered a good faith commitment by the Proposer to negotiate a contract with the County in substantially similar terms to the proposal offered and, if successful in the process set forth in this Solicitation and subject to its conditions, to enter into a contract substantially in the terms herein. Proposals shall be irrevocable until contract award unless the proposal is withdrawn. A proposal may be withdrawn in writing only, addressed to the County contact person for this Solicitation, prior to the proposal due date or upon the expiration of 180 calendar days after the opening of proposals.

Proposers are hereby notified that all information submitted as part of, or in support of proposals will be available for public inspection after opening of proposals, in compliance with Chapter 119, Florida Statutes, popularly known as the "Public Record Law." The Proposer shall not submit any information in response to this Solicitation which the Proposer considers to be a trade secret, proprietary or confidential. The submission of any information to the County in connection with this Solicitation shall be deemed conclusively to be a waiver of any trade secret or other protection, which would otherwise be available to Proposer. In the event that the Proposer submits information to the County in violation of this restriction, either inadvertently or intentionally, and clearly identifies that information in the proposal as protected or confidential, the County may, in its sole discretion, either (a) communicate with the Proposer in writing in an effort to obtain the Proposer's written withdrawal of the confidentiality restriction or (b) endeavor to redact and return that information to the Proposer as quickly as possible, and if appropriate, evaluate the balance of the proposal. Under no circumstances shall the County request the withdrawal of the confidentiality restriction if such communication would in the County's sole discretion give to such Proposer a competitive advantage over other proposers. The redaction or return of information pursuant to this clause may render a proposal non-responsive.

Any Proposer who, at the time of proposal submission, is involved in an ongoing bankruptcy as a debtor, or in a reorganization, liquidation, or dissolution proceeding, or if a trustee or receiver has been appointed over all or a substantial portion of the property of the Proposer under federal bankruptcy law or any state insolvency law, may be found non-responsive. To request a copy of any ordinance, resolution and/or administrative order cited in this Solicitation, the Proposer must contact the Clerk of the Board at (305) 375-5126.

#### **1.4 Aspirational Policy Regarding Diversity**

Pursuant to Resolution No. R-1106-15 Miami-Dade County vendors are encouraged to utilize a diverse workforce that is reflective of the racial, gender and ethnic diversity of Miami-Dade County and employ locally-based small firms and employees from the communities where work is being performed in their performance of work for the County. This policy shall not be a condition of contracting with the County, nor will it be a factor in the evaluation of solicitations unless permitted by law.

#### **1.5 Cone of Silence**

Pursuant to Section 2-11.1(t) of the Miami-Dade County Code, as amended, a "Cone of Silence" is imposed upon each RFP or RFQ after advertisement and terminates at the time a written recommendation is issued. The Cone of Silence prohibits any communication regarding RFPs or RFQs between, among others:

- potential Proposers, service providers, lobbyists or consultants **and** the County's professional staff including, but not limited to, the County Mayor and the County Mayor's staff, County Commissioners or their respective staffs;
- the County Commissioners or their respective staffs **and** the County's professional staff including, but not limited to, the County Mayor and the County Mayor's staff; or
- potential Proposers, service providers, lobbyists or consultants, any member of the County's professional staff, the Mayor, County Commissioners or their respective staffs **and** any member of the respective Competitive Selection Committee.

The provisions do not apply to, among other communications:

- oral communications with the staff of the Vendor Services Section, the responsible Procurement Contracting Officer, provided the communication is limited strictly to matters of process or procedure already contained in the solicitation document;
- oral communications at pre-proposal conferences and oral presentations before Competitive Selection Committees during any duly noticed public meeting, public presentations made to the Board of County Commissioners during any duly noticed public meeting;
- recorded contract negotiations and contract negotiation strategy sessions; or
- communications in writing at any time with any county employees, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFP or RFQ documents.

When the Cone of Silence is in effect, all potential vendors, service providers, bidders, lobbyists and consultants shall file a copy of any written correspondence concerning the particular RFP or RFQ with the Clerk of the Board, which shall be made available to any person upon request. The County shall respond in writing (if County deems a response necessary) and file a copy with the Clerk of the Board, which shall be made available to any person upon request. Written communications may be in the form of e-mail, with a copy to the Clerk of the Board at [clerkbcc@miamidade.gov](mailto:clerkbcc@miamidade.gov).

All requirements of the Cone of Silence policies are applicable to this Solicitation and must be adhered to. Any and all written communications regarding the Solicitation are to be submitted only to the Procurement Contracting Officer with a copy to the Clerk of the Board. The Proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to any person upon request.

#### **1.6 Communication with Competitive Selection Committee Members**

Proposers are hereby notified that direct communication, written or otherwise, to Competitive Selection Committee members or the Competitive Selection Committee as a whole are expressly prohibited. Any oral communications with Competitive Selection Committee members other than as provided in Section 2-11.1 of the Miami-Dade County Code are prohibited.

#### **1.7 Public Entity Crimes**

Pursuant to Paragraph 2(a) of Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal for a contract to provide any goods or services to a public entity; may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and, may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

#### **1.8 Lobbyist Contingency Fees**

- a) In accordance with Section 2-11.1(s) of the Code of Miami-Dade County, after May, 16, 2003, no person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee.
- b) A contingency fee is a fee, bonus, commission or non-monetary benefit as compensation which is dependent on or in any way contingent upon the passage, defeat, or modification of: 1) any ordinance, resolution, action or decision of the County Commission; 2) any action, decision or recommendation of the County Mayor or any County board or committee; or 3) any action, decision or recommendation of any County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission or a County board or committee.

#### **1.9 Collusion**

In accordance with Section 2-8.1.1 of the Code of Miami-Dade County, where two (2) or more related parties, as defined herein, each submit a proposal for any contract, such proposals shall be presumed to be collusive. The foregoing presumption may be rebutted by the presentation of evidence as to the extent of ownership, control and management of such related parties in preparation and submittal of such proposals. Related parties shall mean Proposer or the principals thereof which have a direct or indirect ownership interest in another Proposer for the same contract or in which a parent company or the principals thereof of one Proposer have a direct or indirect ownership interest in another Proposer for the same contract. Proposals found to be collusive shall be rejected. Proposers who have been found to have engaged in collusion may be considered non-responsible, and may be suspended or debarred, and any contract resulting from collusive bidding may be terminated for default.

#### **1.10 Expedited Purchasing Program**

Pursuant to Ordinance 07-49, the County has created a pilot program for expedited purchasing, subject to terms and conditions as outlined in Section 2-8.1.6 of the Code of Miami-Dade County. The program shall be referred to as the Expedited Purchasing Program (EPP). Due to the expedited nature of County projects issued under the EPP, participating vendors should anticipate a shortened solicitation timeline for responding. Technical, professional and legal staff may be used to determine best value as set forth in the solicitation documents without the need to utilize the formal Competitive Selection Committee process established by the County. The County Mayor's or designee's written recommendation to award a contract under the EPP shall be sufficient to

commence the bid protest period and terminate the Cone of Silence. Any legislation contrary to the provisions of the EPP shall be deemed suspended or amended as necessary to give effect to the intent of this ordinance during its effective term.

### 1.11 Contract Measures

This Solicitation includes contract measures for Miami-Dade County Certified Small Business Enterprises (SBE's) pursuant to Sections 2-8.1.1.1.1 and 2.1.1.1.2 of the Code of Miami-Dade County as follows:

#### Set-aside:

This Solicitation is set-aside for SBE's.

#### Subcontractor Goal:

\_\_\_\_\_ % SBE subcontractor goal is applicable. The purpose of a subcontractor goal is to have portions of the work under the prime contract performed by available subcontractors that are certified SBEs for contract values totaling not less than the percentage of the prime contract value set out in this Solicitation. Subcontractor goals may be applied to a contract when estimates made prior to solicitation advertisement identify the quality; quantity and type of opportunities in the contract and SBEs are available to afford effective competition in providing a percentage of these identified services. Proposers shall submit a completed Schedule of Intent Affidavit (Form SBD 504) at the time of proposal identifying all SBEs to be utilized to meet the subcontractor goal. The Schedule of Intent Affidavit shall specify the scope of work and commodity code the SBE will perform. The Schedule of Intent Affidavit constitutes a written representation by the Proposer that to the best of the Proposer's knowledge the SBEs listed are available and have agreed to perform as specified, or that the Proposer will demonstrate unavailability. The Schedule of Intent form can be found at <http://www.miamidade.gov/business/library/forms/sbe-soi.pdf>.

The participating SBE firms (or joint ventures) must have a valid Miami-Dade County SBE certification by the proposal submittal deadline of this Solicitation, as well as, meet all other requirements. Additional information regarding Miami-Dade County's Small Business Enterprise Program, including new amendments to the program, is available on the Small Business Development's website <http://www.miamidade.gov/business/business-certification-programs-SBE.asp>.

(If Selection Factor use Section 4.4 and delete above section.)

## 2.0 SCOPE OF SERVICES

### 2.1 Background

The County requires Occupational Safety & Health Administration (OSHA) mandated health and safety training courses that include Hazardous Waste Site Operations (HAZWOPER) training and other related services for the Department of Environmental Resources Management (DERM) and to other county departments. The selected Proposer shall implement a Program to ensure HAZWOPER training and yearly refresher to County employees.

The HAZWOPER standard, per 29 CFR 1910.120, US Department of Labor - OSHA Hazardous Waste Operations and Emergency Response Regulations, includes five distinct groups of employers and their employees. This standard applies to any employees who are exposed or potentially exposed to hazardous substances, including biological agents and hazardous wastes, and who are engaged in one of the following operations as specified by 1910.120(a)(1)(i-v), US Department of Labor - OSHA Hazardous Waste Operations and Emergency Response Regulations:

- A. Clean-up operations, required by a governmental body, whether federal, state, local, or other involving hazardous substances, that are conducted at uncontrolled hazardous waste sites.
- B. Corrective actions involving clean-up operations at sites covered by the Resource Conservation and Recovery Act of 1976 (RCRA) as amended (42 U.S.C. 6901 et seq.).
- C. Voluntary clean-up operations at sites recognized by Federal, state, local, or other governmental body as uncontrolled hazardous waste sites.

- D. Operations involving hazardous wastes that are conducted at treatment, storage, and disposal facilities regulated by Title 40 Code of Federal Regulations Parts 264 and 265 pursuant to RCRA, or by agencies under agreement with U.S. Environmental Protection Agency to implement RCRA regulations.
- E. Emergency response operations for releases of, or substantial threats of release of, hazardous substances regardless of the location of the hazard.

The County's need for training is an estimated thirty (30) new employees per year for the 40-hour classes, approximately 300 employees attend eight-hour refresher classes, and twenty (20) employees receive supervisor training classes. In addition, at least (15) employees complete their annual quantitative respirator fit testing. The County anticipates that the training courses and the respirator fit testing will be held at on-site facilities at each of the departments hosting the training.

## **2.2 Minimum Qualification Requirement**

The preferred qualification requirement for this Solicitation is:

- A. The selected Proposer should have:
  - 1. At least three (3) years of experience providing HAZWOPER training courses to governmental agencies or large companies.
- B. The selected Proposer's Instructors should have:
  - 1. For the Training Instructor, a minimum of three (3) years of experience conducting health and safety training.
  - 2. For the Assistant Instructors, a minimum of two (2) years of experience conducting health and safety training.

## **2.3 General Information**

The applicable training requirements, under OSHA 29 CFR 1910.120 (US Department of Labor - OSHA Hazardous Waste Operations and Emergency Response Regulations), are based on the job duties personnel are assigned. The training and refresher requirements for the following job categories are listed herein:

- A. General Site-Worker Training:
  - 1. A minimum of forty (40) hours of training is required for a general site worker engaged in hazardous substance removal or other activities which expose or potentially expose them to hazardous substances and health hazards.
  - 2. A minimum of eight (8) hours of refresher training is required annually. Refresher training to include any critique of incidents that have occurred in the past year that can serve as training examples of related work, and other relevant topics.
- B. Hazardous Materials Technician Training:
  - 1. A minimum of twenty-four (24) hours of training equal to the first responder operations level (i.e., individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release) and in addition to having competency in plugging releases are required for hazardous materials technicians. Hazardous materials technicians respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance.
  - 2. Hazardous materials technicians are required to receive an annual 8-hour refresher training of sufficient content and duration to maintain their competencies, or shall demonstrate competency in those areas at least yearly.
- C. Hazardous Materials Specialist Training:
  - 1. A minimum of twenty (24) hours of training equal to the technician level and in addition must be able to identify various hazardous substances. Hazardous materials specialists are individuals who respond with and provide support to hazardous materials technicians. Their duties parallel those of the hazardous materials technician, however, those duties require a more directed or specific knowledge of the various hazardous substances. The

hazardous materials specialist would also act as the site liaison with Federal, state, local and other government authorities in regards to site activities.

2. Hazardous Materials Specialists is to receive an annual 8-hour refresher training of sufficient content and duration to maintain their competencies, or shall demonstrate competency in those areas at least yearly.

D. Management and Supervisor Training:

1. In addition to General Site-Worker Training (as described in letter A above), these individuals shall have a minimum of eight (8) additional hours of specialized training on such topics as, but not limited to the employer's safety and health program, personal protective equipment program, spill containment program, and health hazardous monitoring procedure and techniques. Managers and supervisors are directly responsible for employees, supervise employees, and engaged in hazardous waste operations.
2. Employees shall receive eight (8) hours of refresher training annually. Refresher training to include any critique of incidents that have occurred in the past year that can serve as training examples of related work, and other relevant topics.

**2.4 Services to be provided and Requirements**

A. The selected Proposer shall provide the following services:

1. The Training Instructor shall conduct HAZWOPER training courses for the categories specified above in Section 2.3. Training materials required for the Program under this Solicitation include the regular/daily PPE listed below which are used by DERM field staff. As part of the Program students are instructed in the proper use, inspection, maintenance, and limitations of each of these items during the training session as part of the PPE section. Training will include the review of the requirements of Level A and B suits, but focus mostly on Level C. Level C dress up by the participant during the initial 40-hour training session includes respirators (provided by the selected Proposer). In addition to Level C suits (i.e., Tyvek suits) and respirators, the attendees also wear inner and outer gloves and rubber booties taped with duct tape, and the selected Proposer reviews proper donning and doffing techniques.
2. Perform quantitative respirator fit testing during the training schedule at no extra cost to the County. The fit testing equipment shall be provided on site by the selected Proposer. The respirator mask and adaptor are the responsibility of the County. Fit testing includes both full-face and half-face respirators, including, but not limited to: Drager X-Plore 5500, North 76008A, 3M Powerflow face-mounted powered air purifying respirators and the SCBA, MSA AirHawk II respirators.
3. Provide a certification plan for students attending HAZWOPER training courses. The plan shall encompass tracking and scheduling the training to staff to prevent HAZWOPER certifications from expiring.
4. Provide all course materials, equipment, and supplies necessary to perform the services requested herein. DERM's Personal Protection Equipment (PPE) and equipment/materials currently used by DERM's field staff includes:
  - A. Daily Use: steel toe safety shoes, snorkeling and scuba diving gear, hard hats, safety glasses, safety goggles, disposable nitrile gloves, leather gloves, hearing protection, reflective traffic vest, full body harness, vehicle strobe light, manhole puller, and particulate respirators, (as needed if in dusty environments during inspection), fire extinguishers.
  - B. Emergency use: first aid kits, Level A suit used only by Emergency Response Coordinator in very rare/extreme instances as this function would be reserved for the appropriate department, (i.e., firefighters responding to secure the scene), fire extinguishers.
  - C. Monitoring equipment: Radalerts, MiniRAE2000 (PID), TruDefender, First Defender, and Bilstein Halogen Detector.
  - D. Mitigation materials: absorbent pads/spill remediation kits to prevent impacts to storm drains, etc. DERM's field staff also use the Emergency Response Guidebook and NIOSH Pocket Guide to Chemical Hazards. Fire extinguishers are also present in County vehicles as precautionary measures for potential emergencies while out in the field.

The list of PPE and equipment/materials shown above is subject to change without notice.



5. Maintain records listing the dates courses were taught, the names of the individual course attendees, the name(s) of the training instructors, the name(s) of the assistant instructors, the names of those students successfully completing each course, test scores, and the number of training certificates issued to each successful student. These records shall be maintained for a minimum of five years after the date an individual participated in a training program. These records shall be available to the County, and provided upon either the County's or student's request, or as mandated by law.
6. Maintain and follow a medical clearance policy for County staff participating in the HAZWOPER training courses, as established by the County's medical monitoring program. Note that medical clearance is not the function of the proposer; it is the responsibility of the County to ensure employees are fit for duty per yearly physical examinations.
7. Not exceed the student-instructor ratios of 30 students per instructor for each HAZWOPER training course offered.
8. Provide hands-on activity requiring the use of personal protective equipment. For Level C or Level D personal protective equipment the student-instructor ratio shall not exceed 10 students per instructor during these activities.
9. Written documentation to the County's Project manager for each student who satisfactorily completes the HAZWOPER training course. The documentation shall include:
  - a) Student's name;
  - b) course title;
  - c) course date;
  - d) a statement on the actual certificate noting that the student has successfully completed the course;
  - e) name and address of the successful proposer to provide the training;
  - f) an individual identification number for the certificate; and
  - g) a list of the levels of personal protective equipment used by the student to complete the course.

This documentation shall be in the form of a certificate and an appropriate wallet or identification sized laminated card with a photograph of the student and the above information. When such course certificate cards are used, the individual identification number for the training certificate shall be shown on the card.

B. The selected Proposer shall comply with the following requirements:

1. All course materials to be used shall be submitted to the County's Project Manager for approval.
2. At a minimum, course materials shall be reviewed and updated annually.
3. All written and audio-visual materials in each training curricula shall undergo a yearly quality review process by the selected Proposer to assess the adequacy, accuracy, and applicability of the training materials. The results of the quality review shall be furnished to the County's Project Manager.
4. All course material shall incorporate the following disciplines:
  - a) Occupational health
  - b) Industrial hygiene and safety
  - c) Chemical/environmental engineering
  - d) Employee education
  - e) Emergency response
5. Materials and equipment used for the training shall be in good working order and properly maintained.
6. Student proficiency shall be evaluated and documented using a written assessment and a skill demonstration developed by the selected Proposer. The assessment and demonstration shall evaluate the student's knowledge and individual skills developed in the course of training. The level of minimum achievement necessary for determining proficiency shall be specified in writing by the Training Instructor and approved by the County's Project Manager.
7. A written test and/or verbal skills demonstration shall be used to allow the student to demonstrate their competency in the field of OSHA requirements. The questions asked of the student or the tasks which the student is asked to perform shall be fully documented by the Training Instructor. The content of the written test or of the skill demonstration shall be relevant to the objectives of the course. The written test and skill demonstration shall be

updated as necessary to reflect changes in the curriculum and any update shall be approved by the Training Instructor.

## 2.5 Training Director and Instructor Requirements

The selected Proposer shall provide the following instructor:

A. Training Director: In accordance with 29 CFR 1910.120 (e)(5), a training program shall be under the direction of a training instructor who is responsible for the program. Training instructors shall be qualified to instruct employees about the subject matter that is being presented in the training. Training instructor shall have satisfactorily completed a training program for teaching the subjects they are expected to teach, or they shall have the academic credentials and instructional experience necessary for teaching the subjects.

### B. Training Instructors:

Training instructors shall have documented experience in their area of instruction, successful completion of a "train-the-trainer" program specific to the topics they will teach, and an evaluation of instructional competence by the Training Director.

Assistant instructors shall maintain professional competency by participating in continuing education or professional development programs; or, by successfully completing an annual refresher course and having an annual review by the Training Instructor. The annual review by the Training Instructor shall include observation of the assistant instructor's delivery, a review of those observations with the trainer, and an analysis of any instructor or class evaluations completed by the students during the previous year. Annual reviews will also be made available to the County upon request.

Any means used to maintain competency in the field of instructing OSHA classes shall be maintained by the selected Proposer and made available to the County upon request.

## 2.6 Training Facilities

The training courses will generally be held at an on-site facility at each of the departments hosting the training. In lieu of the individual departments choosing to host this training, the selected Proposer shall have available a training facility with sufficient resources and equipment per training class. The selected Proposer's training facility shall be adequate for both classroom activities and hands-on training including hazardous materials and decontamination scenarios. The training facility shall have sufficient organization, support staff, and services to conduct training in each of the courses offered.

# 3.0 RESPONSE REQUIREMENTS

## 3.1 Submittal Requirements

In response to this Solicitation, Proposer should **complete and return the entire Proposal Submission Package**. Proposers should carefully follow the format and instructions outlined therein. All documents and information must be fully completed and signed as required and submitted in the manner described.

The proposal shall be written in sufficient detail to permit the County to conduct a meaningful evaluation of the proposed services. However, overly elaborate responses are not requested or desired.

# 4.0 EVALUATION PROCESS

## 4.1 Review of Proposals for Responsiveness

Each proposal will be reviewed to determine if the proposal is responsive to the submission requirements outlined in this Solicitation. A responsive proposal is one which follows the requirements of this Solicitation, includes all documentation, is submitted in the format outlined in this Solicitation, is of timely submission, and has the appropriate signatures as required on each document. Failure to comply with these requirements may result in the proposal being deemed non-responsive.

## 4.2 Evaluation Criteria

Proposals will be evaluated by a Review Team which will evaluate and rank proposals on criteria listed below. The Review Team will be comprised of appropriate County personnel and members of the community, as deemed necessary, with the appropriate

experience and/or knowledge, striving to ensure that the Review Team is balanced with regard to both ethnicity and gender. The criteria are itemized with their respective weights for a maximum total of one hundred (100) points per Review Team member.

<u>Technical Criteria</u>	<u>Points</u>
1. Proposer's relevant experience, qualifications, and past performance	30
2. Relevant experience and qualifications of key personnel, including key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors	30
3. Proposer's approach to providing the services requested in this Solicitation	25
<u>Price Criteria</u>	<u>Points</u>
4. Proposer's proposed price	15

#### 4.3 Oral Presentations

Upon evaluation of the technical criteria indicated above, rating and ranking, the Review Team may choose to conduct an oral presentation with the Proposer(s) which Review Team deems to warrant further consideration based on, among other considerations, scores in clusters and/or maintaining competition. (See Affidavit – "Lobbyist Registration for Oral Presentation" regarding registering speakers in the proposal for oral presentations.) Upon completion of the oral presentation(s), the Review Team will re-evaluate, re-rate and re-rank the proposals remaining in consideration based upon the written documents combined with the oral presentation.

#### 4.4 Selection Factor

This Solicitation includes a selection factor for Miami-Dade County Certified Small Business Enterprises (SBE's) as follows. A SBE/Micro Business Enterprise is entitled to receive an additional ten percent (10%) of the total technical evaluation points on the technical portion of such Proposer's proposal. An SBE/Micro Business Enterprise must be certified by Small Business Development for the type of goods and/or services the Proposer provides in accordance with the applicable Commodity Code(s) for this Solicitation. For certification information contact Small Business Development at (305) 375-2378 or access <http://www.miamidade.gov/business/business-certification-programs-SBE.asp>. The SBE/Micro Business Enterprise must be certified by proposal submission deadline, at contract award, and for the duration of the contract to remain eligible for the preference. Firms that graduate from the SBE program during the contract may remain on the contract.

**OR**

A Selection Factor is not applicable to this Solicitation.

**OR**

*(If no points are assigned to evaluation criteria, include the following in addition to above paragraph):*

Whenever there are two best ranked proposals that are substantially equal and only one of the two so ranked proposals is submitted by a Proposer entitled to a selection factor, the selection factor shall be the deciding factor for award.

#### 4.5 Local Certified Veteran Business Enterprise Preference

This Solicitation includes a preference for Miami-Dade County Local Certified Veteran Business Enterprises in accordance with Section 2-8.5.1 of the Code of Miami-Dade County. "Local Certified Veteran Business Enterprise" or "VBE" is a firm that is (a) a local business pursuant to Section 2-8.5 of the Code of Miami-Dade County and (b) prior to proposal or bid submittal is certified by the State of Florida Department of Management Services as a veteran business enterprise pursuant to Section 295.187 of the Florida Statutes. A VBE that submits a proposal in response to this solicitation is entitled to receive an additional five percent of the

evaluation points scored on the technical portion of such vendor's proposal. If a Miami-Dade County Certified Small Business Enterprise (SBE) measure is being applied to this Solicitation, a VBE which also qualifies for the SBE measure shall not receive the veteran's preference provided in this section and shall be limited to the applicable SBE preference. At the time of proposal submission, the firm must affirm in writing its compliance with the certification requirements of Section 295.187 of the Florida Statutes and submit this affirmation and a copy of the actual certification along with the proposal submittal form.

#### **4.6 Price Evaluation**

After the evaluation of the technical proposal, in light of the oral presentation(s) if necessary, the County will evaluate the price proposals of those Proposers remaining in consideration.

The price proposal will be evaluated subjectively in combination with the technical proposal, including an evaluation of how well it matches Proposer's understanding of the County's needs described in this Solicitation, the Proposer's assumptions, and the value of the proposed services. The pricing evaluation is used as part of the evaluation process to determine the highest ranked Proposer. The County reserves the right to negotiate the final terms, conditions and pricing of the contract as may be in the best interest of the County.

#### **4.7 Local Preference**

The evaluation of competitive solicitations is subject to Section 2-8.5 of the Miami-Dade County Code, which, except where contrary to federal or state law, or any other funding source requirements, provides that preference be given to local businesses. If, following the completion of final rankings by the Review Team a non-local Proposer is the highest ranked responsive and responsible Proposer, and the ranking of a responsive and responsible local Proposer is within 5% of the ranking obtained by said non-local Proposer, then the Review Team will recommend that a contract be negotiated with said local Proposer.

#### **4.8 Negotiations**

The Review Team will evaluate, score and rank proposals, and submit the results of the evaluation to the County Mayor or designee with its recommendation. The County Mayor or designee will determine with which Proposer(s) the County shall negotiate, if any, taking into consideration the Local Preference Section above. The County Mayor or designee, at their sole discretion, may direct negotiations with the highest ranked Proposer, negotiations with multiple Proposers, and/or may request best and final offers. In any event the County engages in negotiations with a single or multiple Proposers and/or requests best and final offers, the discussions may include price and conditions attendant to price.

Notwithstanding the foregoing, if the County and said Proposer(s) cannot reach agreement on a contract, the County reserves the right to terminate negotiations and may, at the County Mayor's or designee's discretion, begin negotiations with the next highest ranked Proposer(s). This process may continue until a contract acceptable to the County has been executed or all proposals are rejected. No Proposer shall have any rights against the County arising from such negotiations or termination thereof.

Any Proposer recommended for negotiations shall complete a Collusion Affidavit, in accordance with Sections 2-8.1.1 of the Miami-Dade County Code. (If a Proposer fails to submit the required Collusion Affidavit, said Proposer shall be ineligible for award.)

Any Proposer recommended for negotiations may be required to provide to the County:

- a) Its most recent certified business financial statements as of a date not earlier than the end of the Proposer's preceding official tax accounting period, together with a statement in writing, signed by a duly authorized representative, stating that the present financial condition is materially the same as that shown on the balance sheet and income statement submitted, or with an explanation for a material change in the financial condition. A copy of the most recent business income tax return will be accepted if certified financial statements are unavailable.
- b) Information concerning any prior or pending litigation, either civil or criminal, involving a governmental agency or which may affect the performance of the services to be rendered herein, in which the Proposer, any of its employees or subcontractors is or has been involved within the last three years.

#### **4.9 Contract Award**

Any proposed contract, resulting from this Solicitation, will be submitted to the County Mayor or designee. All Proposers will be notified in writing of the decision of the County Mayor or designee with respect to contract award. The Contract award, if any, shall be made to the Proposer whose proposal shall be deemed by the County to be in the best interest of the County. Notwithstanding the rights of protest listed below, the County's decision of whether to make the award and to which Proposer shall be final.

#### **4.10 Rights of Protest**

A recommendation for contract award or rejection of all proposals may be protested by a Proposer in accordance with the procedures contained in Sections 2-8.3 and 2-8.4 of the County Code, as amended, and as established in Implementing Order No. 3-21.

### **5.0 TERMS AND CONDITIONS**

The anticipated form of agreement is attached. The terms and conditions summarized below are of special note and can be found in their entirety in the agreement:

#### **a) Vendor Registration**

Prior to being recommended for award, the Proposer shall complete a Miami-Dade County Vendor Registration Package. For online vendor registration, visit the Vendor Portal: <http://www.miamidade.gov/procurement/vendor-registration.asp>. Then, the recommended Proposer shall affirm that all information submitted with its Vendor Registration Package is current, complete and accurate at the time it submitted a response to the Solicitation by completing an Affirmation of Vendor Affidavit form as requested by the County.

#### **b) Insurance Requirements**

The Contractor shall furnish to the County, Internal Services Department, Procurement Management Services Division, prior to the commencement of any work under any agreement, Certificates of Insurance which indicate insurance coverage has been obtained that meets the stated requirements.

#### **c) Inspector General Reviews**

According to Section 2-1076 of the Code of Miami-Dade County, as amended by Ordinance No. 99-63, Miami-Dade County has established the Office of the Inspector General which may, on a random basis, perform audits on all County contracts, throughout the duration of said contracts, except as otherwise indicated. The cost of the audit, if applicable, shall be one quarter (1/4) of one (1) percent of the total contract amount and the cost shall be included in any proposed price. The audit cost will be deducted by the County from progress payments to the Contractor, if applicable.

#### **d) User Access Program**

Pursuant to Section 2-8.10 of the Miami-Dade County Code, any agreement issued as a result of this Solicitation is subject to a user access fee under the County User Access Program (UAP) in the amount of two percent (2%). All sales resulting from this Solicitation and the utilization of the County contract price and the terms and conditions identified therein, are subject to the two percent (2%) UAP.

### **6.0 ATTACHMENTS**

Draft Form of Agreement

Web Forms – Proposal Submission Package Including: Proposal Submittal Form, Fair Subcontract Practices Affidavit, Subcontractor Listing, Lobbyist Registration Form, and Contractor Due Diligence Affidavit.

Proposer Information Section\*

Form 1 – Price Proposal Schedule\*

\*Note – The Proposer Information Section and Form 1 have been posted to BidSync in the form of fillable Microsoft Word documents.