

**CITY OF MIAMI, FLORIDA
INTER-OFFICE MEMORANDUM**

TO: Daniel J. Alfonso,
City Manager

DATE: July 11, 2016

FILE:

SUBJECT: Recommendation to Reject
All Proposals Submitted For Wagner
Creek/Seybold Canal Restoration Project

FROM: Annie Perez, CPPO, Director
Procurement Department

REFERENCES: RFP No. 15-16-010
ENCLOSURES:

Approval of this rejection, which is within your delegated signature authority, is requested. Based on the findings below, the Procurement Department (Procurement) hereby recommends rejection of all proposals submitted, pursuant to Request for Proposals No. 15-16-010 (RFP), Wagner Creek/Seybold Canal Restoration Project (Project), for the reasons stated herein.

Background:

The City issued the Request for Proposal (RFP) on December 7, 2015, under full and open competition, to obtain proposals from qualified, experienced Design-Build Firms to perform maintenance dredging to remove accumulated sediment in both Wagner-Creek and Seybold Canal waterways. Proposers were requested to submit a mandatory "base proposal" and an "alternate technical concept (ATC) proposal". The base proposal was to be consistent with the Corrective Action Plan-Version 2 (CAP2), which was developed as a basis of design, and served as the basis for the County, State and Federal permits. The ATC proposal was to consider innovative approaches and allow for flexibility, time, cost savings and risk reduction. The ATC proposal could only be considered with the submission of a base proposal. Proposers were also required to meet all of the minimum qualification requirements established in the RFP in order to be deemed qualified to provide the services.

On March 16, 2016, three (3) proposals were received in response to the RFP; 1) a base proposal from Severson Environmental Services, Inc. (Severson); 2) a base proposal from Terra Contracting Services, LLC (Terra); and 3) an ATC proposal from Terra. Subsequently, the three (3) proposals were reviewed and evaluated by an Evaluation Committee, following the guidelines and technical criteria published in the RFP. Notwithstanding the above, following the evaluation meeting, Procurement further reviewed the proposals, in consultation with the City Attorney's office, and it was determined that a specific non-compliance in Severson's proposal, in all probability, constituted a material deviation from the CAP2. This deviation was a non-waivable issue, as confirmed by the Miami-Dade County Department of Environmental Resources Management (DERM), since the submittal of a comprehensive CAP2 modification would be required. Consequently, the base proposal submitted by Severson was deemed non-responsive, as the proposal was not presented as an ATC proposal. The two (2) proposals (base and ATC) submitted by Terra were deemed responsive, and Terra was invited to oral presentations.

Following the oral presentations, due diligence was conducted to determine Terra's responsibility, including performing reference checks. A responsibility review meeting was deemed necessary and subsequently conducted with Terra. Such meeting was held in an effort to make a determination that Terra has the capacity and capability, in all aspects, to fully perform the contract requirements, and the integrity and reliability of which give assurance of good faith and performance, to contract for this RFP as presented, and carry out the work required.

Pursuant to the RFP, Section 1.16, Disqualification, "Any Proposer who submits in its Response any information that is determined by the City, in its sole opinion, to be substantially inaccurate, misleading, exaggerated, or incorrect, shall be disqualified from consideration for award of the Contract". It was determined that the information submitted by Terra for a key personnel for this solicitation, was inaccurate, exaggerated, and/or incorrect. Further, pursuant to Section 18-95, Determination of Responsibility, item (c), two of the factors to be considered in determining responsibility of prospective contractual parties are: a) availability of appropriate financial, material, equipment, facility, and **personnel resources and expertise**, or the ability to obtain them, to meet all contractual requirements; and b) a satisfactory record of performance. Under Section 18-95 of the City Code, and applicable Florida laws and cases, the City is precluded from awarding a contract to a party that is not responsible under the City's Procurement Ordinance.

Based on the information provided in Terra's proposal as it relates to the key personnel, and the findings herein, the determination that Terra is non-responsible relative to the information submitted and assertions made in response to the above referenced RFP and therefore, ineligible for the award of this contract. The foregoing is fully documented in letters to Terra on file with the Procurement Department.

Recommendation:

Based on the findings presented herein, all proposals must be rejected, and the RFP must be revised and resolicited for various reasons:

1. Due to certain inconsistencies and various issues with the document, the RFP must be rewritten to better define and elaborate on various words, phrases, and terms, including those of Key Personnel, in order to produce a new and improved RFP;
2. Just as essential, a further elaboration and clarification on the submission requirements relative to the mandatory CAP2 submittal and any optional/alternate proposals;
3. All clarification issued via addenda will be included in the new improved RFP; and
4. Reference and Questionnaire forms will be substantially revised to avoid any ambiguity, to require further detail, and to better exemplify all relevant details of the required experience.

This rejection will conclude the City's deliberations as to RFP No. 15-16-010. Consequently, as outlined above, Procurement is therefore requesting the rejection of all proposals. This will allow the City the opportunity to prepare an updated and improved solicitation.

Approved: 
Daniel J. Alfonso, City Manager

Date: 7-11-16

cc: Alberto Parjus, Assistant City Manager
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