

**City of Coral Gables City Commission Meeting**  
**Agenda Item C-6**  
**May 11, 2010**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Donald D. Slesnick, II**  
**Vice Mayor William H. Kerdyk, Jr.**  
**Commissioner Maria Anderson**  
**Commissioner Rafael “Ralph” Cabrera, Jr.**  
**Commissioner Wayne “Chip” Withers**

**City Staff**

**City Manager, Patrick Salerno**  
**City Attorney, Elizabeth Hernandez**  
**City Clerk, Walter J. Foeman**  
**Deputy City Clerk, Billy Urquia**  
**Chief Procurement Officer, Michael Pounds**  
**Director of Parks and Recreation, Fred Couceyro**

**Public Speaker(s)**

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C-6 [Start: 9:18:11 a.m.]

Resolution accepting the recommendation of the Chief Procurement Officer to award a contract for Gymnastic Professional Service to Gym Kidz, Inc. pursuant to Section 2-828 of the Procurement Code and Request for Proposal (RFP) 2010.02.19 for an initial three (3) year term with an option to renew for two (2) additional one (1) year periods.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Yes, thank you Mayor. Mr. City Manager, C-6 is the resolution accepting the Gymnastic Professional Service to Gym Kidz, which was an RFP that was submitted or was put out about a year and-a-half ago, and I think that we initially had another vendor that was selected and then that was thrown out, and this was put forth again. I just would like to ask, first of all, we never really discussed it in the public, what happened to the first RFP?- and why that was thrown out?- and then what was, I have a couple questions about how this proprietor or this existing vendor was selected again?

City Manager Salerno: Thank you Commissioner; Michael would you come forward?

Mr. Pounds: As to the first solicitation, the vendor Tumble Bees was selected; however a protest was submitted by the current contractor with a number of issues raised about its process, and the vendor that was selected. We went through that document thoroughly and those issues – we tried

to address those issues as best we could. There were still some things that could not be properly addressed. I think the City Attorney felt that there was some problem with the solicitation, some technical problems, there were some things in the document that were not correct that needed to be rectified, and a decision was made to not go forward with that solicitation. In terms of this process, our evaluation committee met about two weeks ago, and reviewed the points, the criteria to evaluate the Gymnastic Professional Service providers; it was a very close evaluation, less than two points between the two vendors. Basically, there were just a few areas that Gym Kidz scored higher than Tumble Bees; basically, it went back and forth. I realized that there has been an e-mail sent to you all about some of the points that, that vendor has some concerns with, Tumble Bees, and I think we can address those, if you'd like.

Vice Mayor Kerdyk: I was going to mention that. I have a letter in front of me that was sent by Andy Rohan, who is the owner of Tumble Bees, and she brings up a couple of points. One of them having to do with the grading of the revenue of your scoring....

Mr. Pounds: Yes.

Vice Mayor Kerdyk:...and, let me see if I can find it here on her e-mail.

Mr. Pounds: I'll be glad to answer that.

Vice Mayor Kerdyk: Let me see if I can phrase it for you.

Commissioner Cabrera: Can I ask you something?

Vice Mayor Kerdyk: Sure.

Commissioner Cabrera: I think what you are doing is phenomenal and I'd like to get the answers, and I appreciate your leadership on this, but I think that regardless of what the response is from staff, would you be comfortable if we were to postpone this item, regardless of what they have to say?- I don't want to take away from what you are asking because I think it's important that you do what you are doing, but I'm just thinking that perhaps after it's all said and done, given the tone of the letter, it may be in our best interest to postpone it. So I'm sorry; I didn't mean to cut you off.

Vice Mayor Kerdyk: No, no, that's OK, not at all. It says Tumble Bees Gymnastics has consistently provided the highest revenue percentage to the city in the past three RFP's, the current bid we offer fifty percent (50%) more revenue to the city and Gym Kidz offered forty five percent (45%). Tumble Bees also offered more revenue to the city because our pricing was slightly higher than Gym Kidz, again offering more revenue to the city, yet Tumble Bees was scored lower than Gym Kidz by Michael Pounds in that category. That's not such a subjective category, I mean, you either provide more revenues or you don't provide more revenues, its either yes or no, that's how I see it; and I'd like to hear your response as far as that goes.

Mr. Pounds: Well, I didn't feel that I could properly evaluate that because the fee schedule that they submitted was not complete. There were significant items left off; I think you have in your attachments a fee schedule and it shows the items that were left out by Tumble Bees. So I can't evaluate what kind of revenue we would have because I don't know if they are going to provide those programs. I also don't know what they are going to charge. If they do provide those programs. So that to me is fairly meaningless, the fact that it's five percent over because I can't tell what that's based on. Well, you don't know whether they are going to overcharge the citizens for the services, you don't know whether they are even going to add the programs.

Vice Mayor Kerdyk: You know, I think that Commissioner Cabrera has a good idea as far as delaying this to make a decision on another day. I have a problem with the whole fundamentals of it. First of all it was awarded to Tumble Bees initially, then you went out for RFP for whatever reason, OK, I can go with that, then we awarded to Gym Kidz, which is doing a fine job, I have no problem with what they are doing in the Youth Center; I have no dogs in that fight, I really don't have anybody that has come to me and said, hey, they've done a poor job or whatever, that is not the genesis of why we are having this discussion right here. It's graded very closely, and then I received this letter that has many more points than just the one I bring up that I feel more comfortable if it's answered to me at a different time, and maybe at an environment where I feel more comfortable asking more questions on this letter. That's my sentiment on it.

Commissioner Cabrera: I think I share your exact same sentiments, I think we all got this e-mail, either very late last night or very early this morning, and I read through it, and obviously whoever drafted this chose to time it in a way that we would get it at the eleventh hour, but the bottom line is there are lots of questions based upon that letter. So I certainly concur with you Mr. Kerdyk, and if you wish, I would be willing to move to postpone the decision on this Consent Item, and defer it for another time.

Vice Mayor Kerdyk: I'll second that.

Mayor Slesnick: It's been moved by Mr. Cabrera and seconded by Mr. Kerdyk to defer Item C-6 until the following meeting. Is there any discussion?- any comments?

**Mr. Clerk**

**Vice Mayor Kerdyk: Yes**

**Commissioner Withers: Yes**

**Commissioner Anderson: Yes**

**Commissioner Cabrera: Yes**

**Mayor Slesnick: Yes**

**(Vote: 5-0)**

Commissioner Withers: Just for clarification, now the vote's taken. What do we hope to get out of this?- a presentation from staff at the next Commission meeting or renegotiation?- what are we asking them to do?

City Attorney Hernandez: Right – because it's not a bid protest, because they didn't they didn't....

Commissioner Cabrera: I can answer the question. I was looking for clarification based upon the allegations that were made in that letter.

Commissioner Withers: So it will be a Commission item scheduled to discuss, that's what we are asking.

Commissioner Cabrera: I would leave it up to the Manager's discretion, but you know, it's not a formal bid protest, it came to us at the eleventh hour, but there are so many kinds of allegations on this. You've been around a lot longer than I have on this Commission, this gymnastics thing seems to be....next to towing and metal roofs, I mean gymnastics....

City Attorney Hernandez: There are three or four that always do this. It's consistent.

Commissioner Cabrera: Yes. So I just figured it would give staff the opportunity to review the accusations and comments, and it would give the person that took the time to write us the two page document.

Commissioner Withers: Are we going to have any testimony from either Gym Kidz or....

City Attorney Hernandez: I would recommend against that.

Commissioner Withers: I just want to make sure we get the ground rules straight.

Commissioner Cabrera: I was leaving it to the Manager's discretion to decide how he wants to approach it.

Mayor Slesnick: Did you want to ask a question?

Vice Mayor Kerdyk: Well, the question is, Liz, can the City Manager, can he consult with us on this?

City Attorney Hernandez: Absolutely. You are asking this item to be deferred so that you can have a specific discussion with the Manager, and then you may decide at the Commission meeting that you want to discuss it publicly further, or make a motion to approve, or throw it out. It's at the Commission's discretion.

Vice Mayor Kerdyk: Very good.

Commissioner Cabrera: Well, I have just a general operational question. Will this hamper in any way the programming at the Coral Gables Youth Center based upon us delaying a final vote on this matter today? Can anyone answer that for me?

Mr. Couceyro: Good morning. Currently we are on a month-to-month with the existing contractor, so we were going to continue programming until this matter is resolved.

Commissioner Cabrera: OK. That sounds good. You don't as Director of Parks and Recreation-- you don't believe that this will have any other impact on the children also?

Mr. Couceyro: No.

Commissioner Cabrera: OK. Well that's all I needed to know. Thank you sir, appreciate it.

[End: 9:28:46 a.m.]