

City of Coral Gables City Commission Meeting
Agenda Item I-5
July 25, 2022
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Clerk, Billy Urquia

City Attorney, Miriam Ramos

Chief Procurement Officer, Celeste Walker-Harmon

Public Speaker(s)

Agenda Item I-5 [12:22 p.m.]

A Resolution of the City Commission accepting the recommendation of the Chief Procurement Officer to award the Citywide Landscaping Maintenance Services to Brightview Landscape Services, Inc., the highest ranked responsive and responsible proposer, pursuant to Section 2-763 of the Procurement Code entitled “Contract Award” and Request for Proposal (RFP) 2022-008. Lobbyist: Leslie E. Pantin

Mayor Lago: I-5 and after this item we’ll take lunch.

City Attorney Ramos: I-5 is a Resolution of the City Commission accepting the recommendation of the Chief Procurement Officer to award the Citywide Landscaping Maintenance Services to Brightview Landscape Services, Inc., the highest ranked responsive and responsible proposer, pursuant to Section 2-763 of the Procurement Code.

Procurement Officer Walker: Good afternoon, Celeste Walker-Harmon, Chief Procurement Officer. This particular project is replacement of existing contract that’s been in place for ten years.

City Commission Meeting

A competitive RFP was issued. Four responsive proposers responded, and the evaluation committee is recommending the award to Brightview Landscape Services, Inc. So, we would like to move that forward.

Mayor Lago: First off, thank you. I want to say thank you to the committee, thank you to staff, thank you to everyone who has worked so tirelessly to make sure that obviously we get to today. I want to make a few points first that I think are important and I want to make sure that they are memorialized, because I don't want to hear later that there is no money to do things. We are embarking on Ponce, a full refresh of Ponce. We are requiring that all our sidewalks, city sidewalks, city-owned buildings are clean. We are holding the private sector accountable. I don't know if that's included here or not. I want to make sure that we have enough monies to like, Commissioner Anderson say, refresh with flowering plants and do all the necessary things that we need to do to make sure that it looks beautiful. If that means that we are addressing, for example, if you look at this morning when I came in early, if you look at our parking lot, there are a lot of weeds in the medians, it's a lot of areas. I know its touched up by our staff once a month, maybe it needs to be touched up twice a month, maybe it needs to be touched up three times a month. So, there are a few things also that I want my staff to be aware and I'm going to mention again. Its not the first time I am meeting it in this meeting. I think it's the third time I mentioned it in this meeting. We need to make sure that, I understand how this works, I do this all the time in regard to RFPs and RFQs, but I don't want to overpay on an RFP. I don't want to overpay on an RFQ. The individual that's being chosen today was not the lowest bidder and I want to understand why we are moving in that direction, because to me, they are all great contractors, they all do a great job. I hold Brightview in high regard, Superior, SFM, great. I received, along with you, many complements in regard to SFM about all the work that they are doing, trimming trees here in this community. Every time I call them, they go and address an issue, not a problem. I received countless calls about SFM in regard to, I said Superior, right before; SFM in regard to janitorial and cleanliness and issues that they are dealing with. So, if we are here to talk about money in a very tight, tight market right now, I want to make sure that we are not just overpaying because in a scoring sheet one person decided to score somebody higher than the other. Those are my concerns. That's where I am; and I need to save as much money as I possibly can.

Procurement Officer Walker: Okay.

Mayor Lago: And by the way, I'm not afraid to go to the drawing board again on this and not chose the first person, not chose the second person or chose the third, or maybe not chose anybody here. We walk away, we start this again, but I want to be careful. I'm counting every single penny, because if we cannot do a sidewalk, if we cannot do this, if we cannot do that, and it takes a year, we've got to wait for the budget, we are going to pay/overpay on a procurement with somebody who didn't come in first place in regards to price, they came in second or third, I don't remember, that to me doesn't sit well. Yes ma'am.

Procurement Officer Walker: Specifically, this was issued as an RFP not a bid, so it was qualitative, and it wasn't exclusively evaluated on pricing. Pricing component was only worth 25 percent of the pointing or the scoring. So that's the reason why its not based off of the lowest price,

City Commission Meeting

because other things are taken into consideration, that's expense, qualifications, the project methodology, there are some other factors that are actually weighted in evaluating as far as evaluations is concerned. So, it's not exclusively on pricing.

Mayor Lago: So, in a tight market right now, where I'm trying to stretch every single dollar, there is something that's outweighing price by 75 percent.

Procurement Officer Walker: Correct. Well, there are other things. There are multiple categories. So, experience is one, your past performance and referenced, your methodology. There are other categories that are weighted. As far as the pricing was concerned, was only 25 points out of 100.

Mayor Lago: I find that hard to swallow.

Procurement Officer Walker: Experience and qualifications was 25; project understanding was 35; past performance and references was 10; agreement exceptions were 5; and the overall cost was 25.

Mayor Lago: The reason why I say, before the Vice Mayor jumps in, the reason why I find it hard to accept. Again, its not an indictment on staff, just telling you my opinion on the matter is, look, let me give you an example. If you go to the Quickie Mart, you go to the Quickie Mart next to where I live, next to UM, it's a pump and lunch. Great place to get a Gatorade before I workout on Saturday and Sunday morning. There is some landscaping there that the city owns that hasn't been touched in 20 years, 20 years. Not 20 months, not 20 days, 20 years it hadn't been touched. I brought it up to staff's attention and they went by, and they found out that it was our responsibility not the business owner or a commercial property owner. So that goes to show me that there is a lack of resources if certain things are not being taken care of. And you are telling me that we are about to pay more for somebody – when you look at the qualifications, they all came out very qualified on many different fronts, very respected firms. I need to save money and if someone's going to tell me, because I want to attack many different beautification projects here in the city and we are working on that, but I also got to be respectful of our budgets. So, before I sign a contract, what's the length on this contract?

Procurement Officer Walker: A possible five years. Its three with two on one-year renewals.

Mayor Lago: Thank God it's not a ten-year contract anymore. So, my point is that, I cannot sign contracts where I am not getting the best bang for my buck, because then I can't expand and we end up, like Maria Cruz said, installing twigs or toothpicks on a median, or I have to listen to consultants tell me that there isn't enough money to do an island in an area there because we have to wait till we have more money in six months when our budget refreshes. That's not the issue. The issue is I need to make sure, if all three contractors are just as good and they are all doing work throughout the State of Florida and they are in good standing in regard to litigation and in regard to other contracts, and they are getting good feedback from residents, I find it hard to vote for somebody who's going to charge me a lot more money than the other two contractors.

Commissioner Anderson: I'm just going to add a couple of other comments. Some of the landscape beautification that's ongoing right now and moving towards more native plants, it's actually going to reduce the amount of maintenance. Instead of having to trim a hedge constantly, it should be reducing our cost, not increasing our cost, and through that process we are going to have a better more sustainable planting area. So, I would not expect costs to be going up. I'd be expecting costs to be going down.

Vice Mayor Mena: Listen, if your concern is the pricing, then I think that alone is probably grounds to – if you want to process that as a greater emphasis on that, then I think you should probably start over and focus more on that however you want to go about doing that. Separate and apart from that, I had a question which is, two of the three top firms are current contractors, maybe not in this specific contract, but in this contract, there are others, and again, my experience has been that we have had good experiences with them. What I found odd about the criteria here is that the experience and like references, specifically carved out sort of Gables work, right, which I found odd, because to me, if you've already done work in this city, what better experience or reference could there be. So that to me, was a little odd, and frankly, some of the scoring that I looked at was odd in that respect, because at least on one category there were zero point awarded for references, which I found odd; and I had a hard time kind of understanding, because I came into it thinking, alright, I looked at the list of firms, two of the three I'm familiar with, I'm familiar with all three, but we have direct experience with, and I was surprised to then read that at least on the references that was carved out, maybe that's standard and I'm sure you will explain to me now. But also, just in terms of looking at their experience, to me, experience doing work in this city is the best experience we could have. Now maybe that's a positive experience, it may be a negative experience. I'm not here to say that, but it should be a factor in my opinion, in terms of how you evaluate bids. So, walk me through that a little bit.

Procurement Officer Walker: And it is, experience is a factor. The experience and qualifications are worth 25 points of the overall. As far as the information with regards specifically to the city, that's in regard to references. So, the whole point is, is that if you are already a City of Coral Gables provider, we know specifically firsthand how you conduct business and how you perform. So, we are asking for references from other particular entities with regard to you submitting those references. So as far as the experience is concerned, absolutely, that was calculated in the first category and worth 25 points, so that does not penalize anybody from doing business with the City of Coral Gables, because of course, we encourage that. So that's not where...

Vice Mayor Mena: But on references, for example, what are you actually evaluate there?

Procurement Officer Walker: Whether or not they provided references and whether the references said that they performed well, or there were any issues or concerns, because we do take into consideration past performance on current vendors and vendors that perform for other entities.

Mayor Lago: Can I add something to that, if you don't mind?

Procurement Officer Walker: Um huh.

City Commission Meeting

Mayor Lago: And I'm going to be very candid in regard to this.

Procurement Officer Walker: Okay.

Mayor Lago: I submit RFPs and RFQs probably on a monthly basis for my firm. You think that I would submit an RFP or an RFQ with a vendor form of somebody who I did bad work for?

Procurement Officer Walker: Absolutely – exactly. You would never do that.

Mayor Lago: So again, so the whole point is that you would only send the best, the person that you would want them to respond to you. Like I have great vendor recommendations. I have great recommendations from clients. That's all important, but again...

Procurement Officer Walker: That's why that's not weighed as heavily. Its only worth 10 points.

Mayor Lago: But again, price needs to be as important, if not more important than anything. You know what needs to be important too, the fact that you are in Miami-Dade County based, that your company is here. Are all the vendors that were selected finalists, are the four, are they all Miami-Dade County vendors?

Procurement Officer Walker: They all have locations in Miami-Dade County.

Mayor Lago: No, no, that's not what I said. I said headquartered. Where is your headquarters? Let's run down this list. I didn't want to do it, but I'll do it in public. Where is Brightview located?

Procurement Officer Walker: They have multiple locations.

Mayor Lago: Where is the headquarters. My headquarters is 5200 San Amaro Drive, that's where I live, where I fall asleep every night. Where is Brightview located?

Procurement Officer Walker: I believe they are located in Broward.

Mayor Lago: Okay. So that's not local then. Where is SFM located?

Procurement Officer Walker: I believe they are located – I don't have that information, because again, we don't take into consideration for that.

Mayor Lago: These are things that we should have on hand, things that we should have on hand, that are critically important so that when you have to mobilize or when you have to do something. I would rather spend money on local vendors, local vendors, and a price sheet that says, you are going to charge me how much to install this tree; you are going to charge me how much per gallon, how much for this, how much for that. Everything detailed to a point where when we want to spend money, when the Manager wants to do something, or Kirk Menendez, or Commissioner Fors, or

City Commission Meeting

Anderson or the Vice Mayor, wants to do something and say, listen, this is important for the future of the city, what's the price to do that? I don't want to off the blocks already spend a few hundred thousand dollars extra for a contract when we have two or three or four very capable contractors. I want it to be price-driven, if we have already three or four qualified firms. If everybody is qualified, then let's make it about price, just get the best deal for our residents and provide the best beautification for our residents.

Commissioner Fors: Is there, I'm sorry, I'll give you the opportunity to respond to the Mayor.

Procurement Officer Walker: With regard to locally headquartered, we do have a local preference as far as the City of Coral Gables is concerned and some of the other entities do have a Miami-Dade County headquarter preference, but that's all it is, it's a preference. It does not exclude or eliminate competition, because again, we know that's what we are striving for to get competition and national companies are not located always in Miami-Dade County, which is why it's a preference and points are given for that particular criteria or component, but its not exclusively based off of that.

Mayor Lago: Excuse me Commissioner, so in this setting where companies are given additional points for being local to Miami-Dade County?

Procurement Officer Walker: In some entities, we don't have that, we don't have that here.

Mayor Lago: But that's something that we should apply that.

Procurement Officer Walker: We don't have that here.

Mayor Lago: We should apply that to make sure that the local vendors to Miami-Dade County receive, I don't want to send money to Orlando, I don't want to send money, because by the way, they are putting local preferences over there, so those companies are not only getting benefits in Orlando and Tampa and Broward, but then they are coming to Miami-Dade County and also taking away businesses from companies that are headquartered here, paying taxes here. The money stays here in this economy. They get the money, and they go to Broward, Fort Lauderdale, Fort Meyers, Orlando, Tampa. I want the tax dollars to stay here, so we can invest in infrastructure here, so we can invest in our transportation system, our ports, our streets, that's what's important to me. Sorry, Commissioner Fors, I apologize.

Procurement Officer Walker: We do have a Coral Gables local preference.

Mayor Lago: I don't think there is any landscaping company.

Procurement Officer Walker: And you only get points for that, but no. But we do have one for the city.

Commissioner Fors: I can't reinvent the procurement process, and I know there is a scientific approach to this and that this process has been refined throughout the years in various different governments and different locations. Is there any precedent for the concept of when a Commission so chooses to go down this path and I think this may have been something the Mayor was sort of alluding to? Once you've determined say you have, seven, eight applicants, you have a responsive bid, once you've determined that let's say, four are acceptable, then that there be essentially a bidding solely on pricing, once the Commission has determined that they would be fine with any of the four to then have a bid on pricing then at that point, and then where pricing essentially is the sole determining factor now that they've already qualified by virtue of meeting certain direction on other criteria.

Procurement Officer Walker: Not on bids. There are two steps, as far as an RFQ is concerned, and it's more about qualifications and so, the firms, they submit their proposals and then they are evaluated based off of their qualifications and then they move onto the second phase, which then becomes a pricing point. But this particular type of service or product is not something that's usually falls up under RFQ and it's not solicited in that manner.

Commissioner Fors: Would it be crazy to do an RFQ followed by pricing bidding stage for something like this based on our specific...

Procurement Officer Walker: It wouldn't be crazy, but it would be a duplication of work, so...

City Manager Iglesias: RFQs are generally done for consulting firms and things like that, where you pick, you have a certain project, you pick the qualifications and that first firm you negotiate with them, if you cannot get to a negotiated number then you go to number two. What you're suggesting is do an RFP and then turn that into a bid.

Procurement Officer Walker: We could just do a bid.

Mayor Lago: Let me add something here, which any Google search, you can search right now – Brightview is not located in Broward County, they are located in Pennsylvania, so that's a little further than Broward. And great companies all over the United States, I love it, but I'm all about local. I'm all about local and I'm all about having people in our community reap the benefits of the contracts that we are giving, and we need to do this for once and all.

Vice Mayor Mena: The other thing that, sorry, just to circle back to my prior comment that I found odd, and it's funny that you said, will I ever submit bad references. At least one of these vendors got a zero on references. I'm not even sure how that's possible, to be honest with you.

Procurement Officer Walker: Because as far as that's category is concerned, it's called Performance and References, and so, during that particular solicitation, they took into consideration that particular proposer's performance as well, and so that particular evaluator calculated their past performance as well as their references in that category.

Vice Mayor Mena: I'm not sure I follow what that means.

Procurement Officer Walker: Okay. So, the category is called...

Vice Mayor Mena: Different categories, right.

Procurement Officer Walker: No. The whole category is called Past Performance and References.

Vice Mayor Mena: Sub-categories.

Procurement Officer Walker: And then there are sub-categories.

Vice Mayor Mena: One of which is references.

Procurement Officer Walker: One of which is references.

Vice Mayor Mena: One of them got a zero on that sub-category.

Procurement Officer Walker: Exactly – and that particular category...

Vice Mayor Mena: From one evaluator.

Procurement Officer Walker: Yes, from one evaluator.

Vice Mayor Mena: And have a maximum score from every other evaluator, more or less.

Procurement Officer Walker: No.

Vice Mayor Mena: Five or four.

Procurement Officer Walker: Five or four. It was five points.

Vice Mayor Mena: Fives and fours and then a zero.

Procurement Officer Walker: Right.

Vice Mayor Mena: How is it possible with the same references?

Procurement Officer Walker: Because that particular evaluator took into consideration past performance information.

Vice Mayor Mena: And the others did not?

Procurement Officer Walker: And the others did not.

City Commission Meeting

Vice Mayor Mena: Is that allowed?

Procurement Officer Walker: That's allowed.

Vice Mayor Mena: So, they can have a different standard for how they vote on these?

Procurement Officer Walker: They don't have to have a different standard, it's a different interpretation, which is human.

Vice Mayor Mena: I thought the whole point of this process was to eliminate that kind of interpretation.

Procurement Officer Walker: Because they are human, I can't possibly eliminate...

Vice Mayor Mena: I'm not criticizing the human, but if five people are scoring three companies or four companies, they should know for each category what the criteria is. I hear that one of them is applying a different criterion, and not only applying a different criterion, but it led to a zero, a zero.

Procurement Officer Walker: A zero out of ten points, so she gave them five instead of ten.

Vice Mayor Mena: So, it was a zero on the sub-category.

Procurement Officer Walker: But the total category...

Vice Mayor Mena: Well don't combine them. There is a sub-category is zero.

Procurement Officer Walker: There is a sub-category, so she gave them a zero, so she gave them a five out of the possible ten in past performance and references. So, for that particular category, she did not give them five points. They scored 44.5 points out of 50 in the total category.

Vice Mayor Mena: But you have to understand, I'm not here to judge the person's judgement of the company, I'm worried about the process, that's what we have to be concerned with, right, and I look for things that stand out as out-layers and when I look and I see max score, max score, max score, zero, that to me immediately, well that's weird.

Mayor Lago: My thought when I saw that, I said, they didn't submit any.

Procurement Officer Walker: No, they did, they had references and she took into consideration...

City Manager Iglesias: Five points in this score does not change absolutely.

Vice Mayor Mena: But it's indicative of a procedural issue.

City Commission Meeting

Procurement Officer Walker: A procedural issue or perception issue as far as that particular evaluator is concerned, because now I'm going to have to defend the process in which again, we have five individuals who completely have their own dependent about how they perceive and how they receive information. During that particular portion of it, when it came to past performance and references, the particular company that you are referencing, they had a bad performance, a non-performance report on their record. That information was discussed during that portion of the session, as far as that's concerned that's what that evaluator took into consideration.

Vice Mayor Mena: But they got a five on the performance sub-category.

Procurement Officer Walker: On the other part, yes, for the total, yes.

Vice Mayor Mena: But that goes into the five, not into the zero, because if you take the five out of that category and you put it in the other category then this one's a zero, so it's a very clearly delineated category.

Procurement Officer Walker: The total category is worth ten and-a-half sub-categories, so its five, I think three and two. So, as far as that's concerned the total category was worth ten, and that particular evaluator, again, individual person took into consideration the information that was given as far as the non-performance report.

Mayor Lago: So, let me ask you a question. If we are going with this kind of vague scoring system where price is not even close to being the most important issue, its 25 percent. We are going by applicant's submission of letters of recommendation from their best clients. Why not just have someone from your staff call a City Manager in another city or ask these vendors, hey listen, you're applying for this RFP, RFQ, give me all the list of your current clients, every single one; and we start calling Miami Beach, West Miami, Pinecrest, and we find out from Procurement Director to City Manager and we ask them, hey, how are things going, tell us a little bit of information; and then the City Manager or your staff present the findings, because I just find it a little bit arbitrary, for example, what the Vice Mayor just said, you get a zero. They went out of their way, and they submitted documents from their best clients, and they pushed those forward and they still got a zero. It just doesn't seem right to me, and I've been in that position before and I don't understand why those things happen. It hasn't happened to me a lot, but it's happened to me before and it has skewed the outcome of an RFP or RFQ.

Procurement Officer Walker: But not in this case.

Mayor Lago: But it could have, it could have. What I think skewed it significantly was the way it was drafted, the fact that it was based more on qualifications – 75 percent versus 25 percent. Where right now we are having discussions on whether projects are feasible, fire station, mobility hub, landscaping, sidewalks, fixing of historic buildings. I need to find money everywhere I can to make sure that we can address issues that are before us right now, coming out of Covid where we lost \$10 million dollars in one year and I think it was \$8 million in the other. So, moving forward, I'm

City Commission Meeting

willing to scratch this. I'm ready to get started and move in a different direction, and address issues that I think are critically important, like local companies, like putting price first and making sure that the price is broken down so micro, so micro that its easy to read. When you want to do a median, how much is it for this gallon of pot; you want to plant a tree, how much is it; how much is the planning and how much is the tree. You want to put mulch, how much is it per bag. You want to work on a Saturday, you want to work on a Sunday, you have emergency work, this is what its going to cost. You want to pressure clean sidewalks in a neighborhood that's required, this is what I'm going to charge you per flag, what I'm going to charge you per hour, how many manpower, that's what I want to see.

Commissioner Menendez: Since I became a Commissioner, every item that we've discussed, the questions that always come up, what its going to cost us? It could be a piece of land for a park, it could be a program over here, but the bottom line is, what is it going to cost us, for good reasons. So, I agree with the Mayor that pricing should be a little bit more important than a lot of the other categories. We always have a thing here, especially in our Parks Department, residents get certain advantages that non-residents do. I think we should probably apply it in these kinds of situations, ones that are local get certain advantages in scoring than non-locals do. So, it's just a continuation of what we've always been doing. I wasn't going to comment on the scoring, but I apply everything to real life. Real life is if you have a son or a daughter that comes back and say hey, bad news I got a zero, but I have good news, my final score is a 50, that's still failing. There is something wrong with that scenario. Hey, you got a five, but you got a zero, you still failed, to me you failed that portion of it. So, I agree with my colleagues that that discrepancy of a zero than anybody else, something's not right. I'm not saying intentionally, but something fell threw the cracks, and for that reason, I guess my question is to the City Attorney would be, if we do as the Mayor suggested, how could you make or how could the city make pricing and local have more weight, because I don't want to just repeat the whole thing if that's the direction of the Commission. I don't want to repeat the same thing and have it...

City Manager Iglesias: If the Commission wishes the price to more important then certainly that item can be increased, and the other items can be reduced. That's not a problem.

Commissioner Anderson: I look at this the way I evaluate things in my personal life. If I have two qualified bids from two people that are equally qualified and I do prefer local products, okay, now I look at price, and price will weigh and tip the scale in favor of which one I pick with everything else being equal. And I do strongly feel that we need to emphasize local, just like we try to encourage residents to buy local, we should buy local as well.

City Attorney Ramos: And so, with government procurement the key is always to follow the rule that you set forth. So, we can't change them along the way. So, we are hearing all of this, if the Commission choses to throw everything out and I'll read to you what your options are then its just a matter of changing what the criteria is, so when we go out again, we are evaluating those options. So after the City Manager recommends the Commission may approve the Manager's recommendation, reject all proposals, reject all proposals and instruct the Chief Procurement Officer to reissue, which is what I'm hearing, or reject all proposals and instruct the City Manager

City Commission Meeting

to enter into competitive negotiations with individuals of firms possessing the ability to perform the services and obtain information from set individuals, qualifications, proposed cost fee and make a recommendation to the City Commission.

Mayor Lago: Perfect. What do you want to do? Anybody want to make that motion?

Commissioner Anderson: I'll move it.

Commissioner Menendez: I'll second. And by the way, I just want to comment before we move on. This is not a criticism of those companies that were competing for this. I think our comment, our reflection, our thoughts on the way the city sort of laid the groundwork for this to move forward. Everybody, I think, did their best to apply and to compete for this, I just think the playing field was a little bit off.

Mayor Lago: And I want to make sure also, and I echo your sentiments Commissioner, anybody who gets this contract, I'm expecting excellence, excellence from that contractor, and I want to be very, very clear, to the Manager and to everyone who is here, if we do not get excellence and all we get is change order after change order after change order, on work that is known...we need to make sure that we can take this back to bid, because I will not get locked into somebody for ten years or five years that is not doing the type of quality work that we are expecting. Go look at Merrick Park, go look at what we're doing in streets, go look at what we are doing on Miracle Mile, go look at how we are elevating, go look at our parks. You want to look back, look at the conversation the Vice Mayor had five years ago in regard to parks. There isn't a place that I don't go where people don't come to me and say, you guys have taken your parks to the next level. That's what we are going to do with our landscaping, our sidewalks, both in the public and the private sector. We are going to not be lackadaisical; we are going to beautify the City Beautiful. This is going to be taken to the next level, because its all about property values, its about quality of life, and its about upholding the traditions that have made the city spectacular, exceptional. We must not be afraid to do that, and I know that we have the staff, and we have the team to do it, because we have the best staff on the planet.

Vice Mayor Mena: I would just add one last thing. If a bidder comes along and asks that the contract be terminable mutually, in other words if they can opt out of the contract, basically at any time, I would be skeptical of the pricing you're getting at that point, because what difference does it make what I put in as a bid if I can terminate the contract at any time.

Procurement Officer Walker: Which we would never have allowed, so that's not our posture here.

Commissioner Fors: And I'm unclear of what the motion was.

Vice Mayor Mena: Start over.

Mayor Lago: Start over.

City Commission Meeting

Commissioner Fors: Start over with...

Commissioner Menendez: Changing the weight.

Commissioner Fors: We are going to take a look at a different weighting for certain things and talk about the location of headquarters.

Mayor Lago: But I mean again, headquarters is one thing, it could be a very small part, very small. I just want to make sure that we start now making sure that Miami-Dade County companies are given preferential treatment through RFPs and RFQs, that's number one, local; and number two, more important than anything, every time we sit down with the Manager, and we sit down with staff, its about money, about money, money, money. We have so many projects that we can't do, starting with fire stations. I'm not going to sign a contract that is hundreds of thousands of dollars more expensive the second-place person than the first-place person. And by the way, you are telling me that the first-place person who has a cheaper price is a contractor in the city and my knowledge, I'm not aware of that person doing a bad job. If they are, then I change my tune and I can be corrected on the dais here and I will apologize, like I have apologized a thousand times when I've been wrong. But if you are telling me the person who came in first place who is cheaper than the second-place person does not get the contract, based on qualifications and not on price and they are doing a good job in the city, that's perplexing to me.

City Attorney Ramos: So, Mayor, we have a Coral Gables precedent, we don't have a Miami-Dade County preference. I also understand that there were some preemptions at the state level regarding preferences, so we'll have to look at whether we can draft an ordinance on Miami-Dade.

Procurement Officer Walker: I want to make a point very carefully here too, because this particular project was federalized so that in case, we have any emergency event we can actually utilize these particular services. So just know if you chose to put a preference on it, you are going to be taking it off the table and these services cannot be used during that particular event.

Mayor Lago: Again, are we talking about tree trimming, are we talking about emergency service like stump grinding.

Procurement Officer Walker: We are talking about anything that will pertain to what could be covered under this particular contract. Anything to do with landscaping services for the city is off the table if we put a local preference on it.

Mayor Lago: So, let me be clear. We have a tree trimming contract here in the city, which I think is vitally critical and important under a hurricane. I think landscaping can wait.

Procurement Officer Walker: Okay.

Mayor Lago: Can wait in the middle of a hurricane to address beautification issues. We are trying and the Manager can tell you, because he's hands on deck, when we have to go out there its about

City Commission Meeting

bulldozers, heavy machinery, its about cutting trees, it's not about beautification, but we can use them and mobilize them.

Procurement Officer Walker: After that fact.

Vice Mayor Mena: But if there are things in this contract that we think we will want access to in those situations, then let's give that some thought, and maybe that should be a different contract. Give that some thought.

Procurement Officer Walker: I'm just letting you know, just pointing out the facts.

City Manager Iglesias: Trying to break up a contract into different small pieces, this contract has been federalized as Ms. Walker said, so we could get FEMA reimbursement, and in the last contract we got maximum FEMA reimbursement. So, we want to make sure that we maintain that. So, we have to make sure that we don't use preferences and so forth, that will jeopardize that FEMA reimbursement.

Mayor Lago: That's fine, but that still doesn't preclude us from getting the best price, so that you have all the resources you need to address the 500 projects that we can't do in this city right now because of the current financial situation, which by the way, is great. We are in much better footing than any other city, but we are just ambitious. Go ahead Commissioner.

Commissioner Menendez: What percentage of the overall score was pricing?

Procurement Officer Walker: 25.

Mayor Lago: 25.

Commissioner Menendez: I guess to give guidance, are we allowed to give guidance as to what percentage you would like, 50 percent?

Procurement Officer Walker: Of course.

Mayor Lago: I think at a minimum it should be 50 percent and I would like to see what other – I would like to know what other communities are doing. Maybe the Procurement Director through a memo, so that you don't have to come back to Commission, so we can move expeditiously with this, can say Miami-Dade County, Key Biscayne, West Miami, Pinecrest, Miami Beach, City of Miami, what do they do in regard to these scenarios, so that we can understand.

Procurement Officer Walker: As far as RFPs are concerned, you mean how much they consider for pricing?

Mayor Lago: Yes.

City Commission Meeting

Procurement Officer Walker: Okay. Typically, its not more than 30 percent. It doesn't go over a third, because the whole principle behind issuing an RFP is to say you are asking for qualifications, you are considering the quality and the services that are going to be provided are more important, so they are not considered more than a third of the actual points that are available.

Mayor Lago: So, let me tell you why you hit the perfect storm. You know how you hit the perfect storm, because the people who came in second and third place are city vendors, so you are telling me they are not doing a good job, so we get rid of them too? If they are not doing a good job to get this contract and they are city vendors already, goes to show me that we have a little bit of a problem. If your second and third place finishers which were better in price than the first place and they got a job based on qualifications, then maybe we shouldn't have the second.

City Manager Iglesias: Mayor, Mayor, Mayor.

Procurement Officer Walker: Okay. I want to clear up some information.

City Manager Iglesias: The first place was the second in price.

Procurement Officer Walker: Right.

Mayor Lago: Brightview won this contract.

Procurement Officer Walker: Yes.

City Manager Iglesias: Brightview was second in price.

Mayor Lago: They were second in price, but the people who came in second and third...

City Manager Iglesias: Superior came in second and SFM came in third.

Mayor Lago: They are both city vendors.

Procurement Officer Walker: Yes.

Mayor Lago: They are both city vendors and its very clear. If we are doing this based on qualifications and you have two city vendors that came in second and third, I'm concerned, because how do they have city contracts, and by the way, I'm being facetious because I know that both those vendors do exceptional work. I'm showing you how this idea of qualifications doesn't work, it doesn't work in this instance.

City Manager Iglesias: Does that mean that any outside vendor that may do great work does not work, Mayor? That's a problem.

Mayor Lago: I understand. I understand.

City Commission Meeting

City Manager Iglesias: You can never get anybody new with that.

Mayor Lago: I know. I know you can't, but we also have to come to the understanding that when you are talking about these types of services, a lot of it has to be based on price, because the more you hand out these contracts, the more money you spend, we can just get – Look what happened when we were talking about tree trimming. Have we missed a beat with tree trimming? Have we? – yes or no.

City Manager Iglesias: But we have to be careful because you have an outside contractor in construction work doesn't mean that they can't --- they are not a very good contractor, they may be better than the existing contractor, if not, you have no opportunity for anybody else. So, I think we need to judge that carefully.

Mayor Lago: I'm with you. But I'm not willing to overspend. I'm not willing to overspend.

City Manager Iglesias: Understood.

Commissioner Anderson: Can we do the two-step process then first; determine qualifications and then you have a competitive bid.

Procurement Officer Walker: Or we just go straight to bid. If you are saying that pricing is the biggest factor, then this should just be an IFB. It should be a straight solicitation where the other things are not factored or considered so that you don't have any issue or concern with the pricing, and you are definitely going to go with the lowest price.

Mayor Lago: But that's also incorrect, because, for example, my School Board contract, my university contract, my U.S. Post Office contract with the School Board that I've had for over 15 years, those are contracts that have, there are multiple steps. You have to first be qualified. What is your qualification? It could be license. You have to have X amount of experience. You have to prove that you've done educational contracts. Like the Vice Mayor said, when you start voting people zero, and they submitted documents showing that they have experience, the process is on shaky ground.

City Manager Iglesias: Let's look at a different solution. I can also discuss with Ms. Walker about maybe a pre-qualification and a bid or something like that. But we have to just be careful that we do it consistently.

Mayor Lago: That's fine. So, I have a motion and a second.

City Clerk Urquia: Mr. Mayor prior to taking the vote, we do have a member of the public requesting to speak on this item, Mr. Christian Infante.

Mayor Lago: Alright.

City Commission Meeting

Commissioner Anderson: Yes
Commissioner Fors: Yes
Vice Mayor Mena: Yes
Commissioner Menendez: Yes
Mayor Lago: Yes
(Vote: 5-0)

Mayor Lago: Thank you very much.

Procurement Officer Walker: What was the motion?

Mayor Lago: The motion was to start all over again.

Procurement Officer Walker: Okay, but...

City Manager Iglesias: We will discuss. We will discuss.

Procurement Officer Walker: Okay.

Mayor Lago: Thank you very much.