

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF THE PROPOSALS RECEIVED IN RESPONSE TO REQUEST FOR PROPOSALS (RFP) NO. 9-00/01, TO PROVIDE PARKING METER COLLECTION SERVICES; AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AN AGREEMENT WITH STANDARD/APCOA PARKING, IN THE AMOUNT OF \$230,000; FURTHER APPROVING THE ISSUANCE OF A SIXTY (60) DAY NOTICE OF TERMINATION TO CENTRAL PARKING SYSTEMS, INC., TERMINATING THE EXISTING PARKING METER COLLECTION SERVICES AGREEMENT, EFFECTIVE ON AUGUST 27, 2001.

WHEREAS, on November 29, 2000, the Mayor and Commission approved the fifth and final one-year renewal term with Central Parking Systems, Inc., which commenced December 4, 2000 and expires on December 3, 2001; and

WHEREAS, on November 29, 2000, the Mayor and Members of the City Commission authorized the issuance of Request for Proposals No. 9-00/01 for parking meter collection services, and further instructed the Administration to act accordingly upon the RFP since the existing agreement with CPS provides for a sixty-day (60) notice of termination; and

WHEREAS, the RFP was issued on December 26, 2000, with a deadline of receipt of proposals of February 1, 2001, which resulted in the receipt of the following proposals:

APCOA/Standard Parking Inc.
Central Parking System of Florida
Dunbar Armored, Inc.
AAA Parking; and

WHEREAS, The following individuals were appointed to serve on the Evaluation Committee ("the Committee"):

James Stamos, Financial Analyst III, Parking Department
Jorge Montes, Financial Analyst III, Finance Department
Begonia Calcerrada, North Beach Business Owner, Hola Amigos, Editor
Regina Suarez, Chairperson, Commission on the Status of Women
Lois Burkett, Middle Beach Resident
Clark Cook, Executive Director, Miami Parking Authority, Retired; and

WHEREAS, on May 9, 2001, the Committee convened and was briefed on several aspects of the RFP requirements and the City's policies and procedure relative to the Cone of Silence, Ordinance and the Government in the Sunshine Law; and

WHEREAS, each Committee member discussed the strengths and weaknesses of each firm, and then individually ranked each firm, each member listed his/her preference as to the top-ranked firm, with the cumulative following results:

Top ranked firm: APCOA/Standard Parking Inc.
Second ranked firm: Central Parking System of Florida
Third ranked firm: Dunbar Armored, Inc.; and

WHEREAS, the City Manager concurs with the Committee's recommendation.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission accept the recommendation of the City Manager pertaining to the ranking of the proposals received in response to Request for Proposals (RFP) No. 9-00/01, to provide parking meter collection services; authorize the Mayor and the City Clerk to execute an Agreement with APCOA/Standard Parking, in the amount of \$230,000; further approve the issuance of a sixty (60) day notice of termination to Central Parking Systems, Inc., terminating the existing Parking Meter Collection Services Agreement, effective on August 27, 2001.

PASSED and ADOPTED this 27th day of June, 2001.



MAYOR

ATTEST:


CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

JMG:CC:SF:GL

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CITY CLERK Date

CITY OF MIAMI BEACH
OFFICE OF THE CITY ATTORNEY

received
6/7/01

MEMORANDUM

TO: Jorge M. Gonzalez
City Manager C.A.O. NO. 01-06

FROM: Murray H. Dubbin *M Dubbin*
City Attorney C.M.O. NO. 2-5/01

Raul J. Aguila *RJA*
First Assistant City Attorney

SUBJECT: Living Wage Ordinance

DATE: June 5, 2001

The foregoing opinion is prepared in response to your memorandum, dated May 22, 2001, regarding whether the City's Living Wage Ordinance, as codified in Division VI of Article IV, entitled "Procurement", of Chapter 2 of the Miami Beach City Code entitled "Administration" (the Ordinance), applies to Request for Proposals No. 9-00/01 (the RFP), for meter collection, as authorized on November 29, 2000. Responses were received on February 1, 2001, but the successful proposer has (as of the date of this memorandum) not yet been designated.

Your memorandum further notes that the Ordinance was formally adopted on second reading on April 18, 2001, with an effective date ten days later on April 28, 2001. The RFP did not reference the Ordinance, since it had not yet been adopted; however, the contract has not yet been awarded and negotiations have not yet commenced or been authorized.

Section 2-407(e)(1) provides that certain contracts, as set forth therein and involving the City's expenditure of over \$100,000.00 per year, including contracts for transportation and parking services (such as the one contemplated by the RFP for meter collection), are subject to the Living Wage requirements of the Ordinance. Your May 22, 2001 memorandum does not specify whether the contract contemplated by the RFP, although falling within the definition of transportation and parking services, involves a City expenditure of over \$100,000.00 per year. If it does not, the Ordinance does not apply.

However, assuming arguendo that the contract proposed by the RFP involves a City expenditure of over \$100,000.00 per year, the Ordinance prescribes that certain "notice" requirements be complied with for the Living Wage requirements to apply to a particular City contract. Section 2-409(a) provides that the Living Wage shall be required in the procurement specifications for all City service contracts contemplated by the Ordinance on which bids or proposals shall be solicited on or after the effective date of the Ordinance (or, in this case, April 28, 2001). Section 2-409(a) also provides that all contracts subject to the Ordinance awarded subsequent to the effective date of same, shall be subject to the requirements of the Ordinance.

In the instant case, the RFP was issued and responses received prior to the effective date of the Ordinance on April 28, 2001; therefore, prospective proposers to the RFP had no notice of the Ordinance or the requirements therein (presumably, since the Ordinance had not yet been adopted). The importance of the requirement in the Ordinance that prospective bidders/proposers have notice of the City's Living Wage requirements is further substantiated by Section 2-409(b) which states that all bids or requests for proposals for contracts covered by the Ordinance shall include appropriate information about the requirements of the Ordinance in the bid/proposal documents.

Understandably, your apparent confusion with whether this particular RFP is subject to the Living Wage requirements may come from the last sentence in Section 2-409(a) which states, "All Covered Service contracts awarded subsequent to the date when this Division becomes effective, shall be subject to the requirements of this Division." In this case, the RFP was prepared prior to the effective date of the Ordinance and contained no reference to Living Wage requirements in the RFP documents. Responses to the RFP were received on February 1, 2001, also prior to the effective date of the Ordinance. However, the contract with the successful proposer will be awarded subsequent to the effective date of the Ordinance. Therefore, does the Ordinance apply to this RFP? The language in Section 2-409(a), and further in Section 2-408(b), requiring that the Ordinance and the requirements prescribed therein be included in all City bids/requests for proposals, is critical. The purpose of this "notice requirement" is to provide prospective bidders/proposers with notice of the City's Living Wage requirements so that they may prepare a truly responsive bid. Presumably, the Ordinance may have a significant financial impact upon the preparation of a prospective bid/proposal.

To require that the successful proposer herein comply with the City's Living Wage requirements, when no such requirements were set forth in the proposal documents (as required by Sections 2-409(a) and (b)), results in a material deviation from the language of the RFP and may be challengeable¹.

Following award of the RFP, the Administration could introduce its Living Wage requirements into subsequent contract negotiations with the successful proposer; however, any adherence to same by the successful proposer would be voluntary and could not be made compulsory subject to the requirements of the RFP and/or the Ordinance since, as set forth above, no notice of the City's Living Wage requirements was provided in the RFP.

Should you have any questions or comments regarding the above, please do not hesitate to contact me.

cc: ~~Christina M. Cuervo, Assistant City Manager~~
Saul Frances, Parking Director
Gus Lopez, Procurement Director
Patricia Walker, Finance Director

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¹ If it is the Administration's intent that the Living Wage requirements apply to the RFP, a surer course of action would be to reject all proposals received in response thereto, and fast track the issuance of a new RFP, with the appropriate Living Wage language incorporated therein.

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
http://ci.miami-beach.fl.us



COMMISSION MEMORANDUM NO. 297-01

TO: Mayor Neisen O. Kasdin and
Members of the City Commission

DATE: June 27, 2001

FROM: Jorge M. Gonzalez *JMG*
City Manager *JMG*

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF THE PROPOSALS RECEIVED IN RESPONSE TO REQUEST FOR PROPOSALS (RFP) NO. 9-00/01, TO PROVIDE PARKING METER COLLECTION SERVICES; AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH STANDARD/APCOA PARKING, IN THE AMOUNT OF \$230,000; FURTHER APPROVING THE ISSUANCE OF A SIXTY (60) DAY NOTICE OF TERMINATION TO CENTRAL PARKING SYSTEMS, INC., TERMINATING THE EXISTING PARKING METER COLLECTION SERVICES AGREEMENT, EFFECTIVE ON AUGUST 27, 2001.

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

FUNDING:

Funds are available from the Parking Department Off-Street Division, Account Number 480-0463-000325.

ANALYSIS:

Central Parking System, Inc. ("CPS") currently provides parking meter collection services to the Parking System. On November 29, 2000, the Mayor and Commission approved the fifth and final one-year renewal term with CPS, which commenced December 4, 2000 and expires on December 3, 2001.

FUNDING APPROVED

[Signature]
Management and Budget

AGENDA ITEM C7H

DATE 6-27-01

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The Parking Department of the City of Miami Beach has replaced mechanical parking meters with electronic meters. The implementation of electronic parking meters has required additional duties to be performed by CPS. The additional duties are as follows: (1) retrieval of parking meter revenue data by using a hand held computer; and (2) unlocking the parking meter vault door by using an electronic key.

CPS is required to open the parking meter vault door, remove the sealed (locked) coin can and insert it into a sealed cylindrical collection device that engages (unlocks) the coin can from the meter. The coin cans contents are deposited into the collection device. Once the contents of the coin cans have been deposited, it is returned to the appropriate parking meter and the meter vault door is locked. This process is repeated at all parking meters scheduled for collection.

All cylindrical collection devices are returned to the Parking Department for the sorting, counting, bagging, and deposit of parking meter revenue. There are approximately 36,000 collections per month. Collections are made per a weekly schedule provided by the Parking Department. The City has the right to increase or decrease the frequency of these collections up to 25%.

RFP Process:

On November 29, 2000, the Mayor and Members of the City Commission authorized the issuance of Request for Proposals No. 9-00/01 for parking meter collection services, and further instructed the Administration to act accordingly upon the RFP since the existing agreement with CPS provides for a sixty-day (60) notice of termination.

The RFP was issued on December 26, 2000, with a deadline of receipt of proposals of February 1, 2001. The following proposals were submitted by the following firms:

APCOA/Standard Parking Inc.
Central Parking System of Florida
Dunbar Armored, Inc.
AAA Parking

AAA Parking's proposal was deemed non-responsive for failure to submit the required Bid Bond.

Evaluation Committee:

The following individuals were appointed to serve on the Evaluation Committee ("the Committee"):

James Stamos, Financial Analyst III, Parking Department
Jorge Montes, Financial Analyst III, Finance Department
Begonia Calcerrada, North Beach Business Owner, Hola Amigos, Editor
Regina Suarez, Chairperson, Commission on the Status of Women
Lois Burkett, Middle Beach Resident
Clark Cook, Executive Director, Miami Parking Authority, Retired

Evaluation Committee Meeting:

On May 9, 2001, the Committee convened and was briefed on several aspects of the RFP requirements and the City's policies and procedure relative to the Cone of Silence, Ordinance and the Government in the Sunshine Law. All Committee members completed a disclosure questionnaire and certified that their answers were true and correct to the best of their knowledge. Mr. Clark Cook was selected as the Chair.

The Committee discussed each award criteria in detail, and agreed to assign the following weighted factors, with five (5) being the highest and two (2) being the lowest:

<u>CRITERIA</u>	<u>WEIGHTED FACTOR</u>
• Proposer's experience with similar contracts.	3
• Completeness of Proposed Operational Plan.	2
• Qualifications of Personnel/Supervision/Staffing Pattern.	3
• Evidence of financial stability.	2
• Collection fee per meter.	5

Accordingly, the Committee agreed that the *Collection fee per meter* was the most important criteria.

The Committee determined that neither oral presentations nor question and answer sessions were needed. The proposals were self-explanatory, with sufficient information to recommend the most qualified firm. The RFP process does not require oral presentations. The Committee may request oral presentations should additional information or clarification from any of the proposers be required.

During deliberations, each Committee member discussed the strengths and weaknesses of each firm, and then individually ranked each firm. Each member listed his/her preference as to the top-ranked firm, with the following results:

<u>MEMBERS</u>	<u>STANDARD</u>	<u>CENTRAL</u>	<u>DUN+BAR</u>
Begonia Calcerrada	103 (1)	97 (2)	1 (3)
Lois Burkett	91 (1)	89 (2)	15 (3)
Regina Suarez	125 (1)	102 (2)	30 (3)
James Stamos	81 (2)	105 (1)	20 (3)
Jorge Montes	143 (1)	94 (2)	28 (3)
Clark Cook	117 (1)	102 (2)	20 (3)

Top ranked firm: APCOA/Standard Parking Inc.
 Second ranked firm: Central Parking System of Florida
 Third ranked firm: Dunbar Armored, Inc.

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As it relates to the collection fee per meter requirement, which the Committee determined to be the most important, the following rates were submitted:

Standard Parking - .3999 per meter.
Dunbar Armored - .478 per meter.
Central Parking - .586 per meter.

Based on the RFP amount of 44,000 meter collections per month, the total annual cost difference between Central and the recommended firm Standard is \$98,260.80, calculated as follows:

Standard Parking: $.3999/\text{meter} \times 44,000/\text{meter collections per month} \times 12 \text{ months} = \$211,147.20$
Central Parking: $.586/\text{meter} \times 44,000/\text{meter collections per month} \times 12 \text{ months} = \$309,408.00$

The Committee believed that both Standard Parking and Central Parking had the necessary experience and qualifications for this project, but felt it was in the best interest of the City to recommend Standard Parking's proposal which represents a much lower cost to the City.

LIVING WAGE ISSUE:

The RFP was issued and proposals received prior to the effective date of the Living Wage Ordinance. Therefore, prospective proposers to the RFP had no notice of the Living Wage requirements. Section 2-409(a) of the Ordinance states that all Covered Service contracts awarded subsequent to the date when the Ordinance becomes effective, shall be subject to the requirements of Living Wage. In this case, since the RFP was issued prior to the effective date of the Ordinance, there was no reference to the Living Wage requirements.

On May 22, 2001, the Administration requested a legal opinion from the City Attorney's office. The City Attorney's office opined that it is critical that the language in the Ordinance be included in all City bids and RFP's. To require that the successful proposer herein comply with the City's Living Wage requirements, when no such requirements were set forth in the proposal documents, results in a material deviation from the language of the RFP and may be challengeable. (See attached Legal Opinion dated June 5, 2001).

The City Attorney's opinion also stated that the Administration could introduce the Living Wage requirements into subsequent contract negotiations with the successful proposer; however, any adherence to same by the successful proposer would be voluntary and could not be made compulsory subject to the requirements of the RFP and/or the Ordinance.

The Administration projects that if the City Commission was to require that the Living Wage requirements apply to the successful proposer, the *increased* cost would equate to \$50,740.80 annually, calculated as follows:

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Standard Parking:

Without Living Wage: \$211,147.20

\$0.3999/meter x 44,000/meter collections per month x 12 months

With Living Wage: \$261,888

\$0.4960/meter x 44,000/meter collections per month x 12 months

APCOA/Standard Parking Inc. has experience and success operating parking meter collection and auditing services across the country. The company manages meter collection services in 15 cities throughout North America with more than 21,000 parking spaces. Standard Parking has over ten years of experience in parking meter collection services.

Standard Parking shall be responsible for the coded collection keys, electronic locking system access cards, and data retrieval hand held devices or cards issued by the City. Replacement keys must be secured by the City. Standard Parking shall be financially responsible for replacement or changing, including parts and labor, of any locks required due to the loss of keys in his/her care, custody, or control. This includes access cards, hand held computers, data retrieval cards, and any other cost associated with securing all meter affected by the breach. Keys must be attached to the Collector by method approved by the Parking Department. Any of the aforementioned property, including but not limited to, locks, electronic locking system access cards, hand held computer devices, and data retrieval cards must be replaced within seven calendar days of loss. Failure to meet the time criteria of this provision shall result in a penalty of \$250.00 per day or ten (10%) per day of the total value due to the City from Standard Parking, due to the loss of City Property, or whichever is greater. The greater of these two penalties will be assessed against Standard Parking for every calendar day past the seventh (7th) day, such penalty is to be deducted from any future or current remittances due to Standard Parking.

The City of Miami Beach Parking Department will furnish meter coin vault keys, electronic system access cards, hand held computer, and/or data retrieval cards to Standard Parking personnel at the start of each collection day at the time specified by the Parking Director. This equipment will be issued at the Administration Offices of the City of Miami Beach Parking Department, located at 1130 Washington Avenue, First Floor. All equipment will be signed for by the Standard Parking Personnel receiving the equipment. The equipment will be returned when Standard Parking has completed its duties at the end of that day.

All keys and other equipment are to be fastened to the Collector's person by suitable fashion and such fastening shall be subject to the approval of the Parking Director or designee.

Damages:

All equipment supplied by the City to Standard Parking for the purpose of this contract will be replaced at Standard Parking's expense in the event of damage caused while in the Standard Parking's care and custody.

General Provisions:

- Standard Parking Personnel shall be unarmed at all times while engaged in the collection of and transportation of parking meter revenue.
- Standard Parking shall collect coins from parking meters on routes and schedules provided by the Parking Director of the City of Miami Beach, or designee.
- Route schedules and collection frequencies may change periodically, as required by normal meter installations and removal and/or rate changes, or when the Parking Director requests a segregated revenue rate test or special collection.
- Standard Parking shall provide secure and safeguarded vehicles. A minimum of three collection vehicles will be supplied and additional vehicles will be provided as needed to perform collection and collection supervision services.
- Each vehicle will be equipped in accordance with the following specifications and with maximum security systems, "maximum security systems" will include, but will not be limited to:
 - (1) electronic vehicle tracking system (Lo-Jack, Tele-Trac, or equivalent);
 - (2) alarm system with sirens covering all entry points including an ignition kill and fuel shut-off;
 - (3) interior steel cages to enclose, keep upright, and distinguish full and empty coin canisters, including an individual slot for each coin collection canister that can be locked in an angle iron compartment independently of each of the other coin collection canisters, and;
 - (4) enclosed vehicles to keep contents from public view.
 - a. The solid bulkhead separating the driver from the back compartment of the vehicle van must have an opening that would permit the driver to have a clear view of the back compartment.
 - b. A drop safe for equipment must be installed on the passenger side of the bulkhead.
 - c. Each vehicle must be equipped with a hinged, spring activated padded bench that would be held down when a collector is seated. A series of safety belts must be provided for the safety of the Standard Parking personnel.
 - d. Each vehicle must be equipped with a method of air conditioning in the rear compartment.

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- e. All vehicles must be unmarked.
- f. All doors are to lock automatically when closed and be equipped with an alarm system as specified above.
- g. Standard Parking shall employ all of the personnel safety procedures and/or devices necessary to transport coin safely from parking meters to any place within the City of Miami Beach for the purpose of counting, storing, depositing, or any combination thereof.
- h. Each vehicle operator will be equipped with a cellular telephone or radio to provide communication from one operator to another operator and to a City of Miami Beach designee.

Standard Parking shall provide the number of vehicles necessary to complete each days scheduled collections and transportation of the collected and/or counted coins. Each Standard Parking vehicle shall have a minimum of two (2) Standard Parking personnel, in uniform with a photograph identification. Standard Parking's personnel will wear identification tags, provided by the City of Miami Beach, at all times while collecting coins and delivering the collected or counted coins. One Supervisor will remain in radio contact with the Parking Department designee during collection periods.

Zone Assignments:

Zone assignments shall be issued daily at the Parking Department at the time the collection equipment is issued. Wheeled carts for collection are to be provided by the City of Miami Beach Parking Department and are to be returned at the close of each day's regular collection.

Transporting of Funds:

All funds collected will be transported to the coin processing facility for consolidation. Coins to be consolidated shall be counted by City personnel and then, at the option of the City, delivered by the Standard Parking to a designated Miami Beach depository **no later than the first business day following the collection by Standard Parking.**

Coin Responsibilities:

Standard Parking shall be totally responsible for the security of all collected and counted coins while in their custody and care.

City of Miami Beach Employees:

The Standard Parking agrees not to hire any City employee as a part-time or full-time employee that would participate and/or be associated with the services outlined herein in providing parking meter collections services to the City of Miami Beach.

Supervision:

The City of Miami Beach Parking Department shall have the right to have its personnel, as deemed appropriate, at the sole discretion of the Parking Director, to closely monitor Standard Parking for

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any and all security reasons.

Standard Parking shall provide an On-Site Supervisor, at all times, when Collection Services are being provided. The On-Site Supervisor shall coordinate all duties, functions, and respond to all inquiries, as required, with City of Miami Beach Parking Director, or its designee.

Firm Price Application:

The price quoted will remain in effect for a thirty-six (36) month period, at which time they will be reconsidered for adjustment prior to renewal, if the City, at its sole discretion, wishes to exercise the two (2) year renewal option, as follows:

Change shall not be more than the percentage decrease or increase in the Consumer Price Index (overall) computed on the anniversary date of the contract. The index report for the month October of the applicable year prior to the anniversary date of the contract shall be the basis from which any computation shall be made.

Loan Equipment:

Standard Parking shall be responsible for returning any loaned equipment to the City. Any equipment damaged while in the custody of the Standard Parking will be repaired or replaced at Standard Parking's expense.

Financial Stability:

Standard has sufficient financial stability to provide parking meter services as outlined in the RFP throughout the term of the Agreement to withstand variable periods of fluctuations, up to 25%, in meter collection frequency. A \$500,000 performance bond will be required of Standard Parking PRIOR TO commencement of any work.

CONCLUSION:

The Administration recommends this award to APCOA/Standard Parking, Inc. for an initial term of three (3) years, commencing on August 28, 2001 and expiring on August 27, 2004, with one two-year renewable term, at the sole discretion of the City. It is important to note that pursuant to the existing agreement with Central Parking System, Inc. ("CPS"), a sixty-day (60) notice of termination to Central Parking System, Inc. is required in order to terminate. Therefore, it is further recommended that the Mayor and City Commission authorize the Administration to issue a Notice of Termination to Central Parking System, Inc., to be effective within a sixty-day (60) period.


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