

Meeting Date
January 24, 2017



AGENDA	
Section	New Business
Item No.	VI.F.1

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Pending VBE Certificate for Mode Split LLC Proposal
DEPT/OFFICE:	Mode Split LLC Corporate Office

Requested Action:

We respectfully request consideration of our proposal after the deadline of January 3, 2017 at 2:00pm. We are pending our VBE Certificate from the State of Florida's Office of Supplier Diversity (OSD). After reading the VBE preference in the RFP language, we decided that we would like to submit with this preference. According to the OSD Official we spoke to yesterday, we are still pending this certificate from the State and should have it in the next few days.

Summary Explanation & Background:

Dear Members of the County Commission,

My name is Peter Martinez and I'm reaching out to you on behalf of my company Mode Split LLC. In the Fall of 2016, I resigned from Juice Bike Share in Orlando to actively pursue a bike share program for Cocoa Beach and Cape Canaveral. I have since then, joined the Cocoa Beach Regional Chamber of Commerce, I've met with local businesses, property owners, and potential partners to work together toward a holistic bicycle sharing program for the County. The request for proposals was released on Thanksgiving and we worked diligently to meet the deadline, but failed to meet yesterday's deadline of January 3, 2017 at 2:00 pm. In the process of reading through the RFP, we noticed that there was a preference for Veteran Owned businesses, of which Mode Split would be eligible for this preference. This motivated us to apply for the Certified Veteran Business designation, in December and we are still pending the official certificate of VBE. We were hoping to print the certificate in the last minute to include into the proposal, but the certificate has yet to come, and we should expect one in the next week, and can show proof at the County Commissioner meeting on January 10, 2017 or January 24, 2017.

Upon VBE Certification, we respectfully ask for your consideration in reading our response. I'm confident that you will find our proposal as the most beneficial for Brevard County.

Sincerely,
 Peter Martinez
peter@modesplit.com
 407 -233-1886

Clerk to the Board Instructions:

Exhibits Attached: **Staff Report**

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten	Assistant County Manager	



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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Tammy.Rowe@brevardclerk.us

January 25, 2017

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item VI.F.1., Pending VBE Certificate for Mode Split LLC Proposal

The Board of County Commissioners, in regular session on January 24, 2017, reached consensus not to consider the Request for Proposal from Mode Split LLC.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

cc: Central Services Director



INTER-OFFICE MEMORANDUM

TO: Board of County Commissioners

THROUGH: Stockton Whitten, County Manager

FROM: Leslie Rothering, Purchasing Manager *J. Rothering*

DATE: January 9, 2017

SUBJECT: Staff Report Re: Vendor Request, January 24, 2017
Agenda Subject: Pending VBE Certificate for Mode Split LLC Proposal

On January 3, 2017 at 2:00 p.m., proposals were opened for P-3-17-04, Visitor Information Center with Bike Share Stations. The services requested consist of implementation of the first phase of a Gateway Digital Visitor Information Network through the installation and management of bike share stations in the Cocoa Beach market.

At approximately 1:30 p.m. on January 3, 2017, Mr. Martinez telephoned Purchasing Services to say that he was running late, and asked if a late proposal would be accepted. Mr. Martinez was told that County Policy prohibits acceptance of bids delivered after the advertised deadline. When Mr. Martinez asked to whom he could appeal the policy, the procedure for appealing to the Board was explained.

With respect to Mr. Martinez's appeal, the Board should consider the following:

- Acceptance of this proposal is contrary to Procurement Policy BCC -25, Section II. S. Responsive Bidder or Proposer, which states, "**Responsive Bidder or Proposer:** A bidder or proposer who has submitted a bid or proposal which conforms in all respects to the requirements of the bid package or request for proposal, including, but not limited to, submission of the bid or proposal on required forms with all required information, signatures, and notarizations at the place and time specified; and General Conditions, Submission of **SUBMISSION OF PROPOSALS:** All Proposals shall be submitted in a sealed envelope. The Proposal number, title, and opening date shall be clearly displayed on the outside of the sealed envelope. The delivery of said Proposal to Purchasing Services prior to the specified opening date and time is solely and strictly the responsibility of the Proposer. Any Proposals received in Purchasing after the specified date and time will not be accepted. An original and number of copies of the Proposal must be submitted unless otherwise noted."

- Mr. Martinez indicates in his agenda request there was preference for Veteran Owned businesses in the RFP. Anticipation of obtaining the Veteran Business Enterprises (VBEs) certification from the State of Florida for inclusion with his proposal delayed his submittal. However, Brevard County does not have a Vendor Preference for VBEs. Although the State of Florida Department of Management Services encourages political subdivisions to show preference to VBEs, it is not a requirement for this RFP nor required by Brevard County Procurement Policy. Mode Split could have submitted their RFP without the VBE certification.
- Two (2) responsive proposals were received from Zagster and Cyclehop by the due date and time. As an affected party, Cyclehop has submitted a letter to Purchasing Services objecting to the Board accepting the late proposal. In addition, there is a second RFP submittal that was received after the deadline from A1A Management LLC that would need to be accepted if the Board directs accepting the proposal from Mode Split.

Purchasing Services manages approximately 165-175 formal solicitations annually. In the past ten (10) years, Purchasing Services has received eight (8) late bids or proposals with six (6) returned by Purchasing Services with no further requests from bidders' for Board consideration of late bids. The following late submittals were considered by the Board:

Board Meeting Date	Bid/RFP Description	Board Action
August 26, 2010	Medical Director Services for RFP #P-3-10-28	The existing contract had a renewal option available. The Board renewed the Medical Director Services for one year and approved to go out to bid the following year.
January 7, 2014	Biomedical Waste Collection and Disposal, Bid # B-5-14-23	The Board approved accepting late bid as a material defect.

In accordance with established purchasing procedures and standards, Purchasing Services recommends any proposals received in Purchasing after the specified date and time shall not be accepted.

Due to Mr. Martinez suggesting that he would appeal this matter to the Board, Purchasing Services has retained the unopened sealed bids from Mode Split and A1A Management until further direction from the Board of County Commissioners.

CC: Frank Abbate, Assistant County Manager
Teresa Camarata, Central Services Director

Attachment: Cyclehop Letter dated January 9, 2017



January 9th, 2017

Ms. Leslie Rothering
Brevard County Purchasing Agent
2725 Judge Fran Jamieson Way
Building C.3rd Floor, Suite C-303
Viera, FL 32940

Subject: RFP P-3-17-04, Visitor Information Center Stations W/Bike Share Stations

Dear Ms. Rothering,

We are writing to express our objection to the request to the Board to accept late proposals submitted in response to RFP # P-3-17-04 regarding the Visitor Information Center Stations W/Bike Share Stations.

CycleHop, based in Florida, is one of the qualified companies that submitted a response to the RFP in a timely manner, and dedicated many resources to meet the RFP timelines. We believe that accepting late RFP responses undermines the process and compromises the integrity of the solicitation.

We are requesting that the Board reject any request to compromise the process and continue with the evaluation of the qualified proposals that submitted on-time.

Please note that CycleHop currently operates bike share programs in nearby cities including Orlando, Winter Park, Tampa, and St. Petersburg and we strongly believe in local businesses participation. As stated in our proposal; if selected we will provide local companies an opportunity to contribute to the success of the program and benefit from it under CycleHop's management.

Thank you for the opportunity to participate in the RFP.

Sincerely,

Josh Squire

A handwritten signature in black ink, appearing to read "Josh Squire".

CEO
CycleHop, LLC

Phone: (773) 251-9757, Email: josh@cyclehop.com