

AGENDA



Virtual Special Council Meeting
Tuesday, March 2nd, 2021
at 5:00 P.M.

VIRTUAL SPECIAL COUNCIL MEETING

TUESDAY, MARCH 2, 2021

5:00 P.M.

VIRTUAL PUBLIC MEETING INSTRUCTIONS ATTACHED

1. **CALL TO ORDER/ROLL CALL OF MEMBERS**
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENTS:** *Any person wishing to address the Council, should state name, address, prior to making the statement, for the record.*
4. **RESOLUTIONS:**

TAB 1

 - A. **A RESOLUTION OF THE VILLAGE COUNCIL OF INDIAN CREEK VILLAGE, FLORIDA SELECTING AND AWARDED PROPOSAL /BID FOR THE ROADWAY REDEVELOPMENT PROJECT TO GIANNETTI CONSTRUCTION CORPORATION, PROVIDING FOR CONDITIONS, IMPLEMENTATION AND EFFECTIVE DATE.**
5. **SCHEDULE OF FUTURE MEETINGS:**
 - A. VIRTUAL COUNCIL MEETING
TUESDAY, MARCH 16 2021,5:00 P.M.
6. **ADJOURNMENT**



INDIAN CREEK VILLAGE VIRTUAL SPECIAL MEETING INSTRUCTIONS

The meeting agendas are available online at:
www.indiancreekvillage.org

Virtual Special Meeting will be held
Tuesday, March 2, 2021 at 5:00 P.M.

THE PURPOSE OF THE MEETING IS TO CONSIDER THE
ACCEPTANCE AND AWARD OF A BID FOR THE CONSTRUCTION
OF THE VILLAGE'S ROADWAY REDEVELOPMENT PROJECT.

Elected officials and Village staff will participate through video conference. Members of the public may call into the virtual public meeting by following these instructions:

CALL-INTO THE PUBLIC MEETING

Dial 1-312-626-6799 then input the Meeting ID: 843 6295 8911, followed by #.
There is no participant ID. Press # again.

Any person requiring special accommodations to access this proceeding is asked to advise the Village at least 2 days before the proceeding by contacting the Village Clerk at 305-865-4121 mlima@icvps.org

PUBLIC COMMENTS WILL BE ACCEPTED BY THE FOLLOWING MEANS:

EMAILED COMMENTS: Members of the public may email their public comments to the Village in advance of the meeting. Please email the Village Clerk at mlima@icvps.org by 12:00 p.m. on the day of the meeting with the subject line "PUBLIC COMMENT" and the following information in the body of the email: Your Name, Address, if you are a hired Consultant or Village Employee, and/or if you are engaged in Lobbying Activities and/or representing an organization. Please limit your comments to no more than 350 words. Public comments received via email may be read into the record during the public comment portion of the agenda, if any.

LIVE REMOTE & TELEPHONE COMMENTS: *If there is a public comment portion of the agenda or the Village Council opens a matter for public comment, live remote public comments will be accepted as follows:*

By telephone: To ask to speak during the meeting, please press *9 from your telephone. You will be called on to speak during public comments and identified by the last 4-digits of your telephone number or by name.

Please be sure to be in a quiet area to avoid unnecessary noise.

During the virtual meeting, when your name is called, you will be unmuted and you may deliver your comments. Please provide the following information before delivering your comments: Your Name, Address, if you are a hired Consultant or Village Employee, and/or if you are engaged in Lobbying Activities and/or representing an organization.

A time limit may be imposed for each speaker during public comment. Your cooperation is appreciated in observing the time limit.

PUBLIC RECORDS

The meeting will be recorded for later viewing and is a public record. The virtual chat, if any, will be saved and is a public record. Minutes of the meeting will be taken and will be made available.

NOTICE PURSUANT TO §286.0105, FLORIDA STATUTES. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

LOBBYING ACTIVITIES

In accordance with Section 2-11.1(s) of the Miami-Dade County Code, any person engaging in lobbying activities, as defined therein, must register at the Village Clerk's Office before addressing the Village Council on the agenda items or engaging in lobbying activities.

Have questions or need additional information?

Email: mlima@icvps.org

Call: 305-865-4121


Mail: 9080 Bay Drive, Indian Creek Village, FL 33154

TAB 1



MEMORANDUM

VILLAGE COUNCIL
BERNARD KLEPACH, MAYOR
JAVIER HOLTZ, VICE MAYOR
ROBERT DIENER
IRMA BRAMAN
IRWIN E. TAUBER

DATE: March 1, 2021
TO: Honorable Mayor and Council Members
FROM: Jennifer Medina, Village Manager 
RE: Roadway Redevelopment Project Update

The purpose of this memorandum is to provide you with a recommendation on an award of the proposal/bid for the construction of the Roadway Redevelopment Project (the "Project").

BACKGROUND

On December 22, 2020 the Village issued a Request for Proposals (the "RFP") soliciting proposals from general contractors specializing in municipal roadway and streetscape projects. On February 4, 2021, the Village received seven (7) responses to the RFP (the "Responses").

I assembled a team of 3 independent persons to evaluate the proposals. That group included Paul Abbott who is acting as the Villages' owners' representative on the Project, Sean Compel, the Village engineer/designer of the Project and Felix Associates, a roadway construction firm from Stuart, Florida. This group was advised by our Village Attorney.

The evaluation resulted in a determination that the 2 lowest bidders (Magnum Construction Management LLC and Ric-Man Construction, Inc.) were found to be unqualified for the Project. This decision was supported by a legal analysis by our Village Attorney whose assessment of each firm is separately attached to this Memorandum.

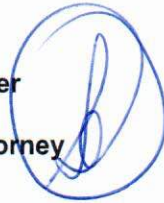
The third lowest bid was received from Giannetti Contracting Corporation who was found to be qualified and has the experience in the type of work within the scope of the Project. Moreover, their approach to the Project is consistent with the Village's expectations. The bid was \$14,158,017.00.

RECOMMENDATION

Consequently, I recommend that you select and award the Project to Giannetti Contracting Corporation as the lowest qualified proposal (responsive and responsible) bidder.

MEMORANDUM

To: Jennifer Medina, Village Manager
From: Stephen J. Helfman, Village Attorney
Date: March 1, 2021
Re: Roadway Redevelopment Project



The purpose of this memorandum is to address issues you have raised in the course of evaluating the proposal/bid received from Magnum Construction Management LLC, d/b/a MCM ("MCM") for the Roadway Redevelopment Project (the "Project").

Specifically you have asked our advice on the following questions:

1. Whether the failure of MCM to provide sufficient documentation of its high qualifications and experience (including its subcontractors) for the type of work included in the Project supports a finding of non-responsiveness?
2. Whether MCM's failure to provide at least 2 past projects demonstrating experience in decorative streetscape features, including landscaping and concrete, supports a finding that the firm is not responsible.
3. Whether MCM's apparent misrepresentation that it has "been in business as a General Contractor *under [its] present business name*" for 37 years supports a finding that the firm is not responsible.

Discussion.

The Request for Proposals ("RFP") in Section 9 sets forth the qualification requirements for all bidders. The Section reads as follows:

9. QUALIFICATIONS OF BIDDERS

The nature of this roadway redevelopment project is such, that it is essential that the contractor or sub-contractor(s) actually providing the construction services be highly qualified and experienced in this type of work. Lack of experience in this type of construction shall be grounds for consideration of a bid as non-responsive.

Consequently, whichever firms contemplated to do this type of construction must be able to demonstrate that they have successfully done so in the past. In the event that portions of the work called for in the specifications are to be installed, constructed, or assembled by a sub-contractor(s), the bidder must fill-in the information requested in this section for themselves as well as the sub-contractors that will actually be doing the work. The specific qualification requirements for this project must be described in the proposal, and at a minimum are as follows:

- A. Contractor/Sub-contractor shall demonstrate successful municipal project experience in the construction of roadway/streetscape improvements including utilities and stormwater on at least 2 projects in the last 5 years.
- B. Contractor/Sub -contractor shall demonstrate successful project experience in the construction of decorative roadway streetscape features with including decorative concrete and landscaping on at least 2 projects in the last 5 years.
- C. Contractor/Sub-contractor shall provide a complete project approach to demonstrate specifically how all work will be adequately completed within the allotted contract time and within the maintenance of traffic measures outlined in the Construction Documents. The approach shall include proposed phasing and crew allocation for the Village's review.

Failure to meet the minimum qualifications of the section will result in a bidder being deemed not responsible.

This Section 9 contains both a very specific description of the qualifications required in order to be considered "responsive" as well as minimum qualifications to be considered "responsible".

Responsiveness.

To be considered responsive and therefore qualified, all proposers, including MCM must provide documentation establishing that it is highly qualified and experienced in the type of work included in the Project. It must show that it has done this type of work in the past and if subcontractors are doing any of the work the documentation must include the experience of the subcontractors.

From my discussion with you, and evaluators, (Paul Abbott and Sean Compel) as well as a review of the actual proposal from MCM it does not appear that MCM has demonstrated that their company is highly qualified and experienced in the type of work within the scope of the work for the Project. In particular, the past projects MCM includes in its proposal do not include any projects involving decorative sidewalk and streetscape components of the type designed for the Project. The two past projects offered by MCM are large-scale highway projects showing no relevance to the Village Project. Moreover and importantly, MCM has not provided any of the required documentation with regard to its subcontractors other than their names and addresses.

Consequently, we believe that a finding of non-responsiveness can be legally supported if you make such a determination.

Responsibility.

To be considered “responsible” and therefore qualified to do the Project the RFP requires that the firms meet 3 specific minimum requirements. Two of the three minimum requirements are that the firms submit at least 2 relevant projects completed within the past 5 years for different components of the Project. MCM has not met these requirements. The projects included in the submittal do not involve roadways/streetscape work of the type the Village is doing. In fact, the two examples under “MCM’s Project Expensive” are a large Turnpike project and a large State roadway project that have little if any relevance to the Village Project.

Additionally, the RFP contains a “contractor’s questionnaire” that asks, *inter alia*, “[h]ow many years has your organization been in business as a General Contractor under your present name.” MCM responded to this question by stating “37 years.”

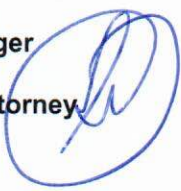
Public records available from the Florida Division of Corporations, however, suggest that the business has had no fewer than four (4) “business names” over the referenced timeframe. Beginning in 1983, the entity was apparently named “Magnum Construction Management Corp.” In 2008, the entity became known as “Munilla Construction Management, LLC.” Then, in November, 2018, the entity changed its name to “MCM Construction of Florida, LLC.” Finally, in December, 2018, the entity named was changed to the current “Magnum Construction Management, LLC.”

With particular regard to the 2018 name changes, there has apparently been a major restructuring of the entity. Since at least 1995 (the earliest date that on-line records are available, the entity has had four primary officers and directors: Jorge Munilla, Juan Munilla, Raul Munilla and Pedro R. Munilla. In 2020, however, all four of these individuals were removed as “authorized persons” for the entity, and were replaced by three individuals who had not previously been officers, directors or “authorized agents” of the entity: Daniel Munilla, Laura Munilla and Elliot Press.

Moreover, in MCM's letter of February 26, 2021 wherein MCM responded to the Village's request for information, MCM indicates that the entity was "acquired" out of bankruptcy in 2019 by StrongCore Group, LLC. Division of Corporation records confirm that the only authorized members of StrongCore Group are the same individuals who first began managerial responsibilities at MCM in 2020: Daniel Munilla, Laura Munilla and Elliot Press. Of the four "founders" of MCM (presumably Jorge, Juan, Raul and Pedro R. Munilla), the letter represents only that three of them "remain employed by the company."

For each of the reasons discussed above, I believe a finding of non-responsibility can be legally supported.

MEMORANDUM

To: Jennifer Medina, Village Manager
From: Stephen J. Helfman, Village Attorney 
Date: March 1, 2021
Re: Roadway Redevelopment Project

The purpose of this memorandum is to address issues you have raised in the course of evaluating the proposal/bid received from Ric-Man Construction, Inc. ("Ric-Man") for the Roadway Redevelopment Project (the "Project").

Specifically you have asked our advice on the following questions:

1. Whether the failure of Ric-Man to provide sufficient documentation of its experience (including its subcontractors) for the type of work included in the Project supports a finding of non-responsiveness?
2. Does Ric-Man's failure to provide an adequate Project Approach disqualify the firm from consideration as not responsible?

Discussion.

The Request for Proposals ("RFP") in Section 9 sets forth the qualification requirements for all bidders. The Section reads as follows:

9. QUALIFICATIONS OF BIDDERS

The nature of this roadway redevelopment project is such, that it is essential that the contractor or sub-contractor(s) actually providing the construction services be highly qualified and experienced in this type of work. Lack of experience in this type of construction shall be grounds for consideration of a bid as non-responsive.

Consequently, whichever firms contemplated to do this type of construction must be able to demonstrate that they have successfully done so in the past. In the event that portions of the work called for in the specifications are to be installed, constructed, or assembled by a sub-

contractor(s), the bidder must fill-in the information requested in this section for themselves as well as the sub-contractors that will actually be doing the work. The specific qualification requirements for this project must be described in the proposal, and at a minimum are as follows:

- A. Contractor/Sub-contractor shall demonstrate successful municipal project experience in the construction of roadway/streetscape improvements including utilities and stormwater on at least 2 projects in the last 5 years.
- B. Contractor/Sub -contractor shall demonstrate successful project experience in the construction of decorative roadway streetscape features with including decorative concrete and landscaping on at least 2 projects in the last 5 years.
- C. Contractor/Sub-contractor shall provide a complete project approach to demonstrate specifically how all work will be adequately completed within the allotted contract time and within the maintenance of traffic measures outlined in the Construction Documents. The approach shall include proposed phasing and crew allocation for the Village's review.

Failure to meet the minimum qualifications of the section will result in a bidder being deemed not responsible.

This Section 9 contains both a very specific description of the qualifications required in order to be considered "responsive" as well as minimum qualifications to be considered "responsible".

Responsiveness.

To be considered responsive and therefore qualified, all proposers, including Ric-Man must provide documentation establishing that it is highly qualified and experienced in the type of work included in the Project. It must show that it has done this type of work in the past and if subcontractors are doing any of the work the documentation must include the experience of the subcontractors.

From my discussion with you, and evaluators, (Paul Abbott and Sean Compel) as well as a review of the actual proposal from Ric-Man it does not appear that Ric-Man has demonstrated that their company has done the type of work within the scope of the work for the Project. In particular, the past projects Ric-Man includes in its proposal do not include any projects involving decorative sidewalk and streetscape components. Virtually all of the past projects are large-scale water and sewer projects. Moreover and importantly, Ric-Man has not provided any of the required documentation with regard to its subcontractors other than their names and addressed.

Consequently, we believe that a finding of non-responsiveness can be legally supported if you make such a determination.

Responsibility.

To be considered “responsible” and therefore qualified to do the Project the RFP requires that the firms meet 3 specific minimum requirements. Two of the three minimum requirements are that the firms submit at least 2 relevant projects completed within the past 5 years for different components of the Project. Ric-Man has not met these requirements. All projects included in the submittal were outside of the 5-year timeframe and none of the projects involved roadways/streetscape work of the type the Village is doing. The only project that could arguably come within the past five years is an ongoing raw water intake project that is clearly irrelevant to the Village Project.

The third minimum requirement to be deemed responsible is the submittal of a Project Approach that describes how the Project will be timely completed with phasing and crew allocation. From the information provided as well as a review of the actual Project Approach submitted, it does not appear that this minimum requirement has been met. Nothing within the submittal includes the manner in which the timeframes will be accomplished nor is there any indication of crew allocations. Moreover, the submission seems to simply repeat the identical processes for all phases of the Project without regard for varying conditions. This should also be considered by you in determining whether adequate consideration has been given to the Project Approach.

For the reasons discussed above, I believe a finding of non-responsibility can be legally supported.

RESOLUTION NO. 815

A RESOLUTION OF THE VILLAGE COUNCIL OF INDIAN CREEK VILLAGE, FLORIDA SELECTING AND AWARDING PROPOSAL /BID FOR THE ROADWAY REDEVELOPMENT PROJECT TO GIANNETTI CONSTRUCTION CORPORATION, PROVIDING FOR CONDITIONS, IMPLEMENTATION AND EFFECTIVE DATE.

WHEREAS, on December 22, 2020 the Indian Creek Village (the “Village”) issued RFP-2020-01 (the “RFP”) soliciting proposals for the construction of the Village’s Roadway Redevelopment Project (“the Project”); and

WHEREAS, on February 4, 2021 the Village received seven (7) responses to the RFP (the “Responses”); and

WHEREAS, the Village Manager, based upon the evaluation of the Responses by independent professionals has recommended the award of the Project to Giannetti Construction Corporation (“Giannetti”) as the lowest responsive and responsible proposer/bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF INDIAN CREEK VILLAGE, FLORIDA:

Section 1. Recitals. The foregoing recitals are true, correct and incorporated herein.

Section 2. Award. Based upon the recommendation of the Village Manager (attached hereto) the Village Council hereby awards the Project to Giannetti.

Section 3. Conditions.

3.1 Giannetti shall execute a construction contract with the Village in substantial accordance with the RFP and its proposal no later than April 30, 2021.

3.2 Upon the execution of the contract, Giannetti must post the payment and performance bonds required by the RFP.

Section 4. Implementation. The Village Manager is hereby directed to take all steps necessary to implement this Resolution and the Project including but not limited to executing the construction contract once approved by the Village Attorney.

Section 5. Effective Date. This Resolution shall be effective immediately upon its adoption by the Village Council.

PASSED AND ADOPTED this 2nd day of March 2021.

APPROVED:

BERNARD KLEPACH, MAYOR

ATTEST:

MARILANE LIMA, VILLAGE CLERK, CMC

Approved as to form and legal sufficiency:

VILLAGE ATTORNEY

ROADWAY REDEVELOPMENT BID AWARD
[Gianetti Bid Submittal](#)