



Interoffice Memorandum

February 15, 2017

TO: Mayor Teresa Jacobs
and the Board of County Commissioners

FROM: Carrie Woodell, Manager, Procurement Division

A handwritten signature in black ink, appearing to read "Carrie Woodell", written over the printed name in the "FROM" field.

CONTACT: Jacqueline W. Torbert, Manager, Water Division
407-254-9830

SUBJECT: Award of Invitation for Bids Y17-178-MV, Hearing Officer – Utilities
Department

ACTION REQUESTED:

Approval to award Invitation for Bids Y17-178-MV, Hearing Officer – Utilities Department, to the sole responsive and responsible bidder, Winderweedle, Haines, Ward & Woodman, P.A. for an estimated contract award amount of \$219,450 for a 3-year term contract. Further request authorization for the Procurement Division to renew the contract for two additional 1-year terms.

PROCUREMENT:

To provide a hearing officer to hear violation appeals from Utilities customers.

FUNDING:

Funds are available in account number 4420-038-1325-3119.

APPROVALS:

The Utilities Department and Business Development Division concur with this recommendation.

REMARKS:

One bid was received and evaluated for price, responsiveness and responsibility. Staff performed a technical evaluation of the bid and determined it to be reasonable based on market research and historical data.

The Utilities Department is tasked with identifying and enforcing Chapter 32 and 37 of the Orange County code. This includes, but is not limited to, the mandatory watering restrictions in unincorporated Orange County as governed by the South Florida Water Management District and the St. Johns River Water Management District, as well as Orange County code; users of the county's wastewater system; residential curbside collection program requirements; and license requirements for commercial solid waste haulers. A hearing officer is required to hear appeals of violators and/or repeat violators.

The Water Reclamation Division and the Solid Waste Division require the services of a Hearing Officer to hear their cases and appeals. The Water Division requires the services of a Hearing Officer when a customer wants to appeal a watering violation. Water Conservation Ordinance No. 2010-02 Sec. 37-611 states:

- (f) Any person to whom is issued a notice of violation hereunder shall either:
 - (1) file a notice of appeal within thirty (30) days of the date of the notice of violation, or
 - (2) pay the assessed civil penalty as instructed on the notice.
- (i) Upon receipt of a timely appeal, the Water Division Manager shall schedule a hearing date before the hearing officer, as established herein, to occur no later than (60) days after receipt of the notice of appeal.

It is anticipated that the Hearing Officer will preside over at least 12 Water Division hearings; six Water Reclamation Division hearings; and four Solid Waste Division hearings per year with each hearing lasting from three to eight hours. It may be necessary to hold approximately two special hearings per year to allow extended arguments in cases that would inordinately lengthen regularly scheduled hearings.

In November 2016, an Invitation for Bids was issued for the services of Hearing Officer for Orange County Utilities. Procurement contacted firms directly to inform them of this opportunity, however no bids were received. On January 9, 2017 a second Invitation for Bids was issued. Procurement contacted firms directly to inform them of this opportunity, and a member of the Water Conservation staff contacted several firms in advance of the Invitation for Bids being issued. To ensure an open and competitive bid process, the Invitation for Bids was posted on the Orange County website.

Queries from staff to potential bidders who declined to bid resulted in the following findings:

1. Quintairos, Prieto, Wood & Boyer, PA (current vendor) – Contracting with the County for another term will prohibit the firm from engaging in other, more lucrative, opportunities.
2. Wilson Law Team – Not interested in submitting a bid at this time.
3. DeBeaubien, Knight, Simmons, Mantzaris & Neal, LLP – Missed deadline for submittal.

The submitted bid met all of the qualifications. The bid of \$175 per hour is consistent with the current contract. Additionally, a review of county legal term contracts from 2016 and 2017 indicates hourly rates range from \$125 - \$225 per hour. The bid falls within this range and thus substantiates a reasonable price for the required services.

Recommendation for award is therefore made to Winderweedle, Haines, Ward & Woodman, P.A.

The bid tabulation is as follows:

<u>Company Name</u>	<u>Total Estimated Bid</u>
Winderweedle, Haines, Ward & Woodman, P.A.	\$219,450




Interoffice Memorandum

BUSINESS DEVELOPMENT DIVISION

January 31, 2017

TO: Melisa Vergara, Senior Purchasing Agent
Procurement Division

FROM: Kesi Warren, Senior Contract Administrator 
Business Development Division

SUBJECT: Business Development Division Bid Evaluation

PROJECT: **IFB #Y17-178-MV, Hearing Officer – Utilities Department**

The Business Development Division evaluated the **1 bid** submitted for this project and found that the **1 bidder is not an** Orange County Certified Minority Women Business Enterprises. Hence, the bid preference program in accordance with the County's M/WBE Ordinance, Section 17-324 can not be applied.

c: Sheena Ferguson, Manager, Business Development Division

