MEMORANDUM

Agenda Item No. 7(O)(1)(E)

TO:	Honorable Chairperson Barbara Carey-Shuler, Ed. D and Members, Board of County Commissioners	DATE:	September 9, 2003
FROM:	George M. Burgess County Manager	SUBJECT:	Bid Award Recommendations

RECOMMENDATION

It is recommended that the Board waive formal bid procedures for the purchase of goods and services and set aside two contracts pursuant to sections 2-8.1 and 2-8.2 of the County Code and Section 4.03(D) of the Home Rule Charter in the best interest of the County.

BACKGROUND

Section 1 SOLE SOURCES

A purchase is considered a sole source under Administrative Order 3-38 when one of the following noncompetitive situations is present: vendor proprietary rights; match existing equipment and/or systems; original equipment manufacturer parts (OEM); and sole manufacturer, distributor and/or maintenance provider.

None

Section 2 NONCOMPETITIVE BID WAIVERS

A bid waiver is when it is in the best interests of the County to waive the competitive bidding procedures under Administrative Order 3-38. A "noncompetitive" bid waiver is when no competition was obtained, and negotiations took place with the vendor to formulate the contract.

Item 2.1 (Copy Machines) is to fund the remaining duration of all lease and maintenance agreements for copy equipment executed under the federal contract, Fed/Copy-02, that has now been replaced by the new County contract for copy and multifunctional equipment.

Section 3 COMPETITIVE BID WAIVERS

A bid waiver is when it is in the best interests of the County to waive the competitive bidding procedures under Administrative Order 3-38. A "competitive" bid waiver is when bids, quotes or proposals were sought from multiple vendors and competition was obtained "in fact," although not adhering to all of the standards for full and open competition prescribed by Section 2-8.1 of the County Code and Administrative Order 3-38.

See Section 4, Contract Measures, below.

Section 4 CONTRACT MEASURES
Upon approval of these contract measures by the Board, an invitation to bid will be issued among certified firms to establish a contract for the purchase of these items.

On April 30, 2003, the Review Committee determined that the contract for Airfield Guidance Signs, Series L-858, Item 4.1, be set aside for bidding solely among certified HBE firms.

On April 30, 2003, the Review Committee determined that the contract for 30" Butterfly Valves, Mechanical Joint, with Accessories, Item 4.2, be set aside for bidding solely among BBE certified firms.

Section 5 EMERGENCY PURCHASES
An emergency purchase is utilized to meet an unforeseen or unanticipated immediate need for equipment, supplies or services where the protection of life, health, safety or welfare of the community and preservation of public property is not possible using normal purchasing procedures. Whenever feasible, staff solicits at least three competitive quotes.

None

Section 6 NONCOMPETITIVE CONTRACT MODIFICATIONS
A noncompetitive contract modification is when the requested supplemental allocation for goods or services exceeds the scope of the original contract award and allocation representing, therefore, a waiver of the competitive bidding process under Administrative Order 3-38 for the additional goods and services.

Item 6.1 (Security Guard Services) is for additional spending authority and time to fund the continuing time extension of these contracts previously approved under BCC Resolution No. R-313-01.

Item 6.2 (Fare Collection Equipment and Replacement Parts) is for additional spending authority to expand and maintain the existing proprietary fare collection equipment and supporting system.

Item 6.3 (Canal Sediment Hauling) to provide continued hauling services for Federal Emergency Management Agency (FEMA) dredging operations.

Section 7 CONFIRMATION (UNAUTHORIZED) PURCHASES
A confirmation purchase is the ratification action that authorizes a prior unauthorized purchase under Administrative Order 3-38.

None

It is recommended that the Board of County Commissioners waive the use of the formal bidding process for the items listed in all sections in the package pursuant to Section 4.03 (D) of the Home Rule Charter in the best interests of the County.

SECTION # 1
SOLE SOURCES

None

SECTION # 2
NONCOMPETITIVE BID WAIVERS

2.1

BID NUMBER: RQPM0300192

Title: Copy Machines

Description: To fund the remaining duration of the existing lease and maintenance agreements for copy equipment previously acquired under the federal contract, Fed/Copy-02, that has now been replaced by the new County contract for copy and multifunctional equipment.

Department(s)	Allocation(s)
Aviation	$ 436,221.47
Building	$ 227,081.34
CED	$ 66,259.00
Clerk of Courts	$1,163,675.90
CMO	$ 16,000.00
Commission on Ethics & Public Trust	$ 16,000.00
Communications	$ 11,700.00
Corrections & Rehab.	$ 575,576.88
DBD	$ 56,344.92
DERM	$ 258,900.00
DPM	$ 45,608.78
Employee Relations	$ 30,000.00
Finance	$ 28,442.00
Fire	$ 130,839.36
GSA	$ 11,400.00
Housing Financial Authority	$ 12,200.00
Human Services	$ 462,357.84
Judicial Admin.	$ 135,000.00
Management & Budget	$ 22,000.00
MDHA	$ 674,676.73
MDPD	$ 731,192.99
MDWASD	$1,321,738.49
OIG	$ 7,500.00
Park & Recreation	$ 51,981.00
Planning & Zoning	$ 80,000.00
Property Appraisal	$ 28,370.75
Public Works	$ 85,407.03
Solid Waste Mgmt.	$ 43,149.60
Emergency Funds	$ 672,962.41
	$7,174,754.49

Term of Contract:	Five years
Option(s) to Renew:	None
Vendor(s):	Canon USA, Inc.; Danka Office Imaging Company; Konica Business Technologies, Inc.; Minolta Corporation; Ricoh Corporation; Sharp Electronics Corp.; Xerox Corporation
Estimated Contract Usage:	$7,174,754.49
Review Committee Recommendation:	No measure (bid waiver).
Review Committee Date:	July 2, 2003
Living Wage:	Not applicable (the services to be provided are not a covered service under the ordinance).
Justification:	Authorization is requested to establish a contract to fund the remaining duration of all lease and maintenance agreements for copy equipment executed under the federal contract, Fed/Copy-02, that has now been replaced by the new County contract for copy and multifunctional equipment. When the federal contract expires on August 18, 2003, this bid waiver will establish the allocations and the vehicle necessary to fund the respective lease and maintenance agreements until they expire or the corresponding equipment is replaced. Since this represents the continued funding of existing lease and maintenance agreements, competition is not possible and the item is presented as a bid waiver. The bid waiver will take effect August 19, 2003 solely for the purpose of continuing to fund the County's existing lease and maintenance obligations for equipment already acquired under the federal contract. It establishes the allocations and the vehicle to meet these continuing obligations until the respective lease or maintenance agreements expire, which varies from case to case but in some instances may continue to 2007. Departments will be authorized to use these allocations only for the lease or maintenance of existing equipment. No new equipment

may be obtained with these funds.

Authorization is requested to allocate an additional 10% of the total department allocation as a reserve for unanticipated emergencies by the user departments. The reserve will be under the control of the Department of Procurement Management for allocation among the user departments, if necessary.

As additional information, on April 8, 2003, the Board approved the award of the County's new multi-function copier contract (Group I). Effective July 1, 2003, the new contract became the exclusive vehicle for the purchase or lease of copy and multifunctional office equipment by County departments including service and maintenance. Only MDHA and MDT will utilize a separate copier contract, as they rely on federal funds for their copier needs.

On June 3rd and 4th, 2003, DPM sponsored a two-day "Copier Expo". The event provided user departments the opportunity to see the products now available under the new contract and to meet the authorized vendors. The County contract is the exclusive source for the purchase, lease and/or maintenance of all County copier equipment. The new contract is versatile and competitively priced.

SECTION # 3
COMPETITIVE BID WAIVER

None

SECTION # 4
CONTRACT MEASURES

It is recommended that the Board of County Commissioners waive the use of formal competitive bids and apply contract measures under the Black Business Enterprise (BBE) Program (Ordinance 94-96) and Hispanic Business Enterprise (HBE) Program (Ordinance 94-95) for the items listed below.

4.1

BID NUMBER:	RQPM0300167
Title:	Airfield Guidance Signs, Series L-858
Description:	To establish a contract to purchase airfield guidance signs used in the taxiway to guide the aircrafts.
Department(s):	Estimated Allocation(s):
Aviation	$100,000.00
Term of Contract:	One year
Option to Renew:	Five one-year options to renew
Review Committee Date:	April 30, 2003; Item #2-01
Review Committee Recommendation:	HBE Set aside
Previous Contract Measure:	None (no recent similar purchase).
Living Wage:	Not applicable (no services contemplated).
Planned Method of Award:	One low responsive, responsible bidder for all items in the aggregate.
Estimated Advertisement Date:	Ten days after adopted by the BCC, unless vetoed by the Mayor.

4.2

BID NUMBER:	RQWS030064
Title:	30" Butterfly Valves, Mechanical Joint, with Accessories
Description:	To purchase three 30" butterfly valves, mechanical joint, with accessories.
Department(s): MDWASD	Estimated Allocation(s): $48,900.00
Term of Contract:	Through delivery
Option to Renew:	None
Review Committee Date:	April 30, 2003; Item #2-05
Review Committee Recommendation:	BBE Set aside
Previous Contract Measure:	None (no recent similar purchase).
Living Wage:	Not applicable (no services contemplated).
Planned Method of Award:	One low responsive, responsible bidder for all the items in the aggregate.
Estimated Advertisement Date:	Ten days after adopted by the BCC, unless vetoed by the Mayor.

SECTION # 5
EMERGENCY PURCHASES

None

SECTION # 6
NONCOMPETITIVE CONTRACT MODIFICATIONS

6.1
BID NUMBER: 0741-4/98-1

Title: Security Guard Services

Department(s):	Existing Allocation(s):	Additional Allocation(s):	Modified Allocation(s):
GSA	$102,849,005.56	$26,250.000.00	$129,099,005.56
Unallocated Funds:	$ 4,352,422.94	$ -0-	$ 4,352,422.94

Vendor(s): 50 State Security Service, Inc.; Alanis, Inc. d/b/a Alanis Security; Delad Security, Inc.; Forestville Corp. d/b/a/ Feick Security; Gabriel Security Corp.; Milex Corp. d/b/a Milex Security Service; Vanguard Security, Inc.

Type of Change: Increase in spending authority

Original Allocation: $16,411,034.00 commencing July 1, 1998 for a one-year period with four one-year options to renew.

Existing Allocation: $107,201,428.50

Increase By: $ 26,250,000.00

Modified Allocation: $133,451,428.50

Current Expiration: Pursuant to BCC Resolution No. R-313-01, this contract may be extended pending resolution of the pending architectural and engineering lawsuit against the County.

Modified Expiration: Same

Reason for Change: In early 2001, the Commission rejected bids and directed that the purchase of security guard services for County facilities be re-bid for separate award by seven geographic sectors, with some sectors set-aside for BBEs. 50 State Security Service, Inc. and Vanguard Security, Inc. filed suit in federal court challenging the constitutionality of the BBE measures and seeking a preliminary injunction against the re-bid of this contract with BBE measures.

The plaintiffs offered to withdraw their motion for preliminary injunction if the County would defer the re-bid with BBE measures until such time as the federal court decided the pending federal case against the County's use of measures in its purchase of architectural and engineering services. Both cases are pending before the same federal judge.

The Commission authorized deferral of the re-bid and extension of the existing contract on a temporary basis. See, Resolution No. R-313-01.

The federal court has yet to rule in the case involving architects and engineers.

In order to provide continuity of security guard services, an extension of the existing contract is recommended through September 30, 2004, or until such time as a new contract is re-bid.

The additional allocation of $26,250,000 includes a 5% increase, based on the Consumer Price Index, as prescribed by the terms and conditions of the existing contract.

MEMORANDUM

Not On
Agenda Item No. 11(A)(3)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: March 22, 2001

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution authorizing extension of existing conracts for security guard services

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The accompanying resolution was placed on the agenda by the County Attorney.

Robert A. Ginsburg
County Attorney

RAG/bw

Approved _____ Mayor

Veto _____

Override _____

Not On
Agenda Item No. 11(A)(3)
3-22-01

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

RESOLUTION NO. R-313-01

RESOLUTION AUTHORIZING FURTHER EXTENSION OF EXISTING CONTRACTS FOR SECURITY GUARD SERVICES AND SUPERSEDING RESOLUTION NO. R-1332-00 PERTAINING TO RE-ADVERTISEMENT OF BID 07541- 4/04

WHEREAS, 50 State Security Service, Inc. and Vanguard Security, Inc. have filed a case in the U.S. District Court for the Southern District of Florida (50 State Security Service, Inc. et al. v. Metropolitan Dade County, U.S. District Ct. Case no. 01-0268-CIV-JORDAN) challenging the County's ability to apply certain contract measures to contracts for security guard services; and

WHEREAS, 50 State and Vanguard have filed a motion for preliminary injunction in such case to enjoin the re-bid of Bid 0741– 4/04; and

WHEREAS, these Plaintiffs have offered to withdraw their motion for preliminary injunction in return for the County deferring the re-bid of Bid 0741- 4/04 and further extending the current contracts for security guard services until such time as the federal court rules in the pending case against the County involving architects and engineers,

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes further extension of the current contracts for security guard services in accordance herewith and supersedes Resolution No. R-1332-00.

6.2

BID NUMBER: SS5559-1/04-OTR

Title: Fare Collection Equipment and Replacement Parts

Department(s):	Existing Allocation(s):	Additional Allocation(s):	Modified Allocation(s):
MDT	$1,980,000.00	$650,000.00	$2,630,000.00
Unallocated Funds:	$ -0-	$ -0-	$ -0-

Vendor(s): Cubic Transportation, Inc.

Type of Change: Increase in spending authority

Original Allocation: $1,650,000.00 commencing February 5, 2001 for a three period with one one-year options to renew.

Existing Allocation: $1,980,000.00

Increase By: $ 650,000.00

Modified Allocation: $2,630,000.00

Current Expiration: January 31, 2004

Modified Expiration: Same

Reason for Change: Authorization is requested for additional spending authority to allow MDT to expand and maintain its existing proprietary fare collection equipment and supporting system under this sole source contract. Cubic Transportation, Inc. is the sole manufacturer of the fare collection equipment and replacement parts used in the County's transportation network including Metro Rail and public bus services. This equipment is not compatible with any other manufacturer's product and is the means in which MDT collects its revenues.

MDT is in the process of purchasing new buses to increase its service as mandated by the Peoples Transportation Plan. Fare boxes must be installed in order for the buses to be put into service, and the continued maintenance of the equipment is necessary to avert any delay and to increase services that enhance revenue collection. With the contract modification, MDT will

acquire 22 fare boxes and 50 cash boxes plus ongoing maintenance and support for the entire MDT fleet.

This contract modification will allow MDT to acquire 22 additional fare boxes at the existing fixed unit price of $8,500 each, and 50 cash boxes at the existing unit price of $965 each. The modification will also provide for the purchase of replacement parts and unanticipated requirements, equipment and software upgrades.

Before agreeing to issue any future option to renew (OTR) under the contract, DPM will engage in negotiations with the vendor to establish improved unit prices if possible, or to determine to recompete.

Note: Currently MDT spends an average of $50,000 per month on replacement parts.

SECTION # 7
CONFIRMATION (UNAUTHORIZED) PURCHASES

None

6.3

BID NUMBER: 7132-4/07-OTR

Title: Canal Sediment Hauling

Department(s):	Existing Allocation(s):	Additional Allocation(s):	Modified Allocation(s):
DERM	$5,000,000.00	$10,000,000.00	$15,000,000.00
Unallocated Funds:	$ -0-	$ -0-	$ -0-

Vendor(s): All Florida Land Cleaning, Inc.; Austin Tupler Trucking, Inc.; BFI Waste Systems of North America, Inc.; Confidence Trucking, Inc.; Crawford Paving & Demolition; Elijah Brinson d/b/a Brinson Hauling; Hard J Construction Corp.; Impact Construction Company; In Touch Logistic Services, Inc.; JAA Industrial Waste, Inc.; James Ervin d/b/a James Ervin Equipment Rental; Jones Motor of Miami, Inc; Leno Transportation, Inc.; Leonzi Jones Trucking, Inc.; Magic City Trucking Company, Inc.; MCO Construction & Services, Inc.; Portland Trucking Services, Inc.; Redland Company, Inc.; Underground Utilities Specialty, Inc.; WB'S Woods Construction Co.; Weed A Way, Inc.

Type of Change: Increase in spending authority

Original Allocation: $5,000,000.00 commencing November 1, 2002 for a one-year period with four one-year options to renew.

Existing Allocation: $ 5,000,000.00

Increase By: $10,000,000.00

Modified Allocation: $15,000,000.00

Current Expiration: October 31, 2003

Modified Expiration: Same

Reason for Change: Authorization is necessary for additional spending authority to provide continued hauling services for Federal Emergency Management Agency (FEMA) dredging operations.

The hauling contract was formulated to pre-qualify firms and create a pool for the spot market bidding and award of work orders for canal sediment hauling.

The contract award creating the pool was approved by the Board on September 24, 2002 with the eighteen vendors. At that time, authorization was requested and granted to add additional firms to the pool prospectively as they applied and became qualified.

On April 22, 2003, the Board voted to close new entry to the pool and "cap" the pool at those firms qualified prior to that date. Twenty-one contractors were qualified and are currently performing hauling services for the County. The Board also directed DERM to increase County hauler participation. The department is proposing to set-aside up to fifty percent of all hauling work to transport sediments from the job sites to the North Dade Landfill Materials Handling Facility, and one hundred percent of the hauling work from the North Dade Landfill Materials Handling Facility to a disposal facility.

Due to the proposed increase in the usage of this County contract for canal sediment hauling, therefore, the Board's approval of the additional allocation is necessary.

Originally, the current County hauling program involved 25% County hauling participation for haulers to transport sediments from the canal site directly to a disposal facility with an estimated amount of $5 million. The $5 million was established to implement the program only.

MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 9, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(O)(1)(E)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(O)(1)(E)
9-9-03

RESOLUTION NO. _____

RESOLUTION WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF CERTAIN GOODS AND SERVICES AND SETTING ASIDE ONE CONTRACT FOR BIDDING SOLELY BY BBES AND ONE CONTRACT FOR BIDDING SOLELY BY HBES AND AUTHORIZING THE COUNTY MANAGER TO AWARD SAME AND EXECUTE OPTIONS TO RENEW

WHEREAS, the County Manager recommends to this Board to waive formal bid procedures for the purchase of specific items and services which cannot be purchased under normal bid procedures; and

WHEREAS, the County Manager and the Review Committee recommends to this Board that it is in the best interests of the County to set aside one contract for bidding solely amongst BBEs and one contract for bidding solely amongst HBEs as there are substantial disparities for BBEs and HBEs in the applicable relevant market segments, the opportunities provided by the contracts are appropriate for applying a set aside, and race neutral measures will not add address effectively the demonstrated disparities in the market segments involved ,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds it is in the best interest of Miami-Dade County to waive formal bid procedures for the purchase of specific goods and services and to set aside one contract for bidding solely by BBEs and one contract for bidding solely by HBEs and authorizes the County Manager to award such contracts and execute options to renew established thereunder, pursuant to Section 4.03(D) of the Home Rule Charter and Sections 2-8.1 and 2-8.2 of the County Code by a two-thirds (2/3s) vote of the Board members present.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 9th day of September, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency._____

R.A. Cuevas, Jr.

By:_____
Deputy Clerk