



# MEMORANDUM

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

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

DATE: June 8, 2004

FROM: George M. Burgess  
County Manager

SUBJECT: Waiver of Formal  
Bid Procedures

## RECOMMENDATION

It is recommended that the Board waive formal bid procedures for the purchase of goods and services pursuant to Sections 2-8.1, 2-8.2.3 and 2-8.2.4 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 sole source purchase is the procurement of a good or service under Administrative Order 3-38 for which there is no other vendor who can compete to provide the good or service, and an equal product or service is not available from any other supplier.

Item 1.1 (Upgrade and Expand the Existing Close Circuit TV (CCTV)) is to upgrade and expand the existing close circuit TV system (CCTV) at the Metro West Detention Center.

### **Section 2 BID WAIVERS**

A bid waiver is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is in the best interests of the County. A bid waiver is when no competition was obtained, and negotiations took place with the vendor to formulate the contract.

Item 2.1 (M26 Taser Kit) is to purchase stun guns and accessories for the Miami-Dade Police Department.

Item 2.2 (Genetic Analyzer) is to purchase the ABI Prism 3100 genetic analyzer to increase the production of DNA profiles.

Item 2.3 (Security Guard Services at the Juvenile Assessment Center) is to establish a replacement contract to provide services to offending juveniles include receiving, booking, photographing and fingerprinting, assessing, monitoring, disciplining and transporting to another facility or returning them to their parents. On March 31, 2004, the Review Committee established a 40% BBE subvendor goal to the item.

**Section 3 COMPETITIVE BID WAIVERS**

A bid waiver is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is in the best interests of the County. 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/REQUEST TO ADVERTISE**

Minority business measures are applied to the purchase of goods and services as determined by the County’s Review Committee in accordance with the requirements of Administrative Orders 3-3, Black Business Enterprise Program; 3-17, Hispanic Business Enterprise Program; and 3-18, Women Business Enterprise Program. Upon approval of these contract measures by the Board, for Item 4.1 an invitation to bid will be issued for competition among all firms with a 25% WBE subvendor goal, and for Items 4.2 and 4.3 an invitation to bid will be issued for competition among certified firms to establish a contract for the purchase of these items.

On February 25, 2004, the Review Committee established a 25% WBE subvendor goal should be applied to Item 4.1, Carpet and Related Flooring Items, Removal, Furnish and Install.

On March 17, 2004, the Review Committee determined that Janitorial Services for the Building and Elections departments, Item 4.2, be set aside for bidding solely among certified BBE firms.

On March 31, 2004, the Review Committee determined that Steel Cover Plates and Assemblies, Item 4.3, be set aside for bidding solely among certified HBE firms.

**Section 5 EMERGENCY PURCHASES**

An emergency purchase under Administrative Order 3-38 is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in Administrative Order 3-38 including bid waiver. 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 (Vac-Con Sewer Equipment Parts, Repairs and Services) is for additional money to allow GSA to continue to maintain the existing sewer and storm drain cleaning equipment for MDHA, Public Works and Solid Waste departments.

**Section 7 CONFIRMATION (UNAUTHORIZED) PURCHASES**

A confirmation purchase is the ratification action that authorizes a prior unauthorized purchase under Administrative Order 3-38.

None



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Alex Muñoz  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** June 8, 2004

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 7(O)(1)(A)

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)(A)  
6-8-04

RESOLUTION NO. \_\_\_\_\_

RESOLUTION WAIVING COMPETITIVE BIDDING FOR THE  
PURCHASE OF CERTAIN GOODS AND SERVICES  
APPROVING CERTAIN MINORITY SET ASIDES AND  
SUBVENDOR GOALS 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 among BBEs and one contract for bidding solely among HBEs and establishing a 40% BBE subvendor goal on one contract and a 25% WBE subvendor goal on another contract as there are substantial disparities for BBEs, HBEs and WBEs in the applicable relevant market segments, the opportunities provided by the contracts are appropriate for applying a set aside or subvendor goal, and race neutral measures will not 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 approve certain minority set asides and subvendor goals and to

authorize 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, 2-8.2.3 and 2-8.2.4 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                        | Dorin D. Rolle   |
| Natacha Seijas                        | Rebeca Sosa      |
| Sen. Javier D. Souto                  |                  |

The Chairperson thereupon declared the resolution duly passed and adopted this 8<sup>th</sup> day of June, 2004. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04.

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

HARVEY RUVIN, CLERK

Approved by the County Attorney as  
to form and legal sufficiency. *[Signature]*

Hugo Benitez

By: \_\_\_\_\_  
Deputy Clerk

It is recommended that the Board of County Commissioners waive the use of the formal bidding process for all the items listed 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**

**1.1**

**BID NUMBER:**

SS1769-CR

Title:

Upgrade and Expand the Existing Close Circuit TV System (CCTV)

Description:

To upgrade and expand the existing CCTV system at the Metro West Detention Center.

Department(s)

Corrections & Rehab.

Allocation(s)

\$175,351.00

Term of Contract:

Upon completion (eight weeks after the commencement date).

Option(s) to Renew:

None

Vendor(s):

Black Creek Integrated Systems Corp.

Estimated Contract Usage:

\$175,351.00

Review Committee

Recommendation:

No measure (sole source)

Review Committee Date:

March 24, 2004; Item #2-05

Living Wage:

Not applicable, the services to be provided are not a "covered service" under the ordinance.

Justification:

Authorization is necessary to add a new switcher that will allow the upgrade and expansion of the existing Black Creek Close Circuit TV System (CCTV). The contract will include installation, removal and disposal of the old equipment.

The Corrections and Rehabilitation Department requested this upgrade and expansion to obtain a much wider coverage in the ability of the system to monitor activity

within the facility, thereby enhancing the safety of County employees and inmates at the Metro West Detention Center.

The Competitive Acquisition Unit of the Department of Procurement Management reviewed the project, conducted market research and determined that there are no other companies that can do the upgrade and expansion since the system was designed specifically to meet the needs of the Department of Corrections and Rehabilitation. The system is totally proprietary to the manufacturer and Black Creek is, therefore, the only company that can provide the upgrade and expansion.

The purchase and installation of a new system from Black Creek or any other manufacturer would range between \$550K and \$750K. It is, therefore, more cost effective to upgrade and expand the existing system than to discard and replace it with a new or different system.

The Department of Procurement Management engaged in sole source negotiations with Black Creek and a cost avoidance amount of \$13,502.00 was obtained.

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**SECTION # 2**  
**BID WAIVERS**

2.1

**BID NUMBER:**

BW1673-3/08-OTR

Title:

Advanced Taser Less-Lethal Weapon

Description:

To establish a contract to purchase Advanced Taser Less-Lethal weapons and accessories.

Department(s)

MDPD

Allocation(s)

\$550,000.00

Term of Contract:

One year

Option(s) to Renew:

Three one-year options to renew

Vendor(s):

DGG Taser, Inc.

Estimated Contract Usage:

\$550,000.00

Review Committee

Recommendation:

No measure (bid waiver)

Review Committee Date:

March 10, 2004; Item #2-07

Living Wage:

Not applicable; no services contemplated.

Justification:

Authorization is necessary to allow the Miami-Dade Police Department to establish a contract to purchase Advanced Taser Less-Lethal weapons and accessories.

The Advanced Taser Less-Lethal Weapon has been identified by the Miami-Dade Police Department as an alternative that enables police officers to establish effective control over aggressively non-compliant and combative individuals. This is the only stun gun on the market that has the capability to document the time and date of each use, as well as identification of the specific weapon used. This data ensures accountability and protects the officers from claims of excessive force.

In June 2003, Taser International, for whom DGG Tasers is the sole authorized distributor in Florida, acquired Taser Technologies, Inc., the other firm manufacturing a similar stun gun, although not with all the capabilities

required by the Miami-Dade Police Department. There are other stun guns on the market, but none of them supply the supporting documentation, distance or power that the Advanced Taser provides.

On September 25, 2003, the Community Relations Board (CRB) unanimously endorsed the Advanced Taser as a weapon that should be issued to every police officer in Miami-Dade County. The CRB also passed a resolution expressing its support for efforts to educate the community concerning police use of the Advanced Taser.

The Department of Procurement Management negotiated with DGG Taser, Inc. and was able to achieve a 1% discount on any invoice paid within 72 hours of receipt.

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2.2

**BID NUMBER:**

BW1788-PD

Title: Genetic Analyzer

Description: To purchase the ABI Prism 3100 Genetic Analyzer to increase the production of DNA profiles.

Department(s)  
MDPD

Allocation(s)  
\$142,166.00

Term of Contract: Upon delivery (four weeks after receipt of order).

Option(s) to Renew: None

Vendor(s): Applera Corporation d/b/a Applied Biosystems

Estimated Contract Usage: \$142,166.00

Review Committee Recommendation: No measure, the department is using federal funds, therefore, County measures cannot be applied.

Review Committee Date: March 31, 2004; Item #2-01

Living Wage: Not applicable; no services contemplated.

Justification: Authorization is necessary to purchase the ABI Prism 3100 Genetic Analyzer to allow the Miami-Dade Police Department Crime Laboratory Bureau to increase the production of DNA profiles, thereby reducing the backlog of DNA analysis in which no suspect has been identified.

This equipment will increase the number of DNA samples analyzed for cases in which no suspect has been identified, since it can analyze up to 16 samples of biological evidence every thirty minutes. These DNA profiles will then be fed into the National DNA Index System (NDIS) database for cross referencing with crime suspects on a national level.

In January 2004, the Board authorized the allocation and use of a federal grant, to implement the No Suspect Casework DNA Backlog Reduction Program (FY2003).

The primary objective of the program is to provide funding to allow state and local law enforcement agencies to test DNA evidence and then to effectively use the National DNA Index System for a potential match with a convicted felon.

Applied Biosystems is the manufacturer of the ABI Prism 3100 Genetic Analyzer which uses the polymerase chain reaction (PCR) reactive kits for DNA testing that are the only ones validated by the FBI DNA laboratory to produce results in accordance with the Quality Assurance Standards for Forensic DNA Testing Laboratories approved by the Director of the FBI, effective October 1, 1998. Results utilizing these standards are necessary for acceptance into the National DNA Index System (NDIS). Results from other alternative systems would only be acceptable after a lengthy certification period, which would defeat the purpose of expediting the backlog reduction.

It is, therefore, more efficient to continue using the polymerase chain reaction (PCR) reactive kits than to discard and replace it with a different manufacturer's reactive kits.

Department of Procurement Management negotiations with Applied Biosystems produced savings of \$9,500.00 compared to the price paid by other jurisdictions under the same funding.

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2.3

**BID NUMBER:**

BW7517-3/08

Title: Security Guard Services at the Juvenile Assessment Center

Description: To establish a replacement contract to provide services to offending juveniles to include receiving, booking, photographing and fingerprinting, assessing, monitoring, disciplining and transporting to another facility or returning them to their parents.

Department(s)                      Allocation(s)  
JAC                                      \$2,500,000.00

Term of Contract: Two years

Option(s) to Renew: Three one-year options to renew

Vendor(s): Wackenhut Corp.

Estimated Contract Usage: \$2,500,000.00

Review Committee Recommendation: 40% BBE subvendor goal

Review Committee Date: April 28, 2004; Item #2-01

Living Wage: The services to be provided are not a "covered service" under the Living Wage ordinance.

Justification: Authorization is necessary to establish a replacement contract to provide services to offending juveniles to include receiving, booking, photographing and fingerprinting, assessing, monitoring, disciplining and transporting to another facility or returning them to their parents.

The Wackenhut Corp. has provided these services at the JAC for the past five years under a competitively awarded County contract. The JAC has requested that the replacement contract be awarded in the form of a bid waiver to Wackenhut to insure the continuity of the specialized and sensitive services that Wackenhut has provided effectively and without incident. Wackenhut is currently the only private security company in Florida with proven experience in juvenile detention services. In all

other juvenile assessment centers in the state, these services are provided by local law enforcement agencies.

The Department of Procurement Management conducted extensive market research, and confirmed that while there are several security firms in the market, Wackenhut is the only private company currently providing juvenile detention services in the state of Florida.

The firm has adhered to a 40% BBE subvendor goal that was placed on the current contract by the Department of Business Development and that, if approved by the Board, will remain on the replacement contract.

The Department of Procurement Management negotiated the final terms and conditions of the recommended replacement contract with Wackenhut resulting in:

- Cost avoidance in the amount of \$36,000.00, and
  - Vendor agreement to provide transportation at no additional cost to the County.
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**SECTION #3**  
**COMPETITIVE BID WAIVERS**

None

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**SECTION #4**  
**CONTRACT MEASURES/REQUEST TO ADVERTISE**

It is recommended that the Board of County Commissioners waive the use of formal competitive bids and apply contract measures under the Women Business Enterprise (WBE) Program (Ordinance 94-94) for Item 4.1, Black Business Enterprise (BBE) Program (Ordinance 94-96) for Item 4.2 and Hispanic Business Enterprise Program (Ordinance 94-95) for Item 4.3. Upon approval of these contract measures by the Board, for Item 4.1 an invitation to bid will be issued for competition among all firms with a 25% WBE sub vendor goal, and for Items 4.2 and 4.3 an invitation to bid will be issued for competition among certified firms to establish a contract for the purchase of these items. Authorization is also requested to approve the issuance and advertisement of Item 4.1 only in order to solicit bids.

**4.1**

**REQUISITION**

**NUMBER:**

RQAV0400013

**Title:**

Carpet and Related Flooring Items (Removal, Furnish and Installation)

**Description:**

To establish a contract to remove old flooring and furnish and install new flooring at Miami International Airport, Concourse "F", Second Level.

**Department(s):**

Aviation

**Estimated Allocation(s):**

\$550,000.00

**Term of Contract:**

Upon completion (approximately six months after receipt of order).

**Option to Renew:**

None

**Review Committee Date:**

February 25, 2004; Item #2-01

**Review Committee**

**Recommendation:**

25% WBE subvendor goal

**Previous Contract**

**Measure:**

None

**Living Wage:**

Not applicable, the services to be provided are not a "covered service" under the ordinance.

**Planned Method of**

**Award:**

To the lowest responsive, responsible bidder based on the total cost for the project.

Estimated Advertisement Date: Ten days after adopted by the BCC, unless vetoed by the Mayor.

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4.2

**REQUISITION**

**NUMBER:**

RQGS0400019

Title: Janitorial Services for the Building and Elections Departments

Description: To establish a new contract to perform janitorial services at the following locations: Permitting and Inspections Center, 11805 SW 26<sup>th</sup>. Street and Elections Building, 2700 NW 87<sup>th</sup> Avenue.

Department(s): Estimated Allocation(s):  
GSA \$612,000.00

Term of Contract: Two years

Option to Renew: One one-year option to renew

Review Committee Date: March 17, 2004; Item #2-01

Review Committee Recommendation: BBE Set-aside

Previous Contract Measure: None

Living Wage: The services to be provided are a "covered" service under the ordinance and the Living Wage is included in the solicitation.

Planned Method of Award: To the lowest responsive, responsible bidder, by group, for the following two groups:  
**Group 1, Janitorial Services for Building Department and Group 2, Janitorial Services for Elections Department.**

Estimated Advertisement Date: Ten days after adopted by the BCC, unless vetoed by the Mayor.

Comments: Respect of Florida was duly advised of this opportunity and declined to present a proposal.

4.3

**REQUISITION**

**NUMBER:**

RQPM0400141

Title:

Steel Cover Plates and Assemblies

Description:

To establish a replacement contract to purchase steel cover plates that are used as removable covers for valve and meter boxes.

Department(s):

Water and Sewer

Estimated Allocation(s):

\$70,000.00

Term of Contract:

One year

Option to Renew:

Three one-year options to renew

Review Committee

Date:

March 31, 2004; Item #2-03

Review Committee

Recommendation:

HBE Set-aside

Previous Contract

Measure:

None

Living Wage:

Not applicable; no services contemplated.

Planned Method of

Award:

To two low, responsive, responsible bidders, by item, for three items, with primary and secondary awards. While the award to two bidders assures availability, the primary vendor, as the established low bidder, will be given the first opportunity.

Estimated Advertisement

Date:

Ten days after adopted by the BCC, unless vetoed by the Mayor.

**SECTION #5**  
**EMERGENCY PURCHASES**

None

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**SECTION # 6**  
**NONCOMPETITIVE CONTRACT MODIFICATIONS**

6.1

**BID NUMBER:** BW7046-0/07

Title: Vac-Con Sewer Equipment Parts, Repairs and Services

<u>Department(s):</u>	<u>Current Allocation(s):</u>	<u>Increase By:</u>	<u>Modified Allocation(s):</u>
GSA	\$50,000.00	\$50,000.00	\$100,000.00
WASD	\$45,000.00	\$ -0-	\$ 45,000.00

Unallocated Funds: \$ -0- \$ -0- \$ -0-

Existing Vendor(s): Southern Sewer Equipment Sales

Type of Change: Increase in spending authority

Existing Allocation: \$ 95,000.00

Increase By: \$ 50,000.00

Modified Allocation: \$145,000.00

Current Expiration: January 31, 2007

Modified Expiration: Same

Reason for Modification: Authorization is necessary for additional spending authority to allow GSA to continue to maintain the existing sewer and storm drain cleaning equipment for MDHA, Public Works and Solid Waste Management.

GSA originally requested a small allocation under this contract on the assumption that the three departments using the existing Vac-Con sewer and storm drain cleaning equipment, Public Works, MDHA and Solid Waste Management, would soon replace it. The three departments have retained the equipment longer than originally anticipated however, and the additional allocation has become necessary.

**SECTION # 7**  
**CONFIRMATION PURCHASES**

None

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