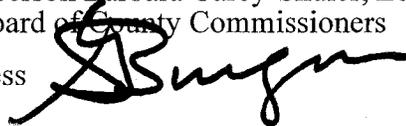


Date: November 30, 2004

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

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

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 Section 2-8.1 of the County Code and Section 4.03(D) of the Home Rule Charter in the best interests 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.

None

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 (Control Panels Original Equipment Manufacturer (OEM) Parts and Services) is for the purchase of parts, materials and technical services necessary to upgrade the control panels and associated equipment for three "Superior" brand engines at the South District Wastewater Treatment Plant.

Item 2.2 (Original Equipment Manufacturer (OEM) Replacement Parts, Units, Training and Repair and Field Services for "Enterprise" and "Superior" Engines) is to establish a replacement contract to allow Miami-Dade Water & Sewer to purchase replacement parts, units, training and repair and field services to maintain the existing "Enterprise" and "Superior" brand engines at the Central and South District Wastewater Treatment Plants.

Item 2.3 (Specialty Foods for MetroZoo Animals) is to establish a replacement contract to allow Miami-Dade Park & Recreation to purchase specialty food/feed to maintain the high level of care and health of the animal collection at MetroZoo, Amelia Earhart Farm Village and nature centers.

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 interest 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.

None

Section 4 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.

Item 4.1 (Liquid Ferric Sulfate) is for the purchase of liquid ferric sulfate for use during the testing and start-up of the new Preston Water Treatment Plant.

Section 5 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 5.1 (Golf and Tennis Items for Resale in County Owned Pro-Shops) is for additional spending authority to allow Park and Recreation to outfit the newly re-opened Crandon Golf Pro-Shop as well as the Pro-Shop for the Country Club of Miami that is now under the management of the Park and Recreation Department.

Item 5.2 (Cold Water, Turbine and Replacement Meters, “Sensus”) is for additional spending authority and time to allow Water and Sewer to continue to purchase “Sensus” brand cold water displacement and turbine type water meters.

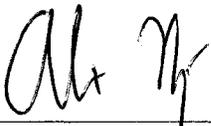
Item 5.3 (Valves and Replacement Parts, “APCO”) is for additional spending authority and time to allow Water and Sewer to continue to maintain their existing “APCO” brand valves.

Item 5.4 (Agitators and Water Filters) is for additional spending authority to allow Water and Sewer to continue to purchase original equipment manufacturer (OEM) required for preventive maintenance programs and repairs.

Section 6 CONFIRMATION (UNAUTHORIZED) PURCHASES

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

None



Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: November 30, 2004

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

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

Veto _____

11-30-04

Override _____

RESOLUTION NO. _____

RESOLUTION WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF CERTAIN GOODS AND SERVICES AND AUTHORIZING THE COUNTY MANAGER TO AWARD SAME AND EXECUTE OPTIONS TO RENEW

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

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 interests of Miami-Dade County to waive formal bid procedures for the purchase of specific goods and services 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 Section 2-8.1 of the County Code by a two-thirds (2/3) 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:

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

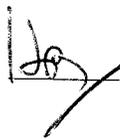
Bruno A. Barreiro	Jose "Pepe" Diaz
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dennis C. Moss	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 30th day of November, 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 County Attorney as
to form and legal sufficiency.



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

None

SECTION # 2
BID WAIVERS

2.1

BID NUMBER:

BW1828-WS

Title:

Control Panels Original Equipment Manufacturer (OEM) Parts and Services

Description:

To purchase parts, materials and technical services necessary to upgrade the control panels, ignition systems, turbochargers, flow controls and air filtration systems for the three "Superior" engines at the South District Wastewater Plant.

Department(s)

WASD

Allocation(s)

\$566,197.00

Term of Contract:

Upon completion (not to exceed six months)

Option(s) to Renew:

Not applicable

Vendor(s):

Cooper Cameron Corp. d/b/a Cooper Energy Services

Estimated Contract Usage:

\$566,197.00

Living Wage:

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

Justification:

Authorization is requested to allow for the one-time purchase of parts, materials and technical services necessary to upgrade the control panels, ignition systems, turbochargers, flow controls and air filtration systems for the three "Superior" brand engines at the Miami-Dade Water & Sewer South District Wastewater Treatment Plant.

The engines serve multiple functions. They use the methane gas produced by the decomposing wastewater as fuel for the engines and also generate electrical power for the Co-Gen Buildings. In addition, the engine heat generated by the engines is used to produce hot water to accelerate the decomposition of the wastewater during the treatment process. The electrical power consumption of the plant is offset by the production of electrical power by these engines, thus creating a substantial cost savings for

the operation of the plants. The average yearly savings generated by this offset has been \$221,047.00/yr since March 1997 when the engines were first put into use for this purpose.

The upgrade to the control panels and associated systems will involve changing from an individual manual system of adjustment for each engine to an automatic electronic master system of engine operation. The new system will monitor the quality of the methane gas entering the engines from the digesters and adjust the engines accordingly to achieve optimum performance. This close monitoring is important because the quality of the sewer gas (methane) that is burned causes fluctuations in the BTU's produced and natural gas is blended with it to reduce these fluctuations.

Cooper Energy Services, Inc. is the sole original equipment manufacturer (OEM) and distributor of replacement parts, field service work and technical services for the "Superior" engines. It is the only firm that can provide factory trained specialists and engineers to ensure that OEM specifications are met, optimum performance is achieved, and less long-term maintenance is required. Cooper assumes full responsibility for its OEM replacement parts and field service using these parts.

The Department of Procurement Management found one company, Energy Dynamics (Endyn), that claimed to be able to provide the necessary parts and services. After further investigation, meetings and communication with the user department and the vendor, it was ascertained that Endyn does not have an agreement with Cooper Cameron Corp. to provide OEM parts and does not have ready access to current OEM technical engineering prints or OEM bulletins issued as a result of EPA and other federal mandates. In addition, Cooper will not warrant replacement parts or the services performed by other firms.

The Department of Procurement Management entered into negotiations with Cooper Energy Services which resulted in the following savings for the County:

- Application of the 2% User Access Program fee to all invoices.

- Job site training for the operation/maintenance of all equipment installed during this upgrade at no cost to the County.
-

2.2

BID NUMBER:

BW6734-4/09-OTR

Title: Original Equipment Manufacturer (OEM) Replacement Parts, Units, Training and Repair and Field Services for “Enterprise” and “Superior” Engines

Description: To establish a replacement contract to purchase original equipment manufacturer (OEM) replacement parts, units, training and repair and field services to maintain the existing engines at Miami-Dade Water and Sewer Department treatment plants.

Department(s)
WASD

Allocation(s)
\$450,000.00

Term of Contract: One year

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

Vendor(s): Cooper Cameron Corp. d/b/a Cooper Energy Services

Estimated Contract Usage: \$450,000.00

Living Wage: Not applicable, the services to be provided are not a “covered service” under the ordinance.

Justification: Authorization is requested to establish a replacement contract to allow Miami-Dade Water & Sewer to purchase original equipment manufacturer (OEM) replacement parts, units, training and repair and field services to maintain the existing “Enterprise” and “Superior” brand engines at the water and wastewater plants.

The “Enterprise” engine at the Alexander Orr Water Treatment Plant serves as a primary electric source for the high level pumps that provide the mandatory minimum water pressure for the community mandated by the state and local laws.

The seven methane gas powered “Superior” engines at the Central and South District Wastewater Treatment Plants serve multiple functions, including the utilization of the methane gas produced by the decomposition of wastewater as fuel and the generation of electricity for the Co-Gen buildings. The electrical power consumption of the plant is offset by the production of electrical power by

the engines. The average yearly savings generated by this offset has been \$221,047.00/yr since March 1997 when the engines were first put into use for this purpose.

In addition, the heat generated from the "Superior" engines is used to produce the hot water needed to accelerate the decomposition of the wastewater during the treatment process.

The preventative engine maintenance and routine repair program is accomplished by the Water and Sewer Plant Maintenance diesel personnel. Major repairs and overhauls are performed by Copper's factory trained specialists and engineers to ensure that OEM specifications are met, optimum performance is achieved and less long-term maintenance is required. The company assumes full responsibility for their OEM replacement parts and field service using these parts.

Cooper Energy Services is the sole original equipment manufacturer and distributor of OEM replacement parts and factory trained specialists for the "Enterprise" and "Superior" engines.

The Department of Procurement Management found one company, Energy Dynamics (Endyn), that claimed to be able to provide the necessary parts and services. After further investigation, meetings, and communication with the user department and the endor, it was ascertained that Endyn does not have an agreement with Cooper Cameron Corp. to provide OEM parts and does not have ready access to current OEM technical engineering prints or OEM bulletins issued as a result of EPA and other federal mandates. In addition, Cooper will not warrant replacement parts or the services performed by other firms.

The Department of Procurement Management entered into negotiations with Cooper Energy Services which resulted in the following savings for the County:

- The discount from published list pricing on all new replacement parts was negotiated from 16% up to 18%.
- Labor rates were negotiated down from \$235.00/h in the initial proposal to \$81.00/h for a field service representative, a savings of 66%.

- Labor rates were negotiated down from \$163 .00/h in the initial proposal to \$46.00/h for a mechanic, a savings of 72%.
 - The 2% User Access Program will apply to all invoices.
-

2.3
REQUISITION
NUMBER:

RQPR0400038

Title: Specialty Foods for MetroZoo Animals

Description: To establish a contract to purchase specialty animal food/feed for the care and feeding of the animal collection at MetroZoo, Amelia Earhart farm village and nature centers according to staff veterinarian prescriptions.

Department(s) Allocation(s)
Park & Recreation \$800,000.00

Term of Contract: Two years

Option(s) to Renew: Two two-year options to renew

Vendor(s): Cuttlebone Plus; Dallas Crown, Inc.; Fluckers Farms; Harlan Sprague Dawley, Inc. d/b/a Harlan Teklad; HMS Zoo Diets, Inc.; Marlene M. Huber; OK Feed and Supply, Inc.; Orchid Tree Exotics; Robbie's Feed & Supply, Inc.; Sysco Food Service of South Florida, Inc.

Estimated Contract Usage: \$800,000.00

Living Wage: Not applicable, no services contemplated.

Justification: Authorization is requested to establish a replacement contract to allow Miami-Dade Park and Recreation Department to purchase specialty food/feed to continue the high level of care and health maintenance of the animal collection at MetroZoo, Amelia Earhart farm village and nature centers required by medical needs or veterinary prescription.

The varied population of animals and exotic species requires a wide and changing variety of diets. Age, medical history, breeding cycles and illness require the flexibility to respond quickly. It is critical that Park and Recreation have the ability to adjust diets as research provides new information.

Past attempts at issuing competitive bids for the purchase of this commodity by the Park & Recreation Department proved to be unsuccessful, as vendors did not meet the

standards and specifications that were set by the zoo veterinarian and dietician. Product brands can vary greatly from one vendor to another and although the contents may appear to be the same, other factors such as processing, storage and quality control differed in the past.

The vendors that the department currently buys, and that are identified here, have proven their ability to meet the needs prescribed by the veterinarians and nutritionists.

Authorization is also requested to add additional vendors once they are identified by Park and Recreation staff and when they complete the County's vendor registration requirement.

Whenever possible, quotes will be obtained in the purchase of any particular item.

SECTION #3
COMPETITIVE BID WAIVERS

None

SECTION #4
EMERGENCY PURCHASES

4.1

BID NUMBER: E7671-0/04

Title: Liquid Ferric Sulfate

Description: To purchase liquid ferric sulfate for use in potable water treatment.

Department: Allocation:
WASD \$700,000.00

Term of Contract: June 25, 2004 through November 30, 2004

Living Wage: Not applicable; no services contemplated.

Vendor(s): Kemiron, Inc.

Estimated Contract Usage: \$700,000.00

Justification: Retroactive authorization to June 25, 2004 is necessary for the purchase of liquid ferric sulfate, a chemical used in potable water treatment. This five-month emergency contract covers the interim period pending award of the new long-term contract that was presented to the Board for approval at their meeting of October 5, 2004.

Liquid Ferric Sulfate is a coagulant used in the water treatment process to minimize the presence of unwanted contaminants and reduce the volume of insoluble materials.

The Department of Environmental Protection (DEP) 1996 Safe Drinking Water Act (SDWA) amendments introduced more stringent drinking water standards. The DEP requested that the Water & Sewer Department upgrade the water treatment process relative to the disinfectant/disinfection by-products to minimize the presence of unwanted contaminants and reduce the volume of insoluble materials. The use of liquid ferric sulfate is a necessary element in this improved process.

The Department of Procurement Management worked with the Water and Sewer Department to formulate a competitive

17

bid for this chemical. The bid was opened on April 7, 2004, and in May 2004, the recommendation to award the contract to Kemiron, Inc. was sent by the County Manager to the competing vendors. Award of the new contract was before the Board for approval on October 5, 2004.

When construction of the new Preston Water Treatment Plant neared completion, the testing of plant equipment was scheduled to commence June 7, 2004. For the tests to take place, liquid ferric sulfate had to be fed full-scale into the water treatment process, and this emergency purchase was necessary.

The low bidder under the new contract was awarded this emergency purchase, utilizing the same terms, conditions and price produced by the recent competition.

This interim purchase ends as soon as the new contract takes effect.

Target date for new
contract to be in place: December 1, 2004

has a direct impact on the shops' performance and their ability to generate revenue. Golf and tennis patrons expect well stocked shops, which boosts the facilities' reputation, generate revenue and helps minimize customer complaints.

5.2

BID NUMBER: BW6596-3/04-3

Title: Cold Water, Turbine and Displacement Meters, "Sensus"

<u>Department(s):</u>	<u>Existing Allocation(s):</u>	<u>Additional Allocation(s):</u>	<u>Modified Allocation(s):</u>
WASD	\$2,312,500.00	\$1,850,000.00	\$4,162,500.00

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

Vendor(s): Sensus Metering Systems North America

Type of Change: Increase in spending authority and time

Existing Allocation: \$ 2,312,500.00

Increase By: \$ 1,850,000.00

Modified Allocation: \$ 4,162,500.00

Current Expiration: November 30, 2004

Modified Expiration: November 30, 2005

Reason for Change: Authorization is requested for additional spending authority and time to allow Miami-Dade Water and Sewer Department to purchase "Sensus" brand cold water displacement and turbine type water meters from the original equipment manufacturer while the replacement contract is competitively bid and awarded.

The most prominent feature of the Sensus brand meter is the right angle magnetic drive design of the turbine meters. Until 1999, Sensus held the patent for the right angle magnetic drive feature. As the patent has now expired, other vendors were identified that can provide this type of meter. The Department of Procurement Management worked with Miami-Dade Water and Sewer and proceeded to formulate a new competitive contract pool of pre-qualified of vendors who can provide these types of meters.

The replacement contract, which opened on July 28, 2004, was assigned bid preferences for BBE, HBE and WBE

firms.

Due to the recent United States District Court decision in Hershell Gill, the County Attorney's Office, advised staff that they may not award contracts that contained "measures" at the time of advertisement.

It is recommended, therefore, to extend the current contract for one year for continuity of operations. In a separate agenda item, the Board will be asked to approve the rejection of all bids for the replacement contract which included contract "measures." The re-advertisement of the longer term replacement contract will be submitted in compliance with the United States District Court ruling.

5.3

BID NUMBER: TBW7482-0/04

Title: Valves and Replacement Parts, "APCO"

<u>Department(s):</u>	<u>Existing Allocation(s):</u>	<u>Additional Allocation(s):</u>	<u>Modified Allocation(s):</u>
WASD	\$150,000.00	\$100,000.00	\$250,000.00

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

Vendor(s): Carter & Verplanck, Inc.

Type of Change: Increase in spending authority and time

Existing Allocation: \$150,000.00

Increase By: \$100,000.00

Modified Allocation: \$250,000.00

Current Expiration: April 23, 2005

Modified Expiration: October 23, 2005

Reason for Change: Authorization is requested for additional spending authority and time to allow the Miami-Dade Water and Sewer Department to continue to maintain their existing "APCO" brand valves.

The allocated funds were prematurely depleted in order to purchase various types of valves and parts required by the Pump Station Division, Sewer Collection Division and Plant Maintenance Division. These valves and related equipment and applications are used throughout the wastewater treatment plants and sewer pipelines to control, restrict or relieve gas vapor pressure and the flow of various other types of gases. The valves have to be repaired or replaced periodically upon inspection of potential problems or as a result of in-service failures.

This additional funding authorization will allow the Water and Sewer Department to purchase the required valves and maintain operations of the sewage systems without interruption or wastewater spills and allow time for the

formulation of a new competitive pool contract of pre-qualified vendors by the Department of Procurement Management and the Water and Sewer Department. It is anticipated that the new contract will be approved and in place not later than October 24, 2005.

Target date for new
contract to be in place: October 24, 2005

5.4

BID NUMBER: TBW7695-0/05

Title: Agitators and Water Filters

<u>Department(s):</u>	<u>Existing Allocation(s):</u>	<u>Additional Allocation(s):</u>	<u>Modified Allocation(s):</u>
WASD	\$100,000.00	\$150,000.00	\$250,000.00

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

Vendor(s): FB Leopold Co., Inc.

Type of Change: Increase in spending authority

Existing Allocation: \$100,000.00

Increase By: \$150,000.00

Modified Allocation: \$250,000.00

Current Expiration: July 11, 2005

Modified Expiration: Same

Reason for Change: Authorization is requested for additional spending authority to allow the Miami-Dade Water and Sewer Department to continue to purchase original equipment manufacturer (OEM) replacement parts directly from the manufacturer, F.B. Leopold Co., Inc.

There are one hundred and forty filters and pieces of equipment valued at approximately 8 million dollars currently in operation throughout the plants. These filters and agitation equipment require regular maintenance. The additional authorization will allow the WASD's Plant Maintenance Division to continue to purchase replacement parts such as such as nozzles, bearing assemblies, under drains and caps required for preventive maintenance programs and repairs to continue to maintain the quantity and quality of potable water produced by the water plants.

This contract will be replaced by a new competitive pool contract of pre-qualified vendors for which bids were

opened on September 15, 2004.

It is anticipated that the new contract will be approved and in place not later than January 2005.

Target date for new
contract to be in place: January 2005

SECTION # 6
CONFIRMATION PURCHASES

None
