Memorandum

MIAMI-DADE COUNTY

Date: February 10, 2005

IMFR
Agenda Item No. 3(P)4

To: Honorable Chairman Joe A. Martinez 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 interest 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 (Business Development Services) is to establish a contract to purchase the services of a consultant for the development and administration of a Certified Small Business Enterprise (CSBE) mentorship program that will provide training, education and mentorship to contractors in the key areas of construction business management.

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. As a result of the recent federal court ruling issued by Judge Adalberto Jordan, on August 20, 2004, and as recommended by the Goods and Services Committee, these competitive emergencies for Items 4.1 through 4.5 were issued to replace contracts containing measures which can not be renewed, extended or modified.

Item 4.1 (Janitorial Services for Downtown Government Complex) is to establish an emergency replacement contract to provide janitorial services for the Stephen P. Clarke Center, Courthouse, Cultural Center Plaza, Main Library, Historical Museum of South Florida, Miami Art Museum, Central Support Facility, Central Support Facility Garage, Hickman Building, Garage #5 and the Courthouse Center administered through General Services Administration.

Item 4.2 (Janitorial Services for Various Buildings) is to establish an emergency replacement contract to provide janitorial services to the Community Action Agency, Record Center, Metro Annex, Juvenile Justice Annex, Facilities Maintenance Building, Cooperative Extension, Cooperative Extension Satellite and Hialeah Court Facility administered through General Services Administration.

Item 4.3 (Janitorial Services for Miami-Dade Water and Sewer Sites) is to establish an emergency replacement contract to provide janitorial services for the Black Point, North District, and Virginia Key Waste Water Treatment Plants, Westwood Lake site, Hialeah/Preston, Medley Yard, Douglas Road Center, Distribution Storeroom, and Alexander Orr Water Treatment Plant.

Item 4.4 (Airfield Guidance Signs Series L858) is to allow the Aviation Department to purchase various types of airfield signs for Miami International Airport.

Item 4.5 (Printing, Flat Sheet, Excellent Quality) to allow General Services Administration to purchase flat sheet offset printing, film output, bindery and auxiliary services to supplement the County's in-house print facilities.

Item 4.6 (Roadside Tractor Mowing Services) is to provide continuity of essential roadside tractor mowing services within the limits of Miami-Dade County maintained rights of way pending the commencement of the long term replacement.

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.

None

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: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 1, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

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.

Veto

Override

RESOLUTION NO.

RESOLUTION WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF CERTAIN GOODS AND SERVICES AND AUTHORIZING THE COUNTY MANAGER TO AWARD SAME WITH AUTHORITY TO EXERCISE OPTIONS TO RENEW ESTABLISHED THEREUNDER

WHEREAS, the County Manager recommends to this Board to waive formal bid procedures for the purchase of specific goods 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 with authority to exercise 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 (2/3s) vote of the Board members present.

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Herman
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Dr. Barbara Carey-Shuler
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of March, 2005. 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. JDJ

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
NON COMPETITIVE BID WAIVERS

2.1

BID NUMBER:	BW7742-0/06
Title:	Business Development Services
Description:	To establish a contract to purchase the services of a consultant for the development and administration of a Certified Small Business Enterprise (CSBE) mentorship program that will provide training, education and mentorship to contractors in the key areas of construction business management.
Department(s)	Allocation(s)
Business Development	$598,000.00
Term of Contract:	Two years
Option(s)-to-Renew:	None
Vendor(s):	Broadlands Financial Group LLC
Estimated Contract Usage:	$598,000.00
UAP:	The contract includes the 2% User Access Fee.
Living Wage:	The services to be provided are not covered under the Ordinance.
Justification:	Authorization is requested to purchase the services of a consultant for the development and administration of a Certified Small Business Enterprise (CSBE) mentorship program to assist the Department of Business Development in developing a greater number of qualified, bondable CSBE firms that will be better prepared to compete and successfully perform on County construction contracts. This program is designed to help the County's CSBE firms by providing in-house training to contractors in the key areas of construction business management and the opportunity for the CSBE firms to obtain contract surety bonding. The program includes in-house capability to:

- management and technical training
- review and assess each firm and provide and in-depth analysis of the contractor's technical, financial and managerial capabilities, identifying problems and recommending improvements
- surety bonding
- contraction loans
- fund control services

The Department of Procurement Management conducted research and reviewed several construction business and management development companies as well as surety bond companies and none offered the full range series required to complete the program. Staff identified over twenty firms and only three provided more than one of the services required. None of the firms are able to provide the full scope required to manage the full breadth of the program from the point of assessment and development, to the writing of loans and surety bonds.

Broadlands Financial Group LLC is the only firm that is able to provide all of the services required to manage the entire CSBE development program. Their parent company, First Sealord Surety, Inc., specializes in the provision of construction surety bonds. Broadlands also offers lending, fund administration and contractor training and development services.

It is more efficient and cost effective for DBD to work with a single firm that will develop a customized program for the County.

Broadlands has proposed a pilot program that is specifically tailored to serve Miami-Dade CSBE firms. This pilot will be in place for a period of two years and then be evaluated to determine whether it has been successful. During this two year period, if additional firms are identified that can provide all of the required services, the department will pursue a competitive RFP.

The Department of Procurement Management entered into direct negotiations with Broadlands Financial Group LLC which resulted in the following benefits for the County:

- Inclusion of UAP with no increase in contract price.
- An increase in the cap of the number of firms who can participate from 110 to 200.

SECTION #3
COMPETITIVE BID WAIVERS

None

SECTION #4
EMERGENCY PURCHASES

4.1
BID NUMBER: EM4648-1/05

Title: Janitorial Services for Downtown Government Complex

Description: To establish an emergency replacement contract to provide janitorial services for the Stephen P. Clarke Center, Courthouse, Cultural Center Plaza, Main Library, Historical Museum of South Florida, Miami Art Museum, Central Support Facility, Central Support Facility Garage, Hickman Building, Garage #5 and the Courthouse Center.

Department:	Allocation:
GSA	$2,670,238.00

Term of Contract: Twelve months (December 1, 2004 through November 30, 2005)

Option(s)-to-Renew: Six months option-to-renew

Local Preference: Applied in accordance with applicable ordinances, but did not affect the outcome.

UAP: The contract includes the 2% User Access Fee.

Living Wage: The services to be provided are covered under the Ordinance. The Living Wage is included in the specifications.

Vendor(s): TCB Systems, Inc.

Estimated Contract Usage: $2,670,238.00

Justification: Retroactive authorization to December 1, 2004 is requested to provide continuity of janitorial services for eleven Downtown Complex buildings through General Services Administration.

This emergency replacement contract will cover the gap between the expiration of the existing contract and the award of the long term replacement contract for these services.

As reported to you previously, the Goods and Services

Committee was created to review existing contracts affected by the Judge Jordan ruling with the purpose of making recommendations regarding projects that are determined to be critical due to public health/safety, financial/regulatory, continuity of essential operations and/or Commission priorities. This recommendation is consistent with the action taken by the Goods and Services Committee members.

The Good and Services Committee recommended that this emergency replacement contract be issued for a twelve-month period with a six-month option to renew pending the potential implementation of a Small Business Enterprise (SBE) program for the acquisition of goods and services.

Four vendors submitted proposals. The recommended vendor is the low responsive, responsible bidder.

As a result of the recent federal court ruling issued by Judge Adalberto Jordan, on August 20, 2004, and as recommended by the Goods and Services Committee, this competitive emergency was issued to replace a contract containing measures which cannot be renewed, extended or modified.

Although this was an emergency, the Department of Procurement Management issued a competitive solicitation.

4.2

BID NUMBER:	EM6168-1/05
Title:	Janitorial Services for Various Buildings
Description:	To establish an emergency replacement contract to provide janitorial services to the Community Action Agency, Record Center, Metro Annex, Juvenile Justice Annex, Facilities Maintenance Building, Cooperative Extension, Cooperative Extension Satellite and Hialeah Court Facility.
Department: GSA	Allocation: $238,474.92
Term of Contract:	Twelve months (December 1, 2004 through November 30, 2005)
Option(s)-to-Renew:	Six months option-to-renew
Local Preference:	Applied in accordance with applicable ordinances, but did not affect the outcome.
UAP:	The contract includes the 2% User Access Fee.
Living Wage:	The services to be provided are covered under the Ordinance. The Living Wage is included in the specifications.
Vendor(s):	**Items 1** through **5, 7** and **9**: Daryl Professional Services, Inc., **Item 6**: Elite Service Group, Inc. (Note: **Item 8** of the solicitation, Elections Department, was deleted since this department is being serviced through another contract.)
Estimated Contract Usage:	$238,474.92
Justification:	Retroactive authorization to December 1, 2004 is requested to provide continuity of janitorial services for eight County buildings administered through General Services Administration. This emergency replacement contract will cover the gap between the expiration of the existing contract and the award of the long term replacement contract for these services.

As reported to you previously, the Goods and Services Committee was created to review existing contracts affected by the Judge Jordan ruling with the purpose of making recommendations regarding projects that are determined to be critical due to public health/safety, financial/regulatory, continuity of essential operations and/or Commission priorities. This recommendation is consistent with the action taken by the Goods and Services Committee members.

The Good and Services Committee recommended that this emergency replacement contract be issued for a twelve-month period with a six-month option to renew pending the potential implementation of a Small Business Enterprise (SBE) program for the acquisition of goods and services.

Fourteen vendors submitted proposals. The recommended vendors are the low, responsive, responsible bidders.

As a result of the recent federal court ruling issued by Judge Adalberto Jordan, on August 20, 2004, and as recommended by the Goods and Services Committee, this competitive emergency was issued to replace a contract containing measures which cannot be renewed, extended or modified.

Although this was an emergency, the Department of Procurement Management issued a competitive solicitation.

4.3
BID NUMBER: E6763-1/05

Title: Janitorial Services for Miami-Dade Water and Sewer Sites

Description: To establish an emergency replacement contract to provide janitorial services for the Black Point, North District, and Virginia Key Waste Water Treatment Plants, Westwood Lake site, Hialeah/Preston, Medley Yard, Douglas Road Center, Distribution Storeroom, and Alexander Orr Water Treatment Plant.

Department: Water and Sewer

Allocation: $500,000.00

Term of Contract: Twelve months (December 1, 2004 through November 30, 2005)

Option(s)-to-Renew: Six months option-to-renew

Local Preference: Applied in accordance with applicable ordinances, but did not affect the outcome.

UAP: The contract includes the 2% User Access Fee.

Living Wage: The services to be provided are covered under the Ordinance. The Living Wage is included in the specifications.

Vendor(s): **Group 1:** Best Janitorial & Supplies, Inc.
Groups 2 through 9: Puryear, Inc.

Estimated Contract Usage: $500,000.00

Justification: Retroactive authorization to December 1, 2004 is requested to provide continuity of janitorial services for nine Miami-Dade Water and Sewer sites.

This emergency replacement contract will cover the gap between the expiration of the existing contract and the award of the long term replacement contract for these services.

As reported to you previously, the Goods and Services Committee was created to review existing contracts affected by the Judge Jordan ruling with the purpose of making recommendations regarding projects that are determined to

be critical due to public health/safety, financial/regulatory, continuity of essential operations and/or Commission priorities. This recommendation is consistent with the action taken by the Goods and Services Committee members.

The Good and Services Committee recommended that this emergency replacement contract be issued for a twelve-month period with a six-month option to renew pending the potential implementation of a Small Business Enterprise (SBE) program for the acquisition of goods and services.

Ten vendors submitted proposals. The recommended vendors are the low responsive, responsible bidders. The low bidder for **Group 7**, Miami Cleaning Services, withdrew its bid, therefore, this group was awarded to the second low bidder, Puryear, Inc. The low bidder for **Group 4,** Ogun, Inc., was non-responsive due to failure to sign the Bid Submittal Form. **Group 4** was awarded to Puryear, Inc. which submitted the same price as the non-responsive bidder.

As a result of the recent federal court ruling issued by Judge Adalberto Jordan, on August 20, 2004, and as recommended by the Goods and Services Committee, this competitive emergency was issued to replace a contract containing measures which cannot be renewed, extended or modified.

Although this was an emergency, the Department of Procurement Management issued a competitive solicitation.

4.4

BID NUMBER:	EM7464-1/06
Title:	Airfield Guidance Signs Series L858
Description:	To establish an emergency replacement contract to purchase airfield guidance signs.
Department: Aviation	Allocation: $300,000.00
Term of Contract:	Twelve months (December 13, 2004 through December 12, 2005)
Option(s)-to-Renew:	Six months option-to-renew
Local Preference:	Applied in accordance with applicable ordinances, but did not affect the outcome.
UAP:	FAA regulations do not allow the application of the 2% User Access Fee in MDAD contracts.
Living Wage:	Not applicable; there are no covered services contemplated.
Vendor(s):	Global Electrical & Lighting Supplies, Inc.
Estimated Contract Usage:	$300,000.00
Justification:	Retroactive authorization to December 13, 2004 is requested to allow the Aviation Department to purchase various types of airfield signs for Miami International Airport. This emergency replacement contract will cover the gap between the expiration of the previous contract and the award of the long term replacement contract for these services. As reported to you previously, the Goods and Services Committee was created to review existing contracts affected by the Judge Jordan ruling with the purpose of making recommendations regarding projects that are determined to be critical due to public health/safety, financial/regulatory, continuity of essential operations and/or Commission priorities. This recommendation is consistent with the action taken by the Goods and Services Committee members.

The Good and Services Committee recommended that this emergency replacement contract be issued for a twelve-month period with a six-month option to renew pending the potential implementation of a Small Business Enterprise (SBE) program for the acquisition of goods and services.

Three vendors submitted proposals. The recommended vendor is the low, responsive, responsible bidder.

As a result of the recent federal court ruling issued by Judge Adalberto Jordan, on August 20, 2004, and as recommended by the Goods and Services Committee, this competitive emergency was issued to replace a contract containing measures which cannot be renewed, extended or modified.

Although this was an emergency, the Department of Procurement Management issued a competitive solicitation.

4.5

BID NUMBER:	EM7607-1/05
Title:	Printing, Flat Sheet, Excellent Quality
Description:	To establish an emergency replacement contract to purchase flat sheet offset printing, film output, bindery and auxiliary services.
Department: GSA	Allocation: $350,000.00
Term of Contract:	Six months (January 15, 2005 through July 14, 2005)
Option(s)-to-Renew:	Six months option-to-renew
Local Preference:	Applied in accordance with applicable ordinances, but did not affect the outcome.
UAP:	The contract includes the 2% User Access Fee.
Living Wage:	The services that are to be provided are covered under the Ordinance. The Living Wage requirement is included in the solicitation.
Vendor(s):	Dutton Press, Inc.; Solo Printing, Inc.; National Litho LLC
Estimated Contract Usage:	$350,000.00
Justification:	Retroactive authorization to January 15, 2005 is requested to allow General Services Administration to purchase flat sheet offset printing, film output, bindery and auxiliary services to supplement the County's in-house print facilities. This emergency replacement contract will cover the gap between the expiration of the existing contract and the award of the long term replacement contract for these services. As reported to you previously, the Goods and Services Committee was created to review existing contracts affected by the Judge Jordan ruling with the purpose of making recommendations regarding projects that are determined to be critical due to public health/safety, financial/regulatory, continuity of essential operations and/or Commission priorities.

This recommendation is consistent with the action taken by the Goods and Services Committee members.

The Good and Services Committee recommended that this emergency replacement contract be issued for a twelve-month period with a six-month option to renew pending the potential implementation of a Small Business Enterprise (SBE) for the acquisition of goods and services.

Three vendors submitted proposals. The recommended vendors are the low, responsive, responsible bidders.

As a result of the recent federal court ruling issued by Judge Adalberto Jordan, on August 20, 2004, and as recommended by the Goods and Services Committee, this competitive emergency was issued to replace a contract containing measures which cannot be renewed, extended or modified.

Although this was an emergency, the Department of Procurement Management issued a competitive solicitation.

4.6

BID NUMBER:	E7804-0/05
Title:	Roadside Tractor Mowing Services
Description:	To establish an emergency contract to provide continuity of essential roadside tractor mowing services.
Department: Public Works	Allocation: $240,000.00
Term of Contract:	Four months (December 1, 2004 through March 31, 2005)
Option(s)-to-Renew:	None
Local Preference:	The original contract did not include Local Preference.
UAP:	The contract does not include the 2% User Access Fee since the contract was opened prior to October 1, 2003.
Living Wage:	The contract does not include the Living Wage requirement since the original contract was awarded prior to the passage of the Living Wage.
Vendor(s):	A Native Tree Services, Inc.; SPEC, Inc.
Estimated Contract Usage:	$240,000.00
Justification:	Retroactive authorization to December 1, 2004 is requested for essential roadside tractor mowing services within the limits of Miami-Dade County maintained rights of way. This emergency contract provides continuity of services pending the commencement of the long term replacement contract approved by the Board on January 27, 2005. These services are essential to preserve public health and provide safety. If these services are not performed continuously, the County's roadside landscaping will rapidly become overgrown with vegetation, blocking the visibility of motorists and becoming breeding grounds for rodents and other pests. The vendors were recommended as they are currently performing the same services under the competitively bid Public Works contract. These current vendors have agreed to hold the same prices, terms and conditions of the original

	Public Works contract and provide the County with uninterrupted services until the long term replacement contract is in effect.
Target date for new contract to be in place:	April 1, 2005

SECTION # 5
NON COMPETITIVE CONTRACT MODIFICATIONS

None

SECTION # 6
CONFIRMATION PURCHASES

None