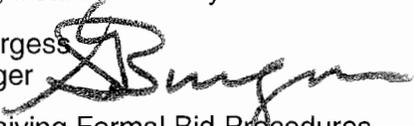


Memorandum



Date: April 15, 2008
To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners
From: George M. Burgess
County Manager 
Subject: Resolution Waiving Formal Bid Procedures

B & F
Agenda Item No. 3 (L)

Recommendation

It is recommended that the Board of County Commissioners waive competitive bidding procedures for the attached contracts to purchase 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 interest of Miami-Dade County. ***Contract amounts and department allocations represent the maximum spending authority based on estimated past usage. This action does not guarantee that the total contract amount/value will be expended by County departments and/or agencies.***

Scope

The impact of the items in the accompanying Bid Waiver Package is countywide in nature.

Fiscal Impact/Funding Source

The accompanying Bid Waiver Package states the funding source for each department utilizing a contract. ***Funding will be expended only if departmental budgets can support the expenditures approved in their Resource Allocation Plan adopted annually by the Board.***

Per Ordinance No. 02-116, the use of People's Transportation Plan (PTP) surtax funds requires Board approval, regardless of the dollar amount. The allocated PTP surtax funds will support expanded operations associated with the implementation of capital improvements, maintenance, and/or operations as described by the PTP legislation (Ordinance No. 02-116) and its amendments, including but not limited to Resolution No. R-1154-03 adopted on October 9, 2003, which added the Miscellaneous Capital Improvements Projects List and authorized significant infrastructure improvements for existing Miami-Dade Transit facilities.

Track Record/Monitor

There are no known performance issues with the vendors recommended for award in the accompanying Bid Waiver Package. Each department's contract manager is reflected in the agenda item.

Delegated Authority

If this item is approved, the County Mayor or his designee will have the authority to exercise in his discretion subsequent options-to-renew, extend contracts for purchase of goods and

services in accordance with the terms and conditions of the contracts listed in the accompanying Bid Waiver Package.

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.

There are no items for this section.

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 determined to be in the best interest of the County.

There are no items for this section.

Section 3 EMERGENCY PURCHASES

An emergency purchase 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 other purchasing methods described in Administrative Order 3-38.

Item 3.1: Dealer Original Equipment Manufacturer (OEM) Mobile Equipment Parts and Repair Services ratifies an emergency award of a bridge contract and retroactive use of People's Transportation Plan (PTP) surtax funds to purchase dealer original equipment manufacturer parts and repair services for trucks and heavy mobile equipment for various County departments. The amount being requested is **\$4,742,500**.

Item 3.2: Dealer Original Equipment Manufacturer (OEM) Vehicle Parts and Repair Services ratifies an emergency award of a bridge contract for the purchase of dealer original equipment manufacturer parts and repair services for all County-owned passenger vehicles for General Services Administration and Miami-Dade Water and Sewer departments. The amount being requested is **\$782,000**.

Item 3.3: Elevator Maintenance Services ratifies an emergency award of a bridge contract and retroactive use of People's Transportation Plan (PTP) surtax funds to purchase elevator maintenance services for the Miami-Dade Housing Agency and Miami-Dade Transit (MDT). The amount being requested is **\$108,000**.

Item 3.4: Oil/Water Separation ratifies an emergency award of a bridge contract and retroactive use of People's Transportation Plan (PTP) surtax funds to purchase oil/water separation services for Miami-Dade Transit (MDT). The amount being requested is **\$100,000**.

Item 3.5: Original Equipment Manufacturer (OEM) Parts and Services for Forklifts and Vehicles Lifts ratifies an emergency award of a bridge contract and retroactive use of People's Transportation Plan (PTP) surtax funds for Miami-Dade Transit (MDT) to purchase original equipment manufacturer (OEM) parts and repairs for forklifts and vehicle lifts used in bus operations. The amount being requested is **\$100,000.**

Section 4 NON-COMPETITIVE CONTRACT MODIFICATIONS

A non-competitive contract modification is a supplemental allocation for goods or services that exceeds the scope of the original contract allocation, or a modification of an established non-competitive contract, representing a waiver of the competitive bidding process under Administrative Order 3-38.

There are no items for this section.

Section 5 CONFIRMATION (UNAUTHORIZED) PURCHASES

A confirmation purchase is a ratification action approving an unauthorized purchase in accordance with Administrative Order 3-38.

There are no items for this section.

Section 6 APPROVAL OF THE USE OF PEOPLE'S TRANSPORTATION PLAN SURTAX FUNDS

Per Ordinance No. 02-116, the use of People's Transportation Plan (PTP) surtax funds requires Board approval, regardless of the dollar amount. The allocated PTP surtax funds will support expanded operations associated with the implementation of capital improvements, maintenance, and/or operations as described by the PTP legislation (Ordinance No. 02-116) and its amendments, including but not limited to, Resolution No. R-1154-03 adopted on October 9, 2003, which added the Miscellaneous Capital Improvements Projects List and authorized significant infrastructure improvements for existing Miami-Dade Transit facilities.

There are no items for this section.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: May 6, 2008

FROM: 
R. A. Cuevas, Jr.
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 FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER

WHEREAS, the County Mayor recommends to this Board to waive formal bid procedures for the purchase of 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 interest of Miami-Dade County to waive formal bid procedures for the purchase of goods and services and to authorize the County Mayor or his designee 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.

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:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman
Jose "Pepe" Diaz
Carlos A. Gimenez
Joe A. Martinez
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Dennis C. Moss
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of May, 2008. 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 with the exception of those items which the attached list specifically describes as funded or potentially funded by proceeds from the Charter County Transit System Surtax. The effectiveness of those is subject to the provisions of subsection (e) of section 29-124 of the County Code which specifies "no award shall be effective and no contractual relationship shall arise with the County unless and until approved by the [Citizens' Independent Transportation] Trust or re-affirmed by the County Commission."

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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Hugo Benitez

Item 3.1

Contract No: E5380-0/08

Contract Title: **Dealer Original Equipment Manufacturer (OEM) Mobile Equipment Parts and Repair Services (Heavy Fleet)**

Description: This emergency bridge contract was established for the purchase of dealer original equipment manufacturer (OEM) parts and repair services for trucks and heavy mobile equipment for various County departments.

Contract Term: February 1, 2008 through June 30, 2008 (five months)

Allocation/Managing Agencies/Funding Sources:	<u>Allocation</u>	<u>Department</u>	<u>Funding Source</u>
	\$ 50,000	MDAD	Operating Revenue
	\$ 630,000	MDFR	Fire District Funds
	\$3,270,000	GSA	Internal Service Funds
	\$ 300,000	MDT	General Fund, Operating Revenue, PTP Surtax Funds and Grants
	\$ 17,500	PWD	General Fund and Proprietary Revenue
	<u>\$ 475,000</u>	WASD	Operating Revenue
Contract Amount:	\$4,742,500		

Previous Contract Allocation: \$15,344,752 for two years and one month

Method of Award: Emergency

Vendors:	Address	Principal
•Ace Lawnmower Service Inc. (Local vendor)	6620 S.W. 8 th St. Miami, FL 33144	John B. Fogg, Jr.
•Blanchard Machinery, Inc. (Local vendor)	14301 N.E. 19 th Ave. North Miami, FL 33181	Scott S. Baxter
•Clarke Waste Systems, Inc. (Local vendor)	2651 Wiles Rd. Pompano Beach, FL 33073	Steven D. Clarke
•Dynamic Power Hydraulic Inc. (Local vendor)	3377 N.W. 69 th St. Miami, FL 33147	Glenn Wyatt
•Electric Sales and Service Inc. (Local vendor)	340 N.E. 75 th St. Miami, FL 33138	William W. York, Jr.

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•Florida Detroit Diesel – Allison, Inc. (Local vendor)	2277 N.W. 14 th St. Miami, FL 33125	Sergio Jimenez
•Genuine Parts Co. (Non-local vendor)	2999 Circle 75 Pkwy. Atlanta, GA 30339	Thomas Gallagher
•Hydraulic Sales & Service Inc. (Local vendor)	3700 N.W. South River Dr. Miami, FL 33142	Cleveland H. Jones, III
•Hydraulic Technicians, Inc. (Local vendor)	3735 N.W. 78 th St. Suites A & B Miami, FL 33147	Asriel Sebastian
•Kelly Tractor Co. (Local vendor)	8255 N.W. 58 th St. Miami, FL 33152	Nicholas D. Kelly
•Knapheide Truck Equipment Co. S.E. (Non-local vendor)	1848 Westphalia Strasse Quincy, IL 62305	Lloyd H. Glick
•Municipal Equipment Co. LLC (Non-local vendor)	2049 West Central Blvd. Orlando, FL 32805	Robert J. Fenneman
•National Truck Parts of Florida, Inc. (Non-local vendor)	1221 US Hwy. 301 North Tampa, FL 33619	Don M. Hardin
•Nortax Equipment Co. Southeast, LP (Non-local vendor)	One John Deere Pl. Moline, IL 61265	James A. Earnshaw
•Old Dominion Brush Co. (Non-local vendor)	5118 Glen Alden Dr. Richmond, VA 23231	April Davenport
•Palmetto Ford Truck Sales Inc. (Local vendor)	7245 N.W. 36 th St. Miami, FL 33166	Daniel Ygelsias
•Palm Truck Centers, Inc. (Local vendor)	2441 State Road 7 #441 Ft. Lauderdale, FL 33317	David A. Weiger
•Power Brake Exchange, Inc. (Local vendor)	2050 N.W. 23 rd St. Miami, FL 33242	John A. Kennedy
•Rechtien International Trucks, Inc. (Local vendor)	7227 N.W. 74 th Ave. Miami, FL 33166	Richard C. Rechtien

- Team Equipment, Inc. (Non-local vendor) 6620 Orchid Lake Rd. John Geras
New Port Richey, FL 34653
- Ten-8 Fire Equipment, Inc. (Non-local vendor) 2904 59th Ave. Dr. E. Dann A. Bouwer
Bradenton, FL 34203
- Total Truck Parts, Inc. (Non-local vendor) 6545 Wallis Rd. Marc Karon
West Palm Beach, FL 33413

Performance Data: There are no performance issues for these 22 firms.

Compliance Data: Hydraulic Technician, Inc. was issued a Notice of Violation (NOV) on August 5, 2005 for failure to pay the appropriate Living Wage rate. The firm has complied and the violation has been closed.

Contract Measure: Small Business Enterprise Bid Preference

Review Committee Date: February 6, 2008; Item #6-10

Local Preference: The Local Preference Ordinance will apply to all purchases.

Living Wage: The Living Wage Ordinance does not apply.

User Access Program: This contract includes the User Access Program provision. The 2% program discount is being collected.

Contract Managers: Pablo Martinez, Department of Procurement Management
Neivy Garcia, Miami-Dade Aviation Department
Martin Dareff, General Services Administration
Marianela Betancourt, Miami-Dade Fire Rescue
Daryl Hurston, Miami-Dade Transit
Orky Rodriguez, Public Works Department
Gregory Hicks, Miami-Dade Water and Sewer Department

Contract Effective Date: January 1, 2008 subject to retroactive approval by the Board and expiration of the mayoral veto period.

JUSTIFICATION

Seeking ratification of an emergency bridge contract awarded by General Services Administration (GSA) on January 1, 2008 for the purchase of dealer original equipment manufacturer (OEM) parts and repair services for all County-owned trucks and heavy mobile equipment. The same vendors and pricing that were established on the previous contract were used for this emergency bridge contract.

This contract serves as a bridge to provide continuity of services while the replacement contract is awarded. The replacement contract was prolonged due to the extensive time required to tabulate and evaluate the large amount of bids submitted and the number of line items (432) in the bid solicitation. The recommendation to award the replacement contract is being presented to the Budget and Finance Committee on April 15, 2008 as **Item 1.1** in the Award of Competitive Contracts package.

In addition, seeking retroactive use of People's Transportation Plan (PTP) surtax funds for Miami-Dade Transit's allocation. Per Ordinance No. 02-116, the use of PTP surtax, requires Board approval, regardless of the dollar amount.

The issuance of this emergency contract was certified by the director of GSA, as required by Administrative Order 3-38.

Item 3.2

Contract No: E5387-0/08

Contract Title: **Dealer Original Equipment Manufacturer (OEM) Parts and Repair Services (Light Fleet)**

Description: This emergency bridge contract was established for the purchase of dealer original equipment manufacturer (OEM) parts and repair services for all County-owned passenger cars, station wagons, vans, pickup trucks, sport utility vehicles, suburbans, walk-in step vans, and motorcycles for General Services Administration (GSA) and Miami-Dade Water and Sewer (WASD) departments.

Contract Term: February 1, 2008 through April 30, 2008 (three months)

Allocation/Managing Agencies/Funding Sources:	<u>Allocation</u>	<u>Department</u>	<u>Funding Source</u>
	\$755,000	GSA	Internal Service Funds
	<u>\$ 27,000</u>	WASD	Operating Revenue
Contract Amount:	\$782,000		

Previous Contract Allocation: \$13,925,625 for six years and one month

Method of Award: Emergency

Vendors:	Address	Principal
•Atlantic Ford Truck Sales Inc. (Local vendor)	2840 Center Port Circle Pompano Beach, FL 33064	Philip S. Maas
•Auto Holding Corp. (Local vendor)	110 S.E. 6 th St. Fort Lauderdale, FL	Michael E. Maroone
•Blake Chevrolet and Cadillac Inc. (Local vendor)	30401 S. Federal Hwy. Homestead, FL 33030	C.L. Blake, Jr.
•Gus Machado Ford, Inc. (Local vendor)	1200 W. 49 th St. Hialeah, FL 33012	Gus Machado
•Hialeah Dodge LLC d/b/a Potamkin Rivera Dodge (Local vendor)	6600 Cowpen Rd. Miami Lakes, FL 33014	Walter Ritter
•Miami Automotive Retail, Inc. d/b/a Brickell Motors (Local vendor)	665 S.W. 8 th St. Miami, FL 33130	Mario Murgado

The issuance of this emergency contract was certified by the director of GSA, as required by *Administrative Order 3-38*.

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Item 3.3

Contract No: E0058-0/08

Contract Title: **Elevator Maintenance Services**

Description: This emergency bridge contract in the amount of \$108,000 was established for the purchase of elevator maintenance services for Miami-Dade Housing Agency (MDHA) and Miami-Dade Transit (MDT) for the purchase of elevator maintenance services.

Contract Term: January 1, 2008 through September 30, 2008 (nine months)

Allocation/Managing Agencies/Funding Sources:	<u>Allocation</u>	<u>Department</u>	<u>Funding Source</u>
	\$ 8,000	MDHA	Federal Revenue
	\$100,000	MDT	General Fund, Operating Revenue, PTP Surtax Funds and Grants

Contract Amount: **\$108,000**

Previous Contract Allocation: \$408,725 for 18 months

Method of Award: Emergency

Vendors:	Address	Principal
•Kone, Inc. (Non-local vendor)	One Kone Ct. Moline, IL 61265	Vance W. Tang
•Thyssenkrupp Elevator Corp. (Non-local vendor)	114 Town Park Dr. NW Kennesaw, GA 30144	Richard T. Hussy

Performance Data: There are no known performance issues for these two firms.

Compliance Data: Thyssenkrupp Elevator Corp. was issued a Living Wage violation on May 26, 2005 for failing to submit certified payrolls. The firm has complied and the violation has been closed.

Contract Measure: No measure

Review Committee Date: January 9, 2008; Item #2-06

Local Preference: Not applicable

Living Wage: The Living Wage Ordinance does not apply.

User Access Program: This contract includes the User Access Program provision. The 2% program discount is being collected on all purchases where permitted by the funding source.

Contract Managers: Terry Rolle, Department of Procurement Management
Mari Saydal Hamilton, Miami-Dade Housing Agency
Daryl Hurston, Miami-Dade Transit

Contract Effective Date: January 1, 2008 subject to retroactive approval by the Board, expiration of the mayoral veto period and subsequent approval by the Citizens' Independent Transportation Trust.

JUSTIFICATION

Seeking ratification of an emergency bridge contract issued on January 1, 2008 for Miami-Dade Housing Agency (MDHA) and Miami-Dade Transit (MDT) to ensure continuity of elevator maintenance services. This contract serves as a bridge to provide continuity of services while the replacement contract is awarded. The successor contract is expected to be in place by September 2008.

There was an immediate need for continuity of elevator maintenance services to comply with local and federal regulations, including ADA requirements. Elevators must be maintained and fully operational at all times in order to provide quality service to MDT patrons.

In addition seeking retroactive use of People's Transportation Plan (PTP) surtax funds for MDT's allocation. Per Ordinance No. 02-116, the use of PTP surtax, requires Board approval, regardless of the dollar amount.

The issuance of this emergency contract was certified by the directors of MDHA and MDT, as required by *Administrative Order 3-38*.

Item 3.4

Contract No: E5477-0/08

Contract Title: **Oil/Water Separation Services**

Description: This emergency bridge contract was established for the purchase of oil/water separation services for Miami-Dade Transit (MDT).

Contract Term: December 31, 2007 through May 31, 2008 (five months)

Managing Agency/Funding Source: MDT - General Fund, Operating Revenue, PTP Surtax Funds and Grants

Contract Amount: **\$100,000**

Method of Award: Emergency

Vendor: **Address** **Principal**
•Sorbant Environmental Corp. 1764 N.E. 205th Terr. Joel Friedland
(Local vendor) Miami, FL 33179

Performance Data: There are no known performance issues.

Compliance Data: There are no compliance issues with this firm.

Contract Measure: No measure

Review Committee Date: January 9, 2008; Item #2-02

Local Preference: Not applicable

Living Wage: The Living Wage Ordinance does not apply.

User Access Program: This contract includes the User Access Program provision. The 2% program discount is being collected.

Contract Managers: Jesus Lee, Department of Procurement Management
Daryl Hurston, Miami-Dade Transit

Contract Effective Date: December 1, 2007 subject to retroactive approval by the Board, expiration of the mayoral veto period and subsequent approval by the Citizens' Independent Transportation Trust.

JUSTIFICATION

Seeking ratification of an emergency bridge contract awarded by Miami-Dade Transit (MDT) on December 1, 2007 for the purchase of oil/water separation services. In addition, seeking retroactive use of People's Transportation Plan (PTP) surtax funds for MDT's allocation. Per Ordinance No. 02-

116, the use of PTP surtax, requires Board approval, regardless of the dollar amount.

This contract serves as a bridge to provide continuity of services while the replacement contract is awarded. The approval of an allocation for MDT is presented to the Budget and Finance Committee on April 15, 2008 as **Item 5.3** in the Award of Competitive Contracts package.

This contract is used by bus and rail maintenance to filter the storm drains in the garages to prevent oil from the buses from penetrating the filters into the sewer system. The vendor comes on a schedule to take out the old filters, replace with new filters and pack the old filters in a drum for disposal by MDT in accordance with the hazardous waste disposal companies' requirements.

There was an immediate need for continuity of oil and water preparation services to maintain compliance with local and federal regulations, including Department of Environmental Resource Management requirements. The bid award recommendation for the successor contract was not completed until March 2008 due to legal issues presented by the apparent low bidder, therefore, this emergency contract was issued.

The issuance of this emergency contract was certified by the director of the MDT, as required by *Administrative Order 3-38*.

Item 3.5

Contract No: E8614-0/08

Contract Title: **Original Equipment Manufacturer (OEM) Parts and Service for Forklifts and Vehicle Lifts**

Description: This emergency bridge contract was established for the purchase of parts and repair services for forklifts and vehicle lifts used in bus operations for Miami-Dade Transit (MDT).

Contract Term: February 1, 2008 through July 31, 2008 (six months)

Managing Agency/Funding Source: MDT - General Fund, Operating Revenue, PTP Surtax Funds and Grants

Contract Term: **\$100,000**

Method of Award: Emergency

Vendors:	Address	Principal
•Crown Equipment Corp. (Non-local vendor)	40 S. Washington St. New Bremen, OH 45869	James F. Dicke
•Jobbers Equipment Warehouse, Inc. (Local vendor)	5440 N.W. 78 th Ave. Miami, FL 33166	Ronald M. Ahearn
•Steril-Koni USA, Inc. (Non-local vendor)	200 Log Canoe Circle Stevensville, MD 21666	Jean Dellamore

Performance Data: There are no performance issues for all three firms.

Compliance Data: There are no compliance issues for all three firms.

Contract Measure: No measure

Review Committee Date: February 6, 2008; Item #6-06

Local Preference: Not applicable

Living Wage: The Living Wage Ordinance does not apply.

User Access Program: This contract includes the User Access Program provision. The 2% program discount is being collected.

Contract Managers: Jesus Lee, Department of Procurement Management
Daryl Hurston, Miami-Dade Transit

Contract Effective Date: February 1, 2008 subject to retroactive approval by the Board, expiration of the mayoral veto period and subsequent approval by the Citizens' Independent Transportation Trust.

JUSTIFICATION

Seeking ratification of an emergency bridge contract awarded by Miami-Dade Transit (MDT) on February 1, 2008 for the purchase of forklift and vehicle lift parts and repair services in order to perform routine maintenance and repairs pending the award of the replacement contract. In addition, seeking retroactive use of People's Transportation Plan (PTP) surtax funds for MDT's allocation. Per Ordinance No. 02-116, the use of PTP surtax, requires Board approval, regardless of the dollar amount.

This contract serves as a bridge to provide continuity of services while the replacement contract is awarded. The successor contract is expected to be in place by August 2008.

The forklifts and vehicle lifts utilized through this contract are constantly used to maintain MDT buses. MDT has been utilizing parts in inventory and performed repairs in-house prior to the effective date of this contract. There was an immediate need for parts and services for forklifts and vehicle lifts.

The issuance of this emergency contract was certified by the director of the MDT, as required by *Administrative Order 3-38*.
