Memorandum

MIAMI-DADE COUNTY

Date: September 16, 2008

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

Agenda Item No. 14(A)(3)

From: George M. Burgess
County Manager

Subject: Resolution Waiving Formal Bid Procedures for Two Confirmation Purchases

This package, listed as Agenda Item No. 3(H) on the September 9, 2008 Budget and Finance Committee meeting agenda, was amended by the Committee in order to bifurcate Item 4.1: Security Guard and Screening Services and change the vendor name, address and principal on item 5.1: Transportation Services.

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.***

These items are being presented to the Board separately to expedite vendor payment for services rendered. Detailed information is noted in each item.

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.***

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 item.

Delegated Authority

There is no delegated authority for 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 listed in 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 listed in 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.

There are no Items listed in this section.

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 listed in 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.

Item 5.1: Transportation Services is to ratify a confirmation purchase for shuttle bus services for the passenger terminals at the Seaport provided by American Coach Lines of Miami, Inc. The amount being requested is **$86,125**.

- *This item is being presented separately for Board approval in an effort to expedite payment to the vendor for services rendered.*

Item 5.2: Mobile Fuel Delivery Service is to ratify a confirmation purchase for the delivery of fuel service for the Department of Solid Waste Management mobile heavy equipment at North and South Dade landfills and three Transfer Stations. The amount being requested is **$96,125.97**.

- *This item is being presented separately for Board approval in an effort to expedite payment to the vendor for services rendered.*

Assistant County Manager

SECTION #5
CONFIRMATION (UNAUTHORIZED) PURCHASES

Item 5.1

Contract No.:	CP8782-SP
Contract Title:	**Transportation Services**
Description:	Ratification of a confirmation purchase for shuttle bus services for the passenger terminals at the Port of Miami provided by American Coach Lines of Miami, Inc.
Term:	**February 11, 2008 through March 31, 2008**
Contract Amount:	**$86,125**
Managing Agency/Funding Source:	Seaport – Operating Revenue

Vendor:	**Address**	**Principal**
•American Coach Lines of Miami, Inc. (Non-local vendor)	5430 LBJ Freeway, Suite 1075 Dallas, TX 75240	Robert Finke

Performance Data:	There are no performance issues with this firm.
Compliance Data:	There are no performance issues with this firm.
Contract Measure:	Not applicable
Review Committee Date:	Not applicable
Living Wage:	The Living Wage Ordinance does not apply.
Contract Managers:	Lourdes Farley, Department of Procurement Management Gyselle Saner, Seaport Department

JUSTIFICATION

The Seaport Department requests approval to pay invoices from American Coach Lines of Miami, Inc. for the unauthorized purchase of shuttle bus services for passenger terminals at the Port of Miami.

The Seaport's allocation during the third option period (August 1, 2007 – July 31, 2008) of the County's contract for these services was not sufficient to meet their needs. The total amount of invoices in excess of Seaport's allocation is $183,860.96. A confirmation purchase was processed by the Department of Procurement Management in the amount of $97,735.96 to pay for services rendered from December 1, 2007 through February 10, 2008.

The remaining amount presented in this item will cover services rendered from February 11, 2008 through March 31, 2008.

The Seaport has submitted a modification to their current allocation to ensure adequate funds are available for the balance of the contract term. The modification is presented for approval as Item 3.6 in the Award of Competitive Contracts package.

Item 5.2

Contract No.:	CP8795-SW
Contract Title:	**Mobile Fuel Delivery Service**
Description:	Ratification of a confirmation purchase for the delivery of fuel service for mobile heavy equipment at North Dade landfill, South Dade landfill and three Transfer Stations for the Department of Solid Waste Management (DSWM).
Term:	January 2007, and May 2008 through June 2008
Contract Amount:	**$96,125.97**
Managing Agency/Funding Source:	DSWM – Operating Revenue

Vendor:	**Address**	**Principal**
•Osher Oil Corp. (Local vendor)	9780 N.W. 115th Way Medley, FL 33178	Maria Costa

Performance Data:	There are no performance issues with this firm.
Compliance Data:	There are no compliance issues with this firm.
Contract Measure:	Not applicable
Review Committee Date:	Not applicable
Living Wage:	The Living Wage Ordinance does not apply.
Contract Managers:	Lourdes Betancourt, Department of Procurement Management Aneisha Daniel, Department of Solid Waste Management

JUSTIFICATION

The Department of Solid Waste Management (DSWM) requests approval to ratify the award of an unauthorized (confirmation) purchase to pay invoices from Osher Oil Corporation for the unauthorized purchase and delivery of diesel fuel to operate off road heavy equipment at the North Dade landfill, South Dade landfill and three Transfer Stations.

The DSWM's allocation during the third option period (July 1, 2007 – June 30, 2008) of the County's contract for these services was not sufficient to meet their needs. In addition, a review of past invoices revealed that services rendered in January 2007 were not paid. The total amount of invoices in excess of DSWM's allocation is $194,377.01.

A confirmation purchase was processed by the Department of Procurement Management in the amount of $98,251.34 for partial services rendered in May and June 2008. This confirmation purchase will cover all services rendered in January 2007 and the balance owed for services rendered from May 2008 through June 2008.

MEMORANDUM
(Revised)

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

DATE: September 16, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 14(A)(3)

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. 14(A)(3)
9-16-08

RESOLUTION NO. _____

RESOLUTION WAIVING FORMAL BID PROCEDURES FOR TWO CONFIRMATION PURCHASES AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD SAME

WHEREAS, the County Mayor or County Mayor's designee 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 two confirmation purchases and to authorize the County Mayor or County Mayor's designee to award such contracts, 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 16th day of September, 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.

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