Memorandum

MIAMI-DADE COUNTY

Date: November 20, 2008

Agenda Item No. 8(O)(1)(C)

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

From: George M. Burgess
County Manager

Subject: Resolution Authorizing Award of Competitive Contracts

---

Recommendation

It is recommended that the Board of County Commissioners approve the attached award of a competitive contract, with authority to exercise options-to-renew, a bid rejection and contract modifications to competitively bid contracts of another governmental entities. ***Contract amounts and department allocations represent the maximum spending authority based on past utilization. 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 Award of Competitive Contracts Package is countywide in nature.

Fiscal Impact/Funding Source

The accompanying Award of Competitive Contracts Package states the allocation amount and 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 Award of Competitive Contracts Package. Each department's contract manager is reflected in the accompanying Award of Competitive Contracts Package.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise in their discretion subsequent options-to-renew and extend contracts for purchase of goods and services in accordance with the terms and conditions of the contracts listed in the accompanying Award of Competitive Contracts Package.

Background

Section 1 AWARD OF COMPETITIVE BIDS

The contracts listed in this section, are being recommended for award to the lowest priced, responsive, responsible bidder who met the bid specifications in accordance with established polices and procedures.

Item 1.1: Sodium Polyphosphate is to award a contract for supply and delivery of sodium polyphosphate for the Miami-Dade Water and Sewer Department. The amount being requested is **$2,255,280**.

Section 2 REJECTED BIDS

A bid may be rejected when adverse conditions exist such as the proposal not conforming to the specifications and/or solicitation documents, insufficient financial resources, technical ability, physical capacity and/or skill of the vendor, unfair and unreasonable pricing, insufficient competition and for any other cause in the best interest of the County.

Item 2.1: Bakery Products is to reject all bids received for purchase of bakery products for the Miami-Dade Corrections and Rehabilitation and Human Services departments.

Section 3 COMPETITIVE CONTRACT MODIFICATIONS

A competitive contract modification is an award of a supplemental allocation for goods or services within the scope of the original contract award.

There are no items listed in this section.

Section 4 PURCHASES MADE UNDER COMPETITIVELY AWARDED CONTRACTS OF OTHER GOVERNMENTAL ENTITIES

The County occasionally accesses contracts competed and awarded by federal, state and local governments, and by not-for-profit organizations, when it is legally permissible and, it is determined to be in the best interest of the County, and the item is not available through an existing County contract.

Item 4.1: Microsoft Software Maintenance to modify a competitively established State of Florida contract for additional spending authority to allow the Library Department to purchase software licenses, maintenance support, and professional services from Microsoft. The additional amount being requested is **$545,000**.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: November 20, 2008

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

SUBJECT: Agenda Item No. 8(O)(1)(C)

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. 8(O)(1)(C)
11-20-08

RESOLUTION NO. _____

RESOLUTION AUTHORIZING AWARD OF A COMPETITIVE CONTRACT, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER, A BID REJECTION, AND CONTRACT MODIFICATIONS TO COMPETITIVELY BID CONTRACTS OF ANOTHER GOVERNMENTAL ENTITIES FOR THE PURCHASE OF GOODS AND SERVICES

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes award of a competitive contract, with authority to exercise options-to-renew established thereunder, a bid rejection and contract modifications to competitively bid contracts of another governmental entities for the purchase of goods and services.

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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of November, 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

SECTION #1
AWARD OF COMPETITIVE BIDS

Item 1.1

Memorandum

MIAMI-DADE COUNTY

Date: August 22, 2008

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

From: George M. Burgess
County Manager

Subject: Award of Contract No. 6873-4/13-OTR: Sodium Polyphosphate

---

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the award of this contract to Carus Phosphates Inc. for supply and delivery of sodium polyphosphate to various Water and Sewer Department (WASD) water treatment plants.

CONTRACT NUMBER: 6873-4/13-OTR

CONTRACT TITLE: Sodium Polyphosphate

TERM: One year with four, one-year options-to-renew

APPROVAL TO ADVERTISE: June 2, 2008

CONTRACT AMOUNT: $2,255,280

USING/MANAGING AGENCY(S) AND FUNDING SOURCE(S):

Department	Allocation	Funding Source
WASD	$2,255,280	Proprietary Revenue
Total	**$2,255,280**	

PREVIOUS CONTRACT AMOUNT: $780,000 for 18 months

METHOD OF AWARD: Award of this contract is to the responsive and responsible vendor who submits an offer on all items listed in the solicitation and whose offer represents the lowest price in the aggregate.

VENDOR(S) RECOMMENDED FOR AWARD:

Vendor	Address	Principal
Carus Phosphates Inc (Non-local vendor)	315 Fifth Street Peru, Il 61354	Liz Palmer

PERFORMANCE DATA: There are no performance issues with this firm.

COMPLIANCE DATA: There are no compliance issues with this firm.

VENDOR(S) NOT RECOMMENDED FOR AWARD:	Shannon Chemical Corp. was deemed non-responsive because the vendor failed to acknowledge all addenda on signed bid submittal form, per Section 1, Paragraph 1.2 (D) (3).
CONTRACT MEASURES:	The Small Business Enterprise Bid Preference was applied in accordance with the Ordinance.
LIVING WAGE:	The Living Wage Ordinance does not apply.
USER ACCESS PROGRAM:	The contract includes the User Access Program provision. The 2% discount will be collected on all purchases.
LOCAL PREFERENCE:	The Local Preference was applied in accordance with the Ordinance.
CONTRACT MANAGER(S):	Herman Ramsey, Department of Procurement Management Lydia Manners, Water and Sewer Department
ESTIMATED CONTRACT COMMENCEMENT DATE:	Upon approval by the Board and expiration of the Mayoral veto period.

BACKGROUND

This replacement contract will provide sodium polyphosphate for various WASD water treatment plants. This product is used in the treatment of potable water supplies for the control of corrosion and scale prevention in water systems. This product will be furnished in either granular (fine) or liquid form.

This contract will replace the existing contract which expires September 14, 2008. Award is recommended to the lowest priced responsive and responsible bidder in the aggregate. A three-month bridge contract is expected to be in place by September 15, 2008 and will allow time to award this contract.

The significant increase between the new contract amount and the current contract amount is due to dramatic increases in raw material, transportation, energy costs, and an ongoing tight supply-demand in the global phosphoric acid market. The current price for liquid sodium polyphosphate is $445 per ton. The new price is $1,560 per ton. The current price for granular (fine) sodium polyphosphate is $72.12 per cwt. The new price is $219 per cwt.

The bid was advertised on the County's website and in four local newspapers. A total of 334 vendors were notified, and 30 packages were downloaded. Two offers were received.

Assistant County Manager

SECTION #2
REJECTED BIDS

Item 2.1

Memorandum

MIAMI-DADE COUNTY

Date: August 20, 2008

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

From: George Burgess
County Manager

Subject: Rejection of all Bids Under Solicitation No. 8044-3/13: Bakery Products

---

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the rejection of all bids received under the following solicitation for the purchase of bakery products.

BID NUMBER: 8044-3/13

TITLE: Bakery Products

APPROVAL TO ADVERTISE: February 1, 2008

TERM: Two years with three, one-year options-to-renew

CONTRACT AMOUNT: $2,838,961

USING/MANAGING AGENCY(S)/ FUNDING SOURCE(S):

Department	Allocation	Funding Source
Department of Corrections	$2,798,961	General Funds
Human Services	$40,000	Federal/State Funds
Total	**$2,838,961**	

PREVIOUS CONTRACT ALLOCATION: $1,137,478

METHOD OF AWARD: To the two, responsive, responsible bidders who submit the lowest aggregate price, by group.

VENDOR(S) RECOMMENDED FOR AWARD: None

VENDOR(S) NOT RECOMMENDED FOR AWARD
Flowers Baking Company of Miami
Hom-Lyke Baking Company
New York Bakeries

CONTRACT MEASURES: Small Business Enterprise Bid Preference was applied in accordance with the Ordinance except where federal funding was to be used.

LIVING WAGE: The services being provided are not covered under the Living Wage Ordinance.

USER ACCESS PROGRAM:	The solicitation included the User Access Program provision. The 2% program discount would have been collected on all purchases where permitted by funding source.
LOCAL PREFERENCE:	The Local Preference was applied in accordance with the Ordinance.
CONTRACT MANAGER(S):	Sherry Clentscale, Department of Procurement Management Debra Graham, Department of Corrections and Rehabilitation Gale Aldrich, Department of Human Services

REASON FOR REJECTION

It is recommended that all bids submitted in a response to this solicitation be rejected due to excessive pricing. A review and comparison of other South Florida governmental entities revealed Miami-Dade County Public Schools is paying lower prices than those offered to the County in response to this solicitation. Two new potential sources of supply have been identified through market research.

It is in the County's best interest to reject all bids and re-solicit the bakery items in order to obtain better pricing. In the interim, pending reissuance of the solicitation, the County will continue to access the Miami-Dade County School Board contract for bakery products. This will result in a savings of 21% from the prices offered on the bids to be rejected.

Assistant County Manager 9/13/08

SECTION #4
PURCHASES MADE UNDER COMPETITIVELY AWARDED CONTRACTS OF OTHER GOVERNMENTAL ENTITIES

Item 4.1

Contract No.:	255-001-01-1
Contract Title:	**Microsoft Software Maintenance**
Description:	To modify a competitively established State of Florida contract for additional spending authority to allow the Library Department to purchase software licenses, maintenance support, and professional services from Microsoft.
Type of Change:	Additional spending authority
Existing Allocation:	**$28,753,580 for the initial seven-year and seven-month term**
Increase By/Managing Agency/Funding Source:	$ 545,000 for Library - Library District Revenue
Modified Allocation:	**$29,298,580 for the initial seven-year and seven-month term**
Current Expiration:	March 31, 2009
Modified Expiration:	Unchanged

Vendors:	**Address**	**Principal**
•Microsoft Corporation (Non-local vendor)	One Microsoft Way Redmond, WA 98052-6399	William H. Gates
•Software House International (Non-local vendor)	33 Knightsbridge Road Piscataway, NJ 08854	Thai Lee

Performance Data:	There are no performance issues with any of the two firms.
Compliance Data:	There are no compliance issues with any of the two firms.
Contract Measure:	No measures
Review Committee Date:	April 4, 2001; Item #2-18
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.

Contract Managers: Juan D. Diaz, Department of Procurement Management

Leo Maresma, Library Department

Contract Effective Date: Upon approval by the Board and expiration of the mayoral veto period.

REASON FOR CHANGE

Authorization is requested for additional spending authority to allow the Library Department to purchase software licenses, and ongoing maintenance and support services from the competitively established State of Florida contract.

Currently, there are 44 library branches that support approximately 2,000 personal computers used by patrons and staff. The additional software licenses being purchased offer direct support for the patrons and support systems that will be implemented for the new library facilities including Pinecrest, Kendale Lakes, Naranja, and Palmetto Bay. Additionally, the increased allocation will be utilized to purchase programming development tools.