

# Memorandum



**Date:** November 20, 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

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

## **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 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 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 agenda item.

## **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 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.

**Item 1.1: PROPworks System Software** is to approve the award of a sole source contract for the Miami-Dade Aviation Department to purchase ongoing software maintenance and technical support services for the existing PROPworks System. PROPworks is an automated revenue management system. The amount being requested is **\$757,256**.

**Item 1.2: Medical Examiner Computer Information System** is to approve the award of a sole source contract for the Medical Examiner to purchase on-going software licenses, maintenance and support services. The amount being requested is **\$400,000**.

## **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.

There are no items for 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.

**Item 4.1: Legal Research Services** is for additional spending authority and to exercise the first Option-to-Renew (OTR) period to allow the Miami-Dade Corrections and Rehabilitation Department to continue to access the contract and expand the purchase of legal research services to the general inmate population. The additional amount being requested is **\$330,000**.

**Item 4.2: Juvenile Detention Services** is for additional spending authority and time for the purchase of juvenile detention services by the Miami-Dade Juvenile Assessment Center. The additional amount being requested is **\$840,000**.

**Item 4.3: NICE Digital Video Recording Systems** is for additional spending authority to allow the Miami-Dade Fire Rescue, Miami-Dade Police and Miami-Dade Transit departments to access a contract for ongoing maintenance support services, repairs, parts, system modifications, software upgrades and training for the Digital Video and Audio Recording Systems. The additional amount being requested is **\$3,518,981**.

**Item 4.4: Arbitrage Services** is for additional spending authority to allow the Finance Department to continue to utilize the vendor to perform arbitrage related services, including determining methods by which the County may result in significant Internal Revenue Service (IRS) refunds from previous claims paid for arbitrage rebates. The additional amount being requested is **\$100,000**.

**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.

  
Assistant County Manager

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# 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) (D)

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)(D)  
11-20-08

RESOLUTION NO. \_\_\_\_\_

RESOLUTION WAIVING FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER

**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 the purchase of goods and services and to authorize the County Mayor or County Mayor's 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	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 20<sup>th</sup> 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**  
**SOLE SOURCE**

**Item 1.1**

**Contract No:** SS8764-0/18

**Contract Title:** **PROPworks System Software**

**Description:** To waive formal bid procedures and approve award of a sole source contract for the Miami-Dade Aviation Department (MDAD) to purchase ongoing software maintenance and technical support services for the existing PROPworks System Software provided by Air-Transport IT Services, Inc.

**Contract Term:** **10 years (December 1, 2008 to November 30, 2018)**

**Managing Agency/Funding Source:** MDAD – Operating Revenue

**Contract Amount:** **\$757,256 for 10 years**

**Previous Contract Allocation:** \$28,704 for six months

**Method of Award:** Sole Source

**Vendor:** •Air-Transport IT Services, Inc.  
(Non-local vendor)

<b>Address</b>	<b>Principal</b>
6675 Westwood Boulevard	Chris B. Keller
Suite 210	
Orlando, FL 32821	

**Performance Data:** There are no performance issues with this firm.

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

**Contract Measure:** No measure

**Review Committee Date:** May 14, 2008; Item #2-03

**Local Preference:** Not applicable

**Living Wage:** The Living Wage Ordinance does not apply.

**User Access Program:** This contract does not include the 2% User Access Program provision as the Miami-Dade Aviation Department is the only department accessing the contract and Federal Aviation Administration regulations do not allow for inclusion of the UAP.

**Contract Managers:** Dakota Thompson, Department of Procurement Management  
Carlos Garcia, Miami-Dade Aviation Department  
Neivy Garcia, Miami-Dade Aviation Department

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

**JUSTIFICATION**

The Miami Dade Aviation Department (MDAD) requires a long-term support contract for ongoing software maintenance and technical support services for the existing PROPworks System (System), provided by Air-Transport IT Services. The PROPworks application is proprietary software developed, supported, and owned by Air-Transport IT Services, Inc.

The system manages and provides MDAD with detailed information regarding airport revenue, aviation statistics, agreements, leases, carrier activity tracking, cashier module delinquency invoice processing, customer maintenance, risk and insurance management, and billing and invoicing. The system also integrates with the Enterprise Resource Planning (ERP) System.

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**Item 1.2**

**Contract No:** SS8819-0/23

**Contract Title:** **Medical Examiner Computer Information System**

**Description:** To waive formal bid procedures and approve award of a sole source contract for the Medical Examiner’s Office (ME) to purchase ongoing software licenses, maintenance and support services, for the web-based Coroners and Medical Examiners Toolkit Software and the Laboratory Information System (System) provided by VertiQ Software LLC.

**Contract Term:** **15 years (January 1, 2009 through December 29, 2024)**

**Managing Agency/Funding Source:** ME – General Fund

**Contract Amount:** **\$400,000 for 15 years**

**Previous Contract Allocation:** \$163,000 for a one-year period

**Method of Award:** Sole Source

**Vendor:** •VertiQ Software LLC  
(Non-local vendor)

**Address**  
185 Sutter Boulevard  
Suite 280  
Morgan Hill, CA 95037

**Principal**  
Rolf Kessel

**Performance Data:** There are no performance issues with this firm.

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

**Contract Measure:** No measure

**Review Committee Date:** August 20, 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 will be collected on all purchases.

**Contract Managers:** Leida Altman Carrillo, Department of Procurement Management  
Sergio Bonilla, Medical Examiner

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

**JUSTIFICATION**

The Medical Examiner's Office (ME) is requesting approval of a non-competitive award to VertiQ Software LLC, the sole source vendor for the existing web-based Coroners and Medical Examiners (CME) Toolkit Software and the Laboratory Information Management System (LIMS) application. The ongoing maintenance and support services for LIMS are proprietary to VertiQ Software.

The Department of Procurement Management staff was able to obtain a more aggressive pricing structure through negotiations with this sole source that resulted in a reduction in the annual maintenance charges.

The LIMS application provides a centralized database which captures and stores information regarding death investigation, autopsy results, and other medical information that is shared with other County departments, as well as local, state, and federal agencies.

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**SECTION #4**  
**NON-COMPETITIVE CONTRACT MODIFICATIONS**

**Item 4.1**

**Contract No:** BW8610-3/12

**Contract Title:** **Legal Research Services**

**Description:** To modify a contract for additional spending authority in the amount of \$115,000 and to authorize the County Mayor or County Mayor's designee to exercise the first Option-to-Renew (OTR) period to allow the Miami-Dade Corrections and Rehabilitation Department (MDCR) to purchase legal research services in compliance with federal law for the general inmate population at County detention facilities. The contract is in its initial term which expires on February 28, 2009. This modification and the execution of the first OTR will bring the cumulative value of the contract to \$430,000.

**Type of Change:** Additional spending authority and authorization to exercise the first OTR period

**Managing Agency/Funding Source:** MDCR – General Fund

<b>Initial Contract Term and Existing Allocation:</b>	One year March 1, 2008 to February 28, 2009	<b>\$100,000</b>
<b>Increase By:</b>		<b><u>\$115,000</u></b>
<b>Modified Allocation:</b>		<b><u>\$215,000</u></b>
<b>First OTR and Estimated Usage:</b>	One year March 1, 2009 to February 28, 2010	<b><u>\$215,000</u></b>
<b>Cumulative Value:</b>		<b><u>\$430,000</u></b>

**Vendor:** •Prison Solutions, Inc.  
(Non-local vendor)

<b>Address</b>	<b>Principal</b>
3943 Ocita Drive Orlando, FL 32837775	Mark Cacho

**Performance Data:** There are no performance issues with this firm.

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

**Contract Measure:** No measure

**Review Committee Date:** February 6, 2008; Item #2-01

**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:** Aylin Borrego, Department of Procurement Management  
Mohammed Haq, Miami-Dade Corrections and Rehabilitation 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 and to authorize the County Mayor or County Mayor’s designee to exercise the first Option-to-Renew (OTR) period. This contract will allow the Miami-Dade Corrections and Rehabilitation Department (MDCR) to continue to purchase legal research services, complying with federal law access to legal support for the general inmate population at County detention facilities. These services are currently provided to inmates in maximum security status at two detention facilities. This modification will allow MDCR to expand these services to the remaining three detention facilities.

Legal Research Associates (LRA) provides jails and other corrections agencies off-site programs that support inmate access to legal information by taking the place of jail law libraries. Presently, LRA is the only provider of this kind of service. Legal research and assistance is provided at inmate confinement locations. This eliminates the need for transporting inmates to and from law libraries.

This modification and the execution of the first OTR will bring the cumulative value of the contract to \$430,000.

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**Item 4.2**

**Contract No:** E8104-0/06

**Contract Title:** **Juvenile Detention Services**

**Description:** To modify an emergency contract for additional time and spending authority for the purchase of juvenile detention services at the Miami-Dade Juvenile Assessment Center (JAC).

**Type of Change:** Month-to-month extension (for up to five months)

**Existing Allocation:** **\$3,640,000 for a period of 27 months**

**Increase By/Managing Agency/Funding Source:** \$ 840,000 for JSD – General Fund (\$140,000 per month for up to six months – includes the

**Modified Allocation:** **\$4,480,000 for 32 months**

**Current Expiration:** October 31, 2008

**Modified Expiration:** March 31, 2009

**Vendor:** **Address** **Principal**  
•The Wackenhut Corp. 4200 Wackenhut Drive Jeffery Cappeletti  
(Non-local vendor) Palm Beach Gardens, FL 33410

**Performance Data:** There are no performance issues with this firm on this contract. An audit was performed by the Audit and Management Services Department (AMS) on another County contract. Final close-out of this audit is pending.

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

**Contract Measure:** No measure

**Local Preference:** Not applicable

**Living Wage:** The Living Wage Ordinance does apply.

**User Access Program:** This contract does not include the 2% User Access Program provision as it was awarded by the Juvenile Services Department on an emergency basis.

**Contract Managers:** Maria Hevia, Department of Procurement Management  
Latosha Tarver, Juvenile Services Department

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

**REASON FOR CHANGE**

Authorization is requested for additional time (up to five months) and additional spending authority (for a six-month period) for the Miami-Dade Juvenile Services Department (JSD) to provide juvenile detention services at the Juvenile Assessment Center (JAC).

This extension, with prorated funding, is necessary to ensure continuity of services pending the audit close-out while this process takes place. The contract was extended administratively for a one-month period without additional funds through October 31, 2008. The additional allocation of \$840,000 will provide enough funds six months to include the five-month extension period that is being requested.

Award of the replacement contract is currently on hold pending resolution of the audit performed by Audit and Management Services (AMS) involving the incumbent firm's services at Miami-Dade Transit for a three year period ending on September 30, 2005. AMS is currently reviewing additional information provided by Wackenhut in response to the audit. In 2006, JSD processed an emergency purchase order for The Wackenhut Corporation, the incumbent vendor, to ensure continuity of these specialized juvenile services.

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**Item 4.3**

**Contract No:** SS8554-2/20

**Contract Title:** **NICE Digital Video Recording Systems**

**Description:** To modify a contract for additional spending authority to allow the Miami-Dade Fire Rescue (MDFR), Miami-Dade Police (MDPD) and Miami-Dade Transit (MDT) departments to purchase ongoing maintenance support services, repairs, parts, system modifications, software upgrades, and training for the Digital Video and Audio Recording Systems (DVARS) provided by NICE Systems, Inc.

**Type of Change:** Additional spending authority

**Existing Allocation:** **\$5,157,693 for five years**

<b>Increase By/Managing Agencies/Funding Sources:</b>	<b><u>Allocation</u></b>	<b><u>Department</u></b>	<b><u>Funding Source</u></b>
	\$1,000,000	MDFR	Fire District Funds
	\$1,179,380	MDPD	General Fund and Grants
	<u>\$1,339,601</u>	MDT	General Fund, Operating Revenue, and Grants
<b>Total:</b>	<b>\$3,518,981</b>		

**Modified Allocation:** **\$8,676,674 for the remaining term**

**Current Expiration:** March 31, 2013

**Modified Expiration:** Unchanged

<b>Vendor:</b>	<b>Address</b>	<b>Principal</b>
•NICE Systems, Inc. (Non-local vendor)	301 RT. 17 North, 10 <sup>th</sup> Floor Rutherford, NJ 07070	Eran Gorev

**Performance Data:** There are no performance issues with this firm.

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

**Contract Measure:** No measure

**Review Committee Date:** November 7, 2007; Item #2-02

**Local Preference:** Applied in accordance with the Local Preference Ordinance.

**Living Wage:** The Living Wage Ordinance does not apply.

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**User Access Program:** This contract did not include the User Access Program (UAP) provision as the Miami-Dade Aviation Department was the only department accessing the contract and Federal Aviation Administration regulations do not allow for inclusion of the UAP. Approval of this modification will allow the three additional departments to access the contract. The 2% UAP program discount will be collected on future purchases made by these three departments.

**Contract Managers:** Leida Altman Carrillo, Department of Procurement Management  
Marianela Betancourt, Miami-Dade Fire Rescue Department  
Thomas Gross, Miami-Dade Police Department  
Tametria Harris, Miami Dade Transit

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

### **REASON FOR CHANGE**

Authorization is necessary for additional spending authority to allow the Miami-Dade Fire Rescue, Miami-Dade Police and Miami-Dade Transit departments access to the contract for ongoing maintenance support services, repairs, parts, system modifications, software upgrades, and training for DVARS provided by NICE Systems, Inc. Approval of these modifications will provide the three departments the ability to maintain and upgrade the equipment and obtain ongoing software maintenance and support services.

This contract currently provides the Miami-Dade Aviation Department (MDAD) with maintenance support services, upgrades and maintenance for the proprietary Digital Video and Audio Recording Systems (DVARS) located at Miami International Airport (MIA). The system manages and provides MDAD with detailed information regarding airport revenue, aviation statistics, agreements, leases, carrier activity tracking, cashier module, delinquency invoice processing, customer maintenance, risk and insurance management, and billing and invoicing. The system also integrates with the following airport systems: Enterprise Resource Planning (ERP) System, AOIS (Airport Operational Information System) and MDAD GIS.

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**Item 4.4**

**Contract No:** EPP-RFP533

**Contract Title:** **Arbitrage Services**

**Description:** To modify a contract for additional spending authority to allow the Finance Department to continue to utilize the vendor to perform arbitrage related services, including determining methods by which the County may result in significant Internal Revenue Service (IRS) refunds from previous claims paid for arbitrage rebates.

**Type of Change:** Additional spending authority

**Existing Allocation:** **\$425,000 for three years**

**Increase By/Managing Agencies/Funding Sources:** \$100,000 for Finance – Fees to be paid from refunds received

**Modified Allocation:** **\$525,000 for the remaining term**

**Current Expiration:** November 5, 2009

**Modified Expiration:** Unchanged

**Vendor:** **Address** **Principal**  
•Bond Logistix LLC 2711 N. Haskell Avenue, LB #35 Richard Chirls  
(Non-local vendor) Suite 2600 SW  
Dallas, TX 75204

**Performance Data:** There are no performance issues with this firm.

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

**Contract Measure:** Selection Factor

**Review Committee Date:** July 12, 2006; Item #6-03

**Local Preference:** Applied in accordance with the Local Preference Ordinance.

**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:** Scott Voelker, Department of Procurement Management  
Lidia Monzon-Aguirre, Finance 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 Finance Department to continue utilizing this contract. Approval of this modification will provide the County the ability to pursue the aforementioned refund claims which could potentially return more than \$6 million to the County.

The County, along with the Miami-Dade Public School System, contracted with the vendor as a result of a joint competitive solicitation effort. This contract provides Finance with arbitrage rebate calculations and related services for existing and future bond issues that are subject to the Internal Revenue Service (IRS) Code of 1986 and applicable Treasury regulations. After contract award, consistent with the scope of work in the competed contract, the vendor identified ways for the County to save money by filing IRS refund claims for previously paid arbitrage rebates. These additional arbitrage related services were added to the contract via a non-competitive supplemental agreement.

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