

Memorandum



Date: January 22, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution Waiving Formal Bid Procedures

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

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.

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.

Item 2.1: OCE High Speed Printer Maintenance and Technical Support Services is to approve the award of a bid waiver contract to provide maintenance and repair services to high speed printers used to support the County's mainframe printing operations of the Enterprise Technology Services Department. The amount being requested is **\$975,000**.

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: Lease of 200 DS200 Optical Scanners is to ratify an emergency award for the Elections Department for the lease of 200 units of DS200 Optical Scanners for the November 4, 2008 general elections. The amount being requested is **\$178,000**.

Item 3.2: Door Repair and Maintenance Services is to ratify an emergency award purchase to door repair and maintenance services for Miami-Dade Transit. The amount being requested is **\$146,893**.

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: Purchase and Lease of Copy Machine Equipment is for additional time and spending authority to allow various County departments to continue monthly payments for leased copier equipment. The additional amount being requested is **\$7,518,482**.

Item 4.2: Accessories and Maintenance of Lifepak Defibrillators is for additional time and spending authority to allow the Miami-Dade Fire Rescue and Miami-Dade Police Departments to continue to purchase accessories and maintenance services for Lifepak defibrillators. The additional amount being requested is **\$1,000,000**.

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.



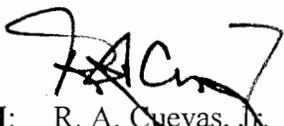
Assistant County Manager



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: January 22, 2009

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

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

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)(E)
1-22-09

RESOLUTION NO. _____

RESOLUTION WAIVING FORMAL BID
PROCEDURES FOR THE PURCHASE OF GOODS
AND SERVICES AND AUTHORIZE 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.

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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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of January, 2009. 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.



Oren Rosenthal
Daniel Frastai

SECTION #2
BID WAIVER

Item 2.1

Contract No: BW8872-1/13

Contract Title: **OCE High Speed Printer Maintenance and Technical Support Services**

Description: Requesting waiver of formal bid procedures and approval of award of a bid waiver contract to provide maintenance and repair services to high speed printers used to support the County's mainframe printing operations for the Enterprise Technology Services Department (ETSD).

Contract Term: **Three years (January 1, 2009 to December 31, 2011)**
With option-to-renew for 11 months

Contract Amount: **\$975,000 for the initial three-year term**

Managing Agency/Funding Source: ETSD – Internal Service Funds

Previous Contract Allocation: \$483,087 for one year

Method of Award: Bid Waiver

Vendor: •OCE North America
(Local vendor)

Address: 1000 South Pine Road
Suite 220
Plantation, FL 33324

Principal: Casandra Pate

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: April 30, 2008; Item #2-03

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.

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Contract Managers: Erick Martinez, Department of Procurement Management

Manny Fernandez, Enterprise Technology Services Department

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

JUSTIFICATION

The Enterprise Technology Services Department (ETSD) owns three OCE high speed printers located at the County's Regional Data Processing and Communications Center which require ongoing maintenance and repair services. These specialized printers were purchased from OCE North America and have been continuously maintained by OCE. While OCE, the original equipment manufacturer, has a small number of factory certified resellers of their products and services nationwide, its South Florida headquarters is the exclusive provider of the required maintenance and repair services.

The high speed printers and associated equipment are critical to County operations. These printers are in use seven days a week, 24 hours a day. Maintenance services must also cover 24/7 service, including holidays. The type of documents printed on these machines are important, therefore, the County cannot afford to sustain extended down time. Printed documents include the County's payroll checks, vendor payment checks, court calendaring reports, jury summons, building and zoning notices, and property appraiser notices. Other documents include reports produced for various County departments covering financial, budget, and other administrative and management information.

It is in the best interest of the County to establish the replacement bid waiver contract to ensure continuity of services.

SECTION #3
EMERGENCY PURCHASE

Item 3.1

Contract No: E8844-0/09

Contract Title: **Lease of 200 DS200 Optical Scanners**

Description: To waive formal bid procedures and ratify an emergency contract award for the Elections Department for the lease of 200 DS200 Optical Scanners to ensure that polling places had the equipment necessary to effectively handle a high volume of voters during the November 4, 2008 General Election.

Contract Term: **October 6, 2008 to December 15, 2008**

Contract Amount: **\$178,000**

Managing Agency/Funding Source: Elections Department – General Fund

Previous Contract Allocation: There was no previous contract

Method of Award: Emergency Purchases

Vendor: •Election System & Software (ES&S)
(Non-local vendor)

Address 11208 John Galt Boulevard
Omaha, NE 33073

Principal Tessi Aldo

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: October 15, 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% discount will be collected.

Contract Managers: Adil Khan, Department of Procurement Management
Maria Saboya, Elections Department

Contract Effective Date: Subject to retroactive approval by the Board and expiration of the mayoral veto period.

JUSTIFICATION

Seeking ratification for an emergency contract awarded on October 6, 2008 to Election Systems and Software, Inc. (ES&S) for the lease of 200 DS200 Optical Scanners for the November 4, 2008 Presidential General Election.

In July 2007, the County purchased 1,650 DS200 Optical Scanning units under Contract No. BW8488-5/17. This contract did not include a provision for leasing equipment.

In September 2008, anticipating a high voter turnout for the presidential election, the Elections Department took proactive steps to ensure that there would be a sufficient number of back-up DS200 Optical Scanners. The department worked with the vendor to ensure that, of the 200 additional units, the County would only be charged for those units that were opened and utilized.

Due to proprietary rights, only ES&S could provide additional DS200 Optical Scanners. Since the Elections Department needed the machines only for this election, purchasing the machines at a cost of \$6,000 each was not cost effective. Due to the negotiated structure of the lease agreement, each DS200 scanner was leased to the County for \$750 per unit. The County will be obligated to pay for the associated shipping costs of \$28,000. This short term lease allowed for the deployment of additional voting equipment as needed during the two weeks of Early Voting, and also ensured that polling places had the necessary equipment to effectively handle the high volume of voters on Election Day.

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

Item 3.2

Contract No.: E8870-MT

Contract Title: **Door Repair and Maintenance Services**

Description: To waive formal bid procedures and ratify an emergency contract award for Miami-Dade Transit (MDT) to purchase door repair and maintenance services provided by Dash Door & Closer Services, Inc.

Contract Term: **April 24, 2008 to June 27, 2008**

Contract Amount: **\$146,893**

Managing Agency/Funding Source: MDT – Operating Revenue

Previous Contract Allocation: \$1,687,000 for a one-year period

Method of Award: Emergency Purchase

Vendor:	Address	Principal
•Dash Door & Closer Service, Inc. (Local vendor)	7801 N.W. 29 th Street Miami, FL 33122	Juan Lizaso

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: December 2008

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: Lourdes Farley, Department of Procurement Management
Tametria Harris, Miami-Dade Transit

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

JUSTIFICATION

Seeking ratification of an emergency contract awarded on October 31, 2008 by Miami-Dade Transit (MDT) to Dash Door & Closer Service, Inc. for repair and maintenance services from April through June 2008 to doors that were malfunctioning and posed a safety and security risk at several MDT locations. The malfunctioning doors were identified as part of a Homeland Security infrastructure hardening assessment of MDT facilities.

The repaired doors are not standard sized and required custom alteration to meet the field conditions. These services were not anticipated and allocation in the existing contract was not sufficient to pay for these services.

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

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SECTION #4
NON-COMPETITIVE CONTRACT MODIFICATIONS

Item 4.1

Contract No: BW7123-3/07-3

Contract Title: **Purchase and Lease of Copy Machine Equipment**

Description: Request for modification of this contract for additional time and spending authority to allow various County departments to continue monthly payments for leased copier equipment.

Type of Change: Additional time and spending authority

Existing Allocation: **\$ 8,709,803 for 21 months**

Increase By/Managing Agencies/Funding Sources:	<u>Allocation</u>	<u>Department</u>	<u>Funding Source</u>
	\$ 25,229	Animal Services	General Fund
	\$ 15,157	Audit and Management	General Fund
	\$ 577,667	Aviation	Operating Revenue
	\$ 113,217	BCC	General Fund
	\$ 7,568	Building	Operating Revenue
	\$ 141,421	CAA	Federal Revenue / General Fund
	\$ 34,090	Capital Improvements	General Fund and Proprietary Revenue
	\$ 15,898	CITT	PTP Surtax Funds
	\$1,075,750	Clerk of the Courts	Clerk Revenue
	\$ 4,965	Community Advocacy	General Fund
	\$ 135,398	Community and Economic Development	General Fund
	\$ 62,345	Consumer Services	General Fund and Proprietary Revenue
	\$ 452,252	Corrections and Rehabilitation	General Fund
	\$ 213,955	County Attorney	General Fund
	\$ 19,200	County Executive Office	General Fund
	\$ 65,800	Cultural Affairs	General Fund
	\$ 52,831	Elections	General Fund
	\$ 29,723	Emergency Management	General Fund
	\$ 10,000	ETSD	Internal Service Funds
	\$ 74,479	Finance	Proprietary Revenue
	\$ 388,640	Fire Rescue	Fire District Funds
	\$ 31,200	Government Information Center	General Fund
	\$ 140,100	GSA	Internal Service Funds
	\$ 8,137	Housing Finance Authority	State/Federal Revenue
	\$ 65,000	Human Resources	General Fund

\$ 185,355	Human Services	General Fund and State/Federal Revenue
\$ 30,000	Inspector General	General Fund
\$ 68,026	JSD	General Fund and Grants
\$ 64,124	Law Library	Proprietary Revenue
\$ 534,621	Library	Library District Funds
\$ 44,705	Medical Examiner	General Fund
\$ 14,663	Metropolitan Planning Organization	Federal Revenue
\$ 16,661	MMAP	General Fund, Grants and Fees
\$ 168,800	Park and Recreation	General Fund and Proprietary Revenue
\$ 72,000	Planning and Zoning	Operating Revenue
\$ 541,000	Police	General Fund
\$ 63,832	Procurement Management	Proprietary Revenue
\$ 26,525	Property Appraisal	General Fund
\$ 102,620	Public Works	General Fund
\$ 36,064	SBD	Proprietary Revenue
\$ 51,740	Seaport	Operating Revenue
\$ 34,348	Solid Waste	Operating Revenue
\$ 117,571	State Attorney's Office	General Fund
\$ 61,700	Neighborhood Compliance	General Fund
\$ 781,418	Transit	General Operating Revenue and Grants
\$ 8,409	Vizcaya	Proprietary Revenue
\$ 381,719	Water and Sewer	Operating Revenue
<u>\$ 352,560</u>	Unallocated Funds	Varies by Department
Total:	\$ 7,518,482	

Modified Allocation: \$16,228,285

*Approval of the use of People's Transportation Plan Surtax Funds for Miami-Dade Transit's allocation will be presented separately to the Board and the Citizens' Independent Transportation Trust (CITT) for approval.

Current Expiration: March 31, 2009

Modified Expiration: October 31, 2013

Vendors:

•IKON Office Solutions, Inc.
(Local vendor)

Address

703 Waterford Way
Suite 190
Miami, FL 33126

Principal

Matthew J. Espe

- Copyco, Inc. dba Toshiba
(Local vendor) 1700 S. Powerline Road
Deerfield Beach, FL 33442 Brent Colston
- Xerox Corp.
(Local vendor) 1000 Sawgrass Corp Parkway
Suite 500 Annie Mulcahy
Sunrise, FL 33323
- Konica Minolta Business
Solutions 7825 N.W. 148 Street
(Local vendor) Miami Lakes, FL 33016 Jun Haraguchi
- Ricoh America Corp.
(Non-local vendor) 5 Dedrick Place
West Caldwell, NJ 07006 Katsumi Yoshida
- Konica Minolta Danka Imaging
Co. 6306 Blue Lagoon Drive
(Local vendor) Suite 305
Miami, FL 33126 A. D. Frazier
- Sharp Electronics Corp.
(Local vendor) 14791 Oak Lane
Miami Lakes, FL 33016 Toshihiko Fujimoto

Performance Data: There are no performance issues with these seven firms.

Compliance Data: There are no compliance issues with these seven firms.

Contract Measure: No measure

Review Committee Date: April 22, 2002; 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% discount is being collected on all purchases where permitted by the funding source.

Contract Managers: Leonard Gonzalez, Department of Procurement Management

This contract includes allocations for 47 departments. Each department has a designated contract manager.

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

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REASON FOR CHANGE

Authorization is necessary for additional time and spending authority to allow County departments to continue monthly lease payments for copier equipment currently leased under this contract. The County awarded the current contract in 2003 for the purchase and/or lease of copiers. After the award of this contract, each department was responsible for signing and managing its leases in accordance with the prices specified in the contract. There are numerous leases that are valid up to October 31, 2013. Forty-seven County departments are using leased copiers under this contract. Continued payments need to be made on a monthly basis until the maturity date of each lease. The requested additional allocation is based on the information received from each department regarding the inventory of leased copier equipment, the maturity date of each lease, and the allocation required to fund leases to their maturity dates.

The Department of Procurement Management (DPM) is collecting countywide data for leased/county owned copiers to assess the County's current usage, expenses and to develop strategies to leverage the County's spend for this service. The additional allocation can only be used to pay for current leases. This allocation will be managed by DPM. The County has awarded two contracts for prospective purchase and lease of copiers. These two contracts will support new departmental needs, and replace the current leases once they expire.

Item 4.2

Contract No: SS7495-0/06

Contract Title: **Lifepak Defibrillators, Accessories and Maintenance**

Description: Request for modification of this contract for additional time and spending authority for the Miami-Dade Fire Rescue (MDFR) and Miami-Dade Police (MDPD) departments to purchase accessories and maintenance services for Lifepak defibrillators.

Type of Change: Additional time and spending authority

Existing Allocation: **\$7,539,507 for 62 months**
January 01, 2004 to February 28, 2009

Increase By/Managing Agencies/Funding Sources:	<u>Allocation</u>	<u>Department</u>	<u>Funding Source</u>
	\$ 500,000	MDPD	General Funds
	\$ 500,000	MDFR	Fire District Funds
Total:	\$1,000,000 for six months		

Modified Allocation: **\$8,539,507 for 68 months**

Current Expiration: February 28, 2009

Modified Expiration: August 31, 2009

Vendor:	Address	Principal
•Physio-Control (a division of Medtronic) (Non-local vendor)	11811 Willows Road N.E. Redmond, WA 98873	Brian Webster

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: October 22, 2003; Item #2-08

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
John Gardner, Miami-Dade Fire Rescue
Laura Romano, Miami-Dade Police 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 and spending authority to provide equipment, accessories, and maintenance services for existing LifePak defibrillators utilized to monitor, diagnose and treat patients experiencing cardiac problems. This contract was approved as a sole source by the Board on December 4, 2003.

It is important that the current defibrillators used by the Miami-Dade Police (MDPD) and Miami-Dade Fire Rescue (MDFR) departments receive up-to-date maintenance and repair services. This request for additional time and allocation will allow the departments to purchase accessories and maintenance services for existing County-owned defibrillators.

MDPD currently uses Lifepak 500. This product has been discontinued. The replacement product is the Lifepak 1000. The current Lifepak 12 equipment used by MDFR has been carefully reviewed by the MDFR Chief and the Emergency Medical Service Division Chief to confirm that the current equipment is safe for use. Physio-Control has suspended the shipment of certain products under a consent decree from the Federal Drug Administration (FDA). Both user departments reviewed the quality issues raised by FDA and have advised that these issues do not impact the units currently owned by the County. Under the exceptions noted in the consent decree, all government funded entities in Miami-Dade County meet the criteria for shipments of Lifepak 12's and Lifepak 1000's. This contract will only be used to maintain and purchase existing equipment that is considered safe for use by MDFR and to purchase accessories.

Requirements for the long-term successor contract for the purchase/lease and maintenance of defibrillators are being developed. This modification will ensure that the units currently owned by the County are maintained to allow proper monitoring, diagnosis, and treatment of patients experiencing cardiac symptoms.
