

Memorandum



Date: April 7, 2009

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

From: Carlos Alvarez
Mayor

George M. Burgess
County Manager

Subject: Resolution Waiving Formal Bid Procedures

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

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 5.03(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

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 departments' 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: Pinnacle Software Licenses, Maintenance and Support Services is to approve award of a sole source contract for the Enterprise Technology Services Department

to purchase software licenses, maintenance and support services for the existing Pinnacle Telecommunication Management Software System. The amount being requested is **\$342,000**.

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: Emergency Replacement of Roof Exhaust Fans is to waive formal bid procedures and ratify an emergency contract award for the Miami-Dade Aviation Department to replace 125 roof exhaust fans in cargo buildings at Miami International Airport. The amount being requested is **\$634,000**.

Item 3.2: Recycling Containers is to waive formal bid procedures and ratify the modification of an emergency award for the Department of Solid Waste Management to purchase recycling containers. The amount being requested is **\$359,625**.

Item 3.3: Hurricane Ike Diesel Fuel Emergency Purchase is to waive formal bid procedures and ratify an emergency contract awarded by General Services Administration for Miami-Dade Transit and other County departments to maintain fuel supply. The amount being requested is **\$497,000**.

Item 3.4: Emergency Vehicle Rental Services is to waive formal bid procedures and ratify an emergency contract awarded by Miami-Dade Police Department and the General Services Administration to rent cars, vans, and pick-up trucks. The amount being requested is **\$930,000**.

Item 3.5: ASG Software License Upgrade and Maintenance is to waive formal bid procedures and ratify an emergency contract awarded by the Enterprise Technology Services Department for software license upgrades and maintenance services. The amount being requested is **\$324,000**.

Section 4 NON-COMPETITIVE CONTRACT MODIFICATIONS

A non-competitive contract modification is a supplemental allocation for goods or services that exceed 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: Levi, Ray and Shoup Software Maintenance and Support Services is to amend the master Software License Agreement between Miami-Dade County and Levi, Ray, and Shoup. The amendment modifies the license pricing structure from one that is based on mainframe computer capacity to one that is based on printer usage. No additional funding is requested.

Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
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Item 4.2: Juvenile Detention Services is to extend an emergency contract for additional spending authority and time for purchase of juvenile detention services by the Miami-Dade Juvenile Assessment Center. The additional funding being requested is **\$560,000**.


Assistant County Manager



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** April 7, 2009
and Members, Board of County Commissioners

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

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

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 Mayor'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)(A)
4-7-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING WAIVER OF FORMAL
BID PROCEDURES FOR THE PURCHASE OF GOODS
AND SERVICES AUTHORIZING THE COUNTY
MAYOR OR THE COUNTY MAYOR'S 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 waives formal bid procedures for the purchase of goods and services and authorizes the County Mayor or County Mayor's designee to award such contracts, with authority to exercise options-to-renew established thereunder, pursuant to Section 5.03(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:

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Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro
Carlos A. Gimenez
Barbara J. Jordan
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

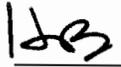
Audrey M. Edmonson
Sally A. Heyman
Joe A. Martinez
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of April, 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

Approved by County Attorney as
to form and legal sufficiency.



Hugo Benitez

By: _____
Deputy Clerk

SECTION #1
SOLE SOURCE

Item 1.1

Contract No: SS8861-2/18

Contract Title: **Pinnacle Software Licenses, Maintenance and Support Services**

Description: Requesting waiver of formal bid procedures and approval of award of a sole source contract for the Enterprise Technology Services Department to purchase software licenses, maintenance and support services for the existing Pinnacle Telecommunication Management Software System provided by Paetec Software Corporation.

Contract Term: Three years
Two, three-year options-to-renew

Contract Amount: \$342,000 for the initial three-year term

Options-to-Renew: Two, three-year options-to-renew valued at \$300,000 each for a total of \$600,000.

Estimated Cumulative Value: \$942,000

Previous Contract Allocation: \$95,000 for six months

Method of Award: Sole Source

Vendor: •Paetec Software Corporation
(Non-local vendor)

Address: 295 Woodcliff Drive
Suite 225
Fairport, NY 14450

Principal: Joshua Moscov

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 #2-04

Local Preference: Not applicable

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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: Juan Diaz, Department of Procurement Management
Pedro Cacicedo, 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 requires a long term support contract for software licenses, maintenance and technical support services for the Pinnacle Telecommunication Management System. The Pinnacle System manages the County's telecommunication inventory, work orders, and billing functions for both wireless and wired telecommunication devices.

The Pinnacle System is proprietary software, developed, supported, and owned by Paetec Software Corporation. Paetec is the sole provider of software licenses, maintenance, and technical support services for this System. It is recommended that this contract be approved to ensure continuity of services.

SECTION #3
EMERGENCY PURCHASES

Item 3.1

Contract No.: E8779-AV

Contract Title: **Emergency Replacement of Roof Exhaust Fans**

Description: To waive formal bid procedures and ratify an emergency contract established by the Miami-Dade Aviation Department to replace 125 roof exhaust fans in the West Cargo Buildings at Miami International Airport.

Contract Term: August 14, 2008

Contract Amount: \$634,000

Previous Contract Allocation: Not applicable

Method of Award: Emergency purchase awarded to the lowest responsive, responsible bidder.

Vendor: •Environmental Control, Inc.
(Local vendor)

Address 916 N.W. 6th Avenue
Ft. Lauderdale, FL 33311

Principal Robin Gabe

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 6, 2008; Item #3-02

Local Preference: Not applicable

Living Wage: The Living Wage Ordinance does not apply.

User Access Program: This contract does not include the User Access Program provision due to Federal Aviation Administration regulations.

Contract Managers: Marcelo Cam, Department of Procurement Management
Neivy Garcia, Miami-Dade Aviation Department

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

JUSTIFICATION

Seeking ratification of an emergency contract established by the Miami-Dade Aviation Department (MDAD) on August 14, 2008 to Environmental Control, Inc. to replace 125 roof exhaust fans in the West Cargo Buildings at Miami International Airport (MIA).

An inspection of the cargo facilities utilized by several MIA tenants identified an immediate need to replace 125 roof exhaust fans to maintain the facilities in safe working condition. The Department of Procurement Management solicited bids from seven vendors as follows:

Vendor	Pricing	Comment
A.C. Cooling Projects, Inc.	\$ 561,028	Equal Product
Environmental Control, Inc.	\$ 623,448	
Sunshine State Air Conditioning, Inc.	\$ 626,987	
Koldaire, Inc.	\$ 691,436	
Condo Electric Industrial Supply, Inc.	\$ 799,668	Equal Product
Condo Electric Industrial Supply, Inc.	\$ 851,362	
R & A Mechanical Corp.	\$1,098,471	

A.C. Cooling Projects, Inc., the low bidder, offered an “or equal” product. MDAD technical staff evaluated the specifications of this product and determined it did not fully meet the minimum specifications established in the solicitation. The fans offered did not include bird screens, mounted and wired service switches, tie down points, or lifting lugs. Additionally, the offer did not include the required inlet sound rating. The award was therefore made to the next lowest bidder, Environmental Control, Inc.

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

Item 3.2

Contract No: E8805-0/09

Contract Title: **Recycling Containers**

Description: To waive formal bid procedures and ratify the modification of an emergency contract for the Department of Solid Waste Management to Cascade Engineering, Inc. for purchase of recycling containers.

Type of Change: Additional time and spending authority

Existing Allocation: \$5,153,374 for five months
Increase By: \$ 359,625
Modified Allocation: \$5,512,999 for six months

Current expiration: January 31, 2009

Modified expiration: February 28, 2009

Vendor: •Cascade Engineering, Inc.
(Non-local vendor)

Address 3400 Innovation Court, S.E.
Grand Rapids, MI 49512

Principal Frederick P. Keller

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

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

Contract Measure: No measure due to insufficient availability.

Review Committee Date: September 3, 2008; Item #2-04

Local Preference: Not applicable

Living Wage: The Living Wage Ordinance does not apply.

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

Contract Managers: Roma Campbell, Department of Procurement Management
Chris Rose, Department of Solid Waste Management

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

JUSTIFICATION

Seeking ratification of a modification of an emergency contract established for the Department of Solid Waste Management (DSWM) on August 21, 2008 to Cascade Engineering, Inc. for the purchase of 7,500 additional 95-gallon recycling containers. The original contract established the purchase of 5,000 of these larger carts. The popularity of the new program has resulted in a greater need for additional larger carts. An increase in allocation of \$359,625 and a time extension of one month is necessary to accommodate this need. The issuance of this emergency contract was certified by the director of the DSWM, as required by Administrative Order 3-38. The purchase of additional containers will allow for immediate distribution of large carts and reduce the current backlog of requests. Future purchases of carts will follow the competitive procurement process.

Item 3.3

Contract No.: E8852-GS

Contract Title: **Hurricane Ike Diesel Fuel Emergency Purchases**

Description: To waive formal bid procedures and ratify an emergency contract established by the General Services Administration for Miami-Dade Transit and other County departments to maintain fuel supply.

Contract Term: September 5, 2008 to September 14, 2008

Contract Amount: \$497,000

Previous Contract Allocation: Not applicable

Method of Award: Emergency Purchase

Vendor: •Transmontaigne Product Services Inc.
(Non-local vendor)

Address
1670 Broadway
Denver, CO 80202

Principal
Randall J. Larson

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 29, 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 User Access Program provision as it was processed on an emergency basis by the General Services Administration.

Contract Managers: Km! Ra, Department of Procurement Management

Martin Dareff, General Services Administration

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

JUSTIFICATION

Seeking ratification of an emergency contract awarded to Transmontaigne Product Services, Inc., by the General Services Administration (GSA) by accessing the State of Florida's emergency fuel contract to provide fuel to Miami-Dade Transit (MDT) and other County departments to maintain fuel supply to support normal and emergency operations.

During the week of September 5, 2008, the proximity of Hurricane Ike to the South Florida area restricted the availability of fuel to the County's fuel contract suppliers. This emergency contract was awarded to a vendor on the State of Florida Emergency Fuel Contract to supply fuel to MDT and other County departments. The fuel was needed to support operations.

Late last year, the State of Florida's Department of Agriculture and Consumer Services (FACS) and the State Attorney General initiated a price gouging investigation in response to complaints received during Hurricane Ike. The intent of the investigation is to determine the propriety and legality of the price increases at Transmontaigne during the Hurricane.

Final processing of the purchase order was completed in late November 2008 due to verification of invoicing issues. Following a periodic administrative review of all emergency awards, this purchase was identified as one requiring Board approval. This caused a delay in presenting this action to the Board.

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

Item 3.4

Contract No.: E8859-0/09

Contract Title: **Emergency Vehicle Rental Services**

Description: To waive formal bid procedures and ratify an emergency contract awarded by the Miami-Dade Police Department (MDPD) for the MDPD and the General Services Administration to rent cars, vans, and pick-up trucks.

Contract Term: October 20, 2008 to February 19, 2009

Contract Amount: \$930,000

Previous Contract Allocation: \$5,801,219 for 20 months

Method of Award: Emergency Purchase

Vendor: •Royal Rent-A-Car Systems of Florida, Inc.
(Local vendor)

Address 3650 N.W. South River Drive
Miami, FL 33142

Principal Ismael Perera

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: October 29, 2008; 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 will be collected on all purchases.

Contract Managers: Km! Ra, Department of Procurement Management

Laura Romano, Miami-Dade Police Department

Martin Dareff, General Services Administration

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

JUSTIFICATION

Seeking ratification of an emergency contract awarded on October 20, 2008 by the Miami-Dade Police Department (MDPD) to Royal Rent-A-Car Systems of Florida, Inc. for the rental of cars, vans and pick-up trucks.

On July 17, 2008, the Board rejected award of the successor contract to an existing long-term emergency vehicle rental contract. The Board directed staff to issue a new solicitation without insurance requirements. This emergency contract was awarded to the incumbent vendor to provide continuity of services while the replacement solicitation was advertised, evaluated, and awarded. Award of the replacement contract, without the insurance requirements, was approved by the Board on January 22, 2008.

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

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Item 3.5

Contract No: E8940-0/10

Contract Title: **ASG Software License Upgrade and Maintenance**

Description: To waive formal bid procedures and ratify an emergency award to Allen Systems Group, Inc. for software license upgrades and maintenance services for the Enterprise Technology Services Department.

Contract Term: One year
(January 30, 2009 through January 29, 2010)

Contract Amount: \$324,000

Previous Contract Allocation: \$164,639 (One year – Maintenance fees only)

Method of Award: Emergency purchase

Vendor: •Allen Systems Group, Inc.
(Non-local vendor)

Address 1333 Third Avenue South
Naples, FL 34102-9908

Principal Timothy M Welsh

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 4, 2009; 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 will be collected on all purchases.

Contract Managers: Dakota Thompson, Department of Procurement Management

Mirta Lopez Cardoso, Enterprise Technology Services Department

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

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JUSTIFICATION

This request seeks ratification of an emergency contract awarded by the Enterprise Technology Services Department (ETSD) to Allen Systems Group, Inc. (ASG) for payment of software licensing fees. This action covers the required licensing, maintenance and upgrade fees associated with existing ASG applications that are currently in production on the County's mainframe computer infrastructure. The products from ASG are used by ETSD to perform a variety of functions in the mainframe environment. These include performance monitoring, job documentation, transaction journal management and auditing.

Previously, the licensing and maintenance fees for the ASG applications were procured through a contract with a third party reseller. The relationship between ASG and the reseller was severed. As a result, ETSD was not able to procure the annual ASG software licensing, or pay for the maintenance support fees. Pursuant to the perpetual license agreement with ASG, the company that is the copyright holder and sole proprietor of the software, ETSD is obligated to pay for the license, maintenance and other applicable fees as long as the products are in use.

In addition to the regular licensing fees, ETSD recently upgraded its mainframe computers to more powerful units. Due to the mainframe upgrade, additional software upgrade fees are due to ASG. A thirty percent discount on the upgrade fees and pro-rated maintenance was negotiated. A long term agreement is currently being negotiated with ASG and will be presented to the Board for approval. It is recommended that this emergency contract be ratified to allow for continuity of services.

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

SECTION #4
NON-COMPETITIVE CONTRACT MODIFICATIONS

Item 4.1

Contract No: BW7220-4/12-1

Contract Title: **Levi, Ray and Shoup Software Maintenance and Support Services**

Description: Request to amend an existing Software License Agreement (SLA) between Miami-Dade County and Levi, Ray, & Shoup. The amendment modifies the license pricing structure from one based on mainframe computer capacity to one that is based on printer usage.

Type of Change: Software License Structure

Existing Allocation: \$80,000 for 12 months

Current Expiration: November 25, 2009

Modified Expiration: Not applicable

Vendor: •Levi, Ray & Shoup, Inc.
(Non-local vendor)

Address 2401 West Monroe Street
Springfield, IL 62704

Principal Richard H. Levy

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: June 20, 2007; 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: Margaret Waters, Department of Procurement Management
Pedro Cacicedo, Enterprise Technology Services Department

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

REASON FOR CHANGE

Authorization is requested to approve an amendment to the existing Software License Agreement (SLA) with Levi, Ray & Shoup (LRS), with no increase in the contract amount or term. The LRS products provide the Enterprise Technology Services Department (ETSD) with management tools needed to effectively monitor mainframe generated print jobs. This facilitates the correction of printing problems that may occur. All of the County's mainframe applications rely on this software to print jobs at remote locations throughout the County.

This contract was submitted to the Board for approval of the first Option-to-Renew on July 1, 2008. The contract pricing structure submitted at this meeting was based upon a mainframe capacity. This modification will change the structure of the license and pricing provisions and therefore requires Board approval.

LRS is the software copyright holder. To maximize savings, ETSD wishes to convert the existing SLA's pricing structure from one based on mainframe computer capacity to one that is based on the number of actual printers that use the software. Based on the current and anticipated number of printers that are defined to work with the mainframes in the County, this revised pricing model will allow ETSD to avoid fees associated with upgrades and increased maintenance.

Item 4.2

Contract No: E8104-0/06

Contract Title: **Juvenile Detention Services**

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

Type of Change: Month-to-month extension for up to five months
Prorated funding for up to four months

Existing Allocation: \$4,760,000 for 34 months
Increase By: \$ 560,000 (\$140,000 per month for four months)
Modified Allocation: \$5,320,000 for 38 months

Current Expiration: April 30, 2009

Modified Expiration: September 30, 2009

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

Performance Data: An audit was performed by the Audit and Management Services Department on the Miami-Dade Transit Security Services contract with Wackenhut Corporation. The results of the audit indicate overbilling to the County. Final close-out of the audit is pending.

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

Living Wage: The Living Wage Ordinance applies.

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 to modify an emergency contract for additional time and spending authority to provide continuity of juvenile detention services for the Juvenile Services Department (JSD). The award of the replacement contract is currently on hold pending an audit involving the incumbent firm. This extension is necessary to provide continued services until close-out of the pending audit process.

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