Memorandum

MIAMI-DADE COUNTY

Date: May 5, 2009

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

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

From: Carlos Alvarez
Mayor

George M. Burgess
County Manager

Subject: Resolution Waiving Formal Bid Procedures

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

Past compliance issues involving Metro Equipment Service, Inc. is noted in Item 3.1. Each departments' contract manager is reflected in the accompanying Bid Waiver 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 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 Repair and Rehabilitation of Pump Station 426 is to waive formal bid procedures and ratify a competitive emergency contract established by the Miami-Dade Water and Sewer Department to repair and rehabilitate Pump Station 426. The amount being requested is **$820,212**.

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: Process, Control, and Implementation Equipment (Pre-qualification Pool) is for additional spending authority to allow the Miami-Dade Water and Sewer Department to purchase process, control, and implementation equipment used to measure, analyze, and optimize water flow from the Biscayne Aquifer. The additional funding being requested is **$490,000**.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: May 5, 2009

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 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)(C)
5-5-09

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:

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
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of May, 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.

Hugo Benitez

SECTION #3
EMERGENCY PURCHASES

Item 3.1

Contract No.:	E8829-0/09
Contract Title:	**Emergency Repair and Rehabilitation of Pump Station 426**
Description:	To waive formal bid procedures and ratify a competitive emergency contract established for the Miami-Dade Water and Sewer Department to repair and rehabilitate Pump Station 426.
Contract Term:	September 12, 2008 through November 14, 2008
Contract Amount:	$820,212
Previous Contract Allocation:	Not applicable
Method of Award:	Emergency purchase awarded to the lowest responsive, responsible bidder.

Vendor:	**Address**	**Principal**
•Metro Equipment Service, Inc. (Local vendor)	9425 Sunset Drive #225 Miami, FL 33173	George L. Godoy

Performance Data:	There are no performance issues with this firm.
Compliance Data:	Metro Equipment Service is in compliance with the Community Small Business Enterprise Program requirements.
Contract Measure:	No measure
Review Committee Date:	September 17, 2008; Item #2-03
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.
Contract Managers:	Marcanthony Tulloch, Department of Procurement Management Gregory Hicks, Miami-Dade Water and Sewer 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 Water and Sewer Department (WASD) on September 12, 2008 to Metro Equipment Services, Inc. to repair and rehabilitate Pump Station 426 located at 4001 N.W. 163rd St. An administrative review revealed that this emergency contract was inadvertently omitted from previous bid waiver packages causing a delay in presenting this action to the Board.

On August 21, 2008, WASD was informed of a sewage overflow at Pump Station 426. WASD crews excavated and discovered that one of three, 16-inch ductile influent lines ruptured. Sewage waste was leaking into the surrounding ground areas. The sewage was temporarily redirected around the affected area to allow for the replacement of all pipes and fittings in the area adjacent to the pump station.

On August 27, 2008, the Department of Procurement Management was notified that the Director of WASD had declared an emergency. WASD staff conducted an extensive review to determine the required scope of the repair work. Three firms who could perform the work were identified by WASD due to previous experience on similar projects. They were invited to attend a pre-bid jobsite inspection. The bid responses listed below were received, and an emergency competitive solicitation resulted in a contract award to perform the repairs in an expedited time frame. The work was completed on November 14, 2008.

Vendor	Pricing	Comment
Metro Equipment Service, Inc.	$ 820,212	Low bid
Ric-Man International	$ 849,760	
Lanzo Construction	$ 885,920	

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

SECTION #4
NON-COMPETITIVE CONTRACT MODIFICATIONS

Item 4.1

Contract No.:	CA7959-3/11-1
Contract Title:	**Process, Control, and Implementation Equipment (Pre-qualification Pool)**
Description:	To modify this contract for additional spending authority to allow the Miami-Dade Water and Sewer Department to purchase process, control, and implementation equipment used to measure, analyze, and optimize water flow from the Biscayne Aquifer.
Type of Change:	Additional spending authority
Existing Allocation:	$1,740,000 for one year
Increase By:	$ 490,000
Modified Allocation:	$2,230,000 for one year
Current Expiration:	July 31, 2009
Modified Expiration:	Unchanged

Vendors:	**Address**	**Principal**
•Accutech Instrumentation, Inc. (Non-local vendor)	11101 S. Crown Way Suite #4 Wellington, FL 33414	Deborah L. Gade
•ADS LLC (Non-local vendor)	4940 Research Drive Huntsville, AL 35805	Karl D. Boone
•Alpha Valve & Controls, Inc. (Non-local vendor)	102 Connie Avenue Tampa, FL 33613	Jeffery L. Smith
•AMJ Equipment Corp. (Non-local vendor)	5101 Great Oak Drive Lakeland, FL 33802	Albert M. Jarrell
•Applied Spectrometry Associates Inc. (Non-local vendor)	2325 Parklawn Drive Suite #1 Waukesha, WI 53186	Bernard Beemster
•Corcel Corp. (Local vendor)	2461 N.W. 23rd Street Miami, FL 33142	Rafael L. Corona
•Datarep, Inc. (Non-local vendor)	5073 Thyme Drive Palm Beach Gardens, FL 33418	Douglas J. Hodges

•Dawson Associates, Inc. (Non-local vendor)	922B Hurricane Shoals Road Lawrenceville, GA 30043	Janet M. Dawson
•Dionex Corp. (Non-local vendor)	501 Mercury Drive Sunnyvale, CA 94088	A. Blaine Bowman
•Fluid Control Specialties, Inc. (Non-local vendor)	2716 N. Financial Court Sanford, FL 32773	Robert Whritenour
•Fluid Conversation System, Inc. (Non-local vendor)	2001 Ford Circle Suite F Milford, OH 45150	Thomas McGee
•GE Infrastructure Sensing, Inc. (Non-local vendor)	1100 Technology Park Drive Billerica, MA 01821	Kermit Hoffman
•Hach Co. (Non-local vendor)	5600 Lindberg Drive Loveland, CO 80538	H. Lawrence Culp
•Hydraulic Sales & Service, Inc. (Local vendor)	3700 N.W. South River Drive Miami, FL 33142	Cleveland H. Jones, III
•Instrument Specialties, Inc. (Non-local vendor)	3885 St. Johns Parkway Sanford, FL 32771	Gerald Cane
•Lewis & Associates, Inc. (Non-local vendor)	11481 US 301 N. Thonotosassa, FL 33592	Robert W. Lewis
•Northern Safeco, Inc. (Non-local vendor)	232 Industrial Park Drive Frankfurt, NY 13340	Salvatore A. Longo
•O.I. Corp. (Non-local vendor)	151 Graham Road College Station, TX 77845	Craig Whited
•Power & Pumps, Inc. (Non-local vendor)	803 N. Myrtle Avenue Jacksonville, FL 32204	C.J. Williams, III
•Pro-Co., Inc. (Non-local vendor)	910 Belle Avenue Suite 1000 Winter Springs, FL 32708	Brian J. Mullen
•Safety Products, Inc. (Non-local vendor)	3517 Craftsman Boulevard Lakeland, FL 33803	Edward W. Williams
•Shimadzu Scientific Instruments Inc. (Non-local vendor)	7102 Riverwood Dr. Columbia, MD 21046	Ando Osamu

Performance Data: There are no performance issues with any of the 22 firms.

Compliance Data:	There are no compliance issues with any of the 22 firms.
Contract Measure:	Small Business Enterprise Bid Preference
Review Committee Date:	June 16, 2005; Item #6-08
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 where permitted by funding source.
Contract Managers:	Km! Ra, Department of Procurement Management Lydia Manners, Miami-Dade Water and Sewer Department
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 Water and Sewer Department (WASD) to purchase, maintain, inspect and repair process, control and instrumentation equipment. Typical equipment supported through this contract includes, but is not limited to, flow meters, switches, flow measuring devices, analyzers and analytical instruments, and various applications of sensing and measuring equipment and instruments.

On November 15, 2007, the South Florida Water Management District approved a 20-year Consumptive Use Permit. The permit authorizes WASD to continue drawing 347 million gallons per day from the Biscayne Aquifer from 98 production wells owned and operated by the County. To remain in compliance with the permit, new sensing flow meters will be ordered and installed for many of the production wells. These flow meters allow for real-time accurate accounting of all water withdrawn from the Biscayne Aquifer, and assist the County in planning to meet the future needs and water demands of the expanding South Florida region.

WASD has an approved multi-year capital improvement plan to upgrade the entire water and sewer infrastructure. Additional equipment purchases and replacement of parts will be required to upgrade plants and standardize operations. Required items would included, but not be limited to, additional flow meters for water and wastewater pumping stations, regulators and detectors (for various combustible gases), sensors (gas and ammonia), and analyzers (chlorine and ammonia).

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

Legislative Notes

Agenda Item: 8(O)1(C)

File Number: 090911

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: April 23, 2009

Type of Item: Procurement Package

Commission District: Countywide

Summary

This resolution waives formal bid procedures for specified purchases, authorizing the County Mayor or his designee to award such contracts, with authority to exercise subsequent options-to-renew (OTR). This Bid Waiver Package includes a total of two (2) contracts: an emergency purchase and a non-competitive contract modification.

Background and Relevant Legislation

Pursuant to § 2-8.1 of the Miami-Dade County Code and § 5.03(D) of the Home Rule Charter, the Board of County Commissioner's (BCC) approval is required to award these contracts.

Policy Change and Implication / Budgetary Impact

The two (2) contracts submitted in this **Bid Waiver Package total $1,310,212** and include the following:

- **One (1) Emergency Purchase:**

Emergency Repair and Rehabilitation of Pump Station 426 (Item 3.1)

This item seeks ratification of an emergency contract. On September 12, 2008, the Miami-Dade Water and Sewer Department (WASD) awarded this contract to Metro Equipment Services, Inc. to repair and rehabilitate Pump Station 426 located at 4001 N.W. 163rd Street. The work was completed on November 14, 2008.

WASD identified three firms who could perform the work and the contract was awarded to the lowest responsive, responsible bidder from three firms. There was no previous contract established.

According to the County Manager's memo this emergency contract was never ratified by the BCC due to it being inadvertently omitted from previous bid waiver packages.

Item No.	Contract Title	Contract Term & Amount	Vendor's Performance Record
3.1	Emergency Repair and Rehabilitation of Pump Station 426	9/12/08 to 11/14/08 for $820,212 WASD award is a one- time emergency allocation	**Metro Equipment Services, Inc.** As of April 3, 2009, this firm does not have any open violations. There are no CSBE measures in this contract. **Closed Violations:** Metro Equipment Services, Inc. had two (2) violations (2/2001 and 8/2007) for failing to meet CSBE subcontractor goals. According to the Department of Small Business Development, Metro Equipment Metro completed the $440,372.40 make-up on two projects. • S-769 - Two Year Countywide Contract for Removal and Replacement of Sanitary Sewer Gravity Mains, awarded 12/22/04; and • S-827- Installation piping at the intersection of NW 191st Street and NW 37th Avenue, awarded 6/3/08. Pabon Engineering, Inc. was the CSBE subcontractor utilized.

- **One (1) Non-Competitive Contract Modification:**

Process, Control, and Implementation Equipment Pre-qualification Pool (Item 4.1)
This item seeks additional spending authority to allow WASD to purchase and utilize equipment to measure, analyze, and optimize water flow from the Biscayne Aquifer and remain in compliance with the South Florida Water Management District 20-year Consumptive Use Permit.

Item No.	Contract Title	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Vendors' Performance Record
4.1	Process, Control, and Implementation Equipment (Pre-qualification Pool)	$1,740,000 / 1 yr.	Term unchanged	$490,000	No Compliance / Performance Issues reported for the 22 firms.

Prepared by: Elizabeth N. Owens