

# Memorandum



**Date:** June 30, 2009

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

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

**From:** Carlos Alvarez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos Alvarez".

George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess".

**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

There are no known performance issues with the vendors recommended for award in the accompany Bid waiver package. 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 (OTR) 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.

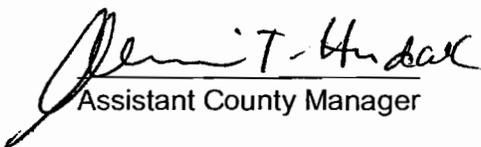
**Item 1.1: Vigil Software and Hardware Maintenance Support Services** is to approve award of a sole source contract for the Miami-Dade Transit Department to purchase ongoing maintenance and support services for the Vigil Vanguard Driver Training System software and hardware, presently being provided by the proprietary owner Vigil Solutions, Inc. The amount being requested is **\$47,000**. If the County chooses to exercise the OTR periods, the cumulative value will be **\$191,900**.

**Section 2 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 2.1: Consulting Services Demo Project – Phase III** is for additional time only to allow the Miami-Dade Juvenile Services Department to continue consulting, research and planning services associated with the implementation of Phase III of the federally funded National Demonstration Program. Phase III of this project was approved by the Board on June 7, 2005. **No additional funding is requested.**

**Item 2.2: Lifepak Defibrillators, Accessories and Maintenance** is for additional time only to allow the Miami-Dade Fire Rescue and Miami-Dade Police departments to continue to purchase accessories and maintenance services for Lifepak defibrillators. **No additional funding is requested.**

  
Assistant County Manager



# MEMORANDUM

(Revised)

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

**DATE:** June 30, 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(0)(1)(C)  
6-30-09

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

RESOLUTION AUTHORIZING WAIVER OF FORMAL  
BID PROCEDURES FOR THE PURCHASE OF GOODS  
AND SERVICES, AND AUTHORIZING THE COUNTY  
MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO  
AWARD SAME, WITH AUTHORITY TO EXERCISE  
OPTIONS-TO-RENEW ESTABLISHED THEREUNDER,  
AND AUTHORIZES THE USE OF CHARTER COUNTY  
TRANSIT SYSTEM SURTAX FUNDS

**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, and authorizes the use of Charter County Transit System Surtax Funds.

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 30<sup>th</sup> day of June, 2009. This resolution shall become effective as follows: (1) 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, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission reaffirms its award by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final.

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.



Bruce Libhaber

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**SECTION #1**  
**SOLE SOURCE**

**Item 1.1**

**Contract No:** SS9029-4/14

**Contract Title:** **Vigil Software and Hardware Maintenance Support Services**

**Description:** Requesting waiver of formal bid procedures and approval to award a sole source contract for the Miami-Dade Transit Department to purchase ongoing maintenance and support services for the Vigil Vanguard Driver Training System software and hardware, presently being provided by the proprietary owner Vigil Solutions, Inc.

**Contract Term:** One year, with four, one-year options-to-renew

**Contract Amount:** \$ 47,000 for the initial one-year term

**Options-To-Renew:** Four, one year options-to-renew (OTR)  
\$ 42,300 – 1<sup>st</sup> OTR  
\$ 38,000 – 2<sup>nd</sup> OTR  
\$ 34,000 – 3<sup>rd</sup> OTR  
\$ 30,600 – 4<sup>th</sup> OTR

**Estimated Cumulative Value:** \$191,900

**Previous Contract Allocation:** Not applicable

**Method of Award:** Sole Source

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

**Address** 8170 Pasadena Avenue  
La Mesa, CA 91941

**Principal** Mark Anderson

**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:** Not applicable for purchases less than \$50,000.

**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:** Margaret Waters, Department of Procurement Management

Rosie Perez, Miami-Dade Transit Department

**Contract Effective Date:** Upon approval by the Board unless vetoed by the Mayor and subsequent approval by the Citizens' Independent Transportation Trust.

**JUSTIFICATION**

This Vigil Vanguard Driver Training System (System) software was obtained through RFP407A. It was approved by the Board of County Commissioners in 2006, under resolution number R-439-06. This contract will provide the Miami-Dade Transit (MDT) Department with ongoing software and hardware maintenance support services. This System is utilized by MDT as a training tool for bus operators. The System incorporates video, Global Positioning Satellites (GPS), sensor technology as well as tablet computers to evaluate bus operator performance. This provides MDT the ability to provide a moment-by-moment playback to correct deficiencies with the bus operators. The Training Division within MDT has adopted this system as a standard course for all training. The System has proven to be a valuable training tool for MDT bus operators.

The software is proprietary and owned by Vigil Solutions, Inc. and the sole provider of the required support and maintenance. It is in the best interest of the County to establish the sole source contract with Vigil Solutions, Inc. to ensure a stable, uninterrupted, and reliable System.

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**SECTION #2**  
**NON-COMPETITIVE CONTRACT MODIFICATIONS**

**Item 2.1**

**Contract No:** BW7860-0/07

**Contract Title:** Consulting Services Demo Project – Phase III

**Description:** To modify this contract for additional time only to allow the Miami-Dade Juvenile Services Department (JSD) to continue consulting, research and planning services associated with the implementation of Phase III of the federally funded National Demonstration Program. Phase III of this project was approved by the Board on June 7, 2005.

**Type of Change:** Additional time (two years)

**Existing Allocation:** \$581,000 for four years and three months (June 23, 2005 to September 30, 2009)

**Current Expiration:** September 30, 2009

**Modified Expiration:** September 30, 2011 (six years and three months)

**Vendor:** • Thurston Group, Inc.  
(Local vendor)

**Address**  
1175 N.E. 125<sup>th</sup> Street  
Suite #614  
N. Miami, FL 33161

**Principal**  
Dr. Maxine A. Thurston

**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:** This contract was awarded prior to the implementation of the Small Business Enterprise Program.

**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 the funding source.

**Contract Managers:** Lourdes Farley, Department of Procurement Management  
LaTosha Tarver, Miami-Dade Juvenile Services Department

**Contract Effective Date:** Upon approval by the Board unless vetoed by the Mayor.

**REASON FOR CHANGE**

Authorization is necessary for additional time to provide the Miami-Dade Juvenile Services Department (JSD) continued consulting, research and planning services associated with the implementation of Phase III of the federally funded National Demonstration Program.

JSD is the centralized processing, referral and evaluation center for all juveniles arrested in Miami-Dade County. Since June 19, 2000, JSD has been awarded over \$4 million in grants from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention to implement a National Demonstration Project.

On April 8, 2001, the Board approved an agreement with the Thurston Group, Inc. for Phase I of the project. Subsequently, the Board approved Phase II on February 17, 2004 and Phase III (final phase) on June 7, 2005. This contract provides for the firm to provide research and planning services to the JSD in the development and implementation of a National Demonstration Project.

The National Demonstration Project is a federally funded initiative to gather information regarding juvenile criminal behavior on a complete arrest population. The goal of the project is to determine the most appropriate juvenile assessment tools and develop state-of-the-art intervention for this population. The research conducted through this contract has led to significant protocol redesign which has yielded marked improvement in reducing criminal activity among juveniles. This is an on-going program sponsored by the U.S. Justice Department.

The modification will allow JSD to continue to work with the firm that has successfully managed this complex project. This time extension will allow for the continuation of Phase III of the project until the federal funding is exhausted with no disruption to Phase III implementation.

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**Item 2.2**

**Contract No.:** SS7495-0/06

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

**Description:** To modify this contract for additional time only for the Miami-Dade Fire Rescue and Miami-Dade Police departments to continue purchasing accessories and maintenance services for Lifepak defibrillators.

**Type of Change:** Additional time (eight months)

**Existing Allocation:** \$8,539,507 for 68 months (January 1, 2004 to August 31, 2009)

**Current Expiration:** August 31, 2009

**Modified Expiration:** April 30, 2010 (76 months)

**Vendor:**  
• Physio-Control (a division of Medtronic)  
(Non-local vendor)

**Address**  
11811 Willows Road N.E.  
Redmond, WA 98873

**Principal**  
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 where permitted by the funding source.

**Contract Managers:**  
Aylin Borrego, Department of Procurement Management  
John Gardner, Miami-Dade Fire Rescue Department  
Laura Romano, Miami-Dade Police Department

**Contract Effective Date:** Upon approval by the Board unless voted by the Mayor.

## REASON FOR CHANGE

Authorization is requested for additional time to provide equipment, accessories, and maintenance services for existing LifePak Medtronics/Physio Control defibrillators utilized to monitor, diagnose, and treat patients experiencing cardiac problems.

This contract was approved as a sole source by the Board of County Commissioners on December 4, 2003. It is important that the current defibrillators used by the Miami-Dade Police and Miami-Dade Fire Rescue departments' staff receive up-to-date maintenance and repair services. The use of a different defibrillator manufacturers requires an adapter to enable communications. The use of the adapter is not recommended as vital seconds maybe lost and could cause loss of life. This request for additional time will allow the departments to purchase accessories and maintenance services for existing County-owned defibrillators manufactured by Medtronics/Physio-Control.

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.

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