

Memorandum



Date: November 3, 2009

To: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioner
BPS -- October 13, 2009
Agenda Item No. 4L

From: George M. Burgess
County Manager


Subject: Resolution Authorizing Award of Competitive Contracts

Recommendation

It is recommended that the Board of County Commissioners approve the attached award of competitive contracts, contract modifications and competitively solicited contracts of other governmental entities with authority to exercise options-to-renew, and bid rejections. ***Contract amounts and department allocations represent the maximum spending authority based on past 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 Award of Competitive Contracts 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 Award of Competitive Contracts Package. Each departments' contract manager is reflected in the Award of Competitive Contracts Package.

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 each contract.

Background

Section 1 AWARD OF COMPETITIVE BIDS

The contracts listed in this section are being recommended for award to the lowest priced, responsive, responsible bidder(s) who met the bid specifications in accordance with established policies and procedures.

Item 1.1: Lift Station Pump Out and Maintenance is to award this contract to purchase maintenance, repair, cleaning, and pump-out services for lift stations for

various County departments. The amount being requested is **\$1,588,000**. If the County chooses to exercise the four, one-year OTR periods, the cumulative value will be **\$7,940,000**.

Item 1.2: Armored Trucks is to award this contract to purchase armored trucks for the Miami-Dade Transit Department. The amount being requested is **\$466,471**.

Section 2 REJECTED BIDS

A bid may be rejected when adverse conditions exist such as the proposal not conforming to the specifications and/or solicitation documents, insufficient financial resources, technical ability, physical capacity and/or skill of the vendor, unfair and unreasonable pricing, insufficient competition and for any other cause in the best interest of the County.

Item 2.1: Microfiltration/Ultrafiltration Membrane System is to reject all bids received in response to a solicitation to establish a contract to purchase a microfiltration/ultrafiltration membrane system for the Miami-Dade Water and Sewer Department.

Item 2.2: Dual Fuel Engine and Pump Assembly is to reject all bids received in response to a solicitation to establish a contract to purchase a dual fuel engine and pump assembly for the Miami-Dade Water and Sewer Department.

Section 3 COMPETITIVE CONTRACT MODIFICATIONS

A competitive contract modification is an award of a supplemental allocation for goods or services within the scope of the original contract award.

Item 3.1: Fire Extinguishers is to modify this contract to add an allocation for the Miami-Dade Transit Department to purchase fire extinguishers. The additional amount being requested is **\$30,000**.

Item 3.2: Uniforms for Various County Departments is to modify this contract to add an allocation for the Miami-Dade Transit Department to purchase embroidered jackets and windbreakers. The amount being requested is **\$22,000**.

Item 3.3: Psychological Testing Services is to modify this contract for additional time for the Miami-Dade Police and Corrections and Rehabilitation departments to purchase psychological testing services. No additional allocation required.

Item 3.4: Fence Materials (Pre-qualification) is to modify this contract to add an allocation for the Miami-Dade Transit Department to purchase fencing materials. The additional amount being requested is **\$165,000**.

Item 3.5: Polymeric Flocculants is to modify this contract for additional spending authority for the Miami-Dade Water and Sewer Department to purchase polymeric flocculants used in the wastewater treatment process. The additional amount being requested is **\$495,000**.

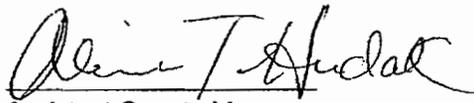
Item 3.6: 800MHz Trunked Radio System is to modify this contract for additional time to allow the Miami-Dade Enterprise Technology Services and Miami-Dade Transit departments to purchase trunked radio system support services. No additional allocation is required.

Section 4: PURCHASES MADE UNDER COMPETITIVELY AWARDED CONTRACTS OF OTHER GOVERNMENTAL ENTITIES

The County may access contracts competed and awarded by federal, state and local governments when it is legally permissible, and it is determined to be in the best interest of the County, and the item is not available through an existing County contract.

Item 4.1: Laboratory Safety Supplies and Equipment is to modify this contract for additional spending authority for the Miami-Dade Police and Miami-Dade Fire Rescue departments to purchase laboratory safety supplies and equipment. The additional amount being requested is **\$1,179,000**.

Item 4.2: Tires is to access a competitive contract established by the State of Florida for purchase of tires for various County departments. The amount being requested is **\$7,474,000**.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** November 3, 2009
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr. **SUBJECT:** Agenda Item No.
County Attorney *[Signature]*

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING AWARD OF
COMPETITIVE CONTRACTS, CONTRACT
MODIFICATIONS, AND COMPETITELY BID
CONTRACTS OF OTHER GOVERNMENTAL ENTITIES,
AND AUTHORIZING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE, TO EXERCISE
OPTIONS-TO-RENEW ESTABLISHED THEREUNDER
FOR THE PURCHASE OF GOODS AND SERVICES, BID
REJECTIONS, AND AUTHORIZES THE USE OF
CHARTER COUNTY TRANSIT SYSTEM SURTAX
FUNDS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes award of competitive contracts, contract modifications and competitively bid contracts of other governmental entities, and authorizing the County Mayor or County Mayor's designee, to exercise options-to-renew established thereunder for the purchase of goods and services, bid rejections, and authorizes the use of the 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
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 3rd day of November, 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 re-affirms 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

Approved by County Attorney as
to form and legal sufficiency. 

Hugo Benitez

By: _____
Deputy Clerk

SECTION #1
AWARD OF COMPETITIVE BIDS

Item 1.1

Memorandum



Date: August 12, 2009

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

From: George M. Burgess
County Manager *[Signature]*

Subject: Award of Contract No. 9039-4/14: Lift Station Pump Out and Maintenance

RECOMMENDATION

It is recommended that the Board of County Commissioners approve award of this contract to Pollution Elimination Corp. and Septic Tank Contractor Inc. for purchase of lift station pump out and maintenance services for various County departments.

CONTRACT NUMBER: 9039-4/14

CONTRACT TITLE: Lift Station Pump Out and Maintenance

TERM: One year with four, one year options-to-renew

APPROVAL TO ADVERTISE: April 29, 2009

CONTRACT AMOUNT: \$1,588,000*
*Should the County choose to exercise the four, one year options-to-renew, the cumulative value will be \$7,940,000.

USING/MANAGING AGENCIES AND FUNDING SOURCES:

<u>Department</u>	<u>Allocation</u>	<u>Funding Source</u>
Aviation	\$ 897,550	Proprietary Revenue
Corrections	\$ 61,200	General Fund
Fire Rescue	\$ 27,000	Fire District Funds
GSA	\$ 96,250	Internal Service Funds
Housing	\$ 85,000	Federal Funds
		State Funds/Federal
Human Services	\$ 6,000	Funds
Solid Waste	\$ 85,000	Proprietary Revenue
		General Fund/
Parks	\$ 330,000	Proprietary Revenue
Total	\$1,588,000	

PREVIOUS CONTRACT AMOUNT:

This contract consolidates three contracts with a total allocation of \$1,382,975.

METHOD OF AWARD:

The contract will have multiple methods awarded as follows:

Group 1: Lift Station Maintenance: This group will be awarded to the responsive and responsible bidder who submits an offer on all items listed in the solicitation and whose offer represents the lowest price in the aggregate.

Group 2: Pump Out Services: This group will be awarded to up to two responsive and responsible bidders who submit an offer on all items listed in the solicitation and whose offer represents the lowest price in the aggregate.

Group 3: Emergency Repairs: This group will be awarded to all bidders who meet the pre-qualification criteria specified in the solicitation to participate in subsequent spot market quotes.

Group: 4A: Lift Station Maintenance for Miami-Dade Public Housing: This group will be awarded to the responsive and responsible vendor who submits an offer on all items listed in the solicitation and whose offer represents the lowest price in the aggregate.

Group: 4B: Pump Out Services for Miami-Dade County Public Housing: This group will be awarded to the responsive and responsible vendor who submits an offer on all items listed in the solicitation and whose offer represents the lowest price in the aggregate.

Group: 4C: Emergency Repairs for Miami-Dade County Public Housing: This group will be awarded to all bidders who meet the pre-qualification criteria specified in the solicitation to participate in subsequent spot market quotes.

**VENDORS RECOMMENDED
 FOR AWARD:**

Vendor	Address	Principal	Award
Pollution Elimination Corp (Local vendor)	10762 S.W. 188 Street Miami, FL 33157	Ben Barlow	Group 1 Primary Group 2 Primary Group 3 Prequalified Group 4A Primary Group 4B Primary Group 4C Prequalified
Septic Tank Contractor Inc (Local vendor)	10360 S.W. 34 Street Miami, FL 33165	Javier Rivero	Group 2 Secondary Group 3 Prequalified Group 4C Prequalified

PERFORMANCE DATA:

There are no performance issues with the recommended vendors.

COMPLIANCE DATA:

There are no compliance issues with the recommended vendors.

**VENDORS NOT RECOMMENDED
 FOR AWARD:**

Environmental Performance Systems submitted a higher price or did not meet the pre-qualification criteria for groups 1, 2, 3, 4A, 4B and 4C than the vendor being recommended for award.

Miami Industrial Services Inc. submitted a higher price or did not meet the pre-qualification criteria for groups 1, 2, 3, 4A, 4B and 4C than the vendors being recommended for award.

Hand Utilities and Hydraulic Technicians Inc. submitted a higher price or did not meet the pre-qualification criteria for groups 1, 2, 3, 4A, 4B and 4C than the vendors being recommended for award.

Universal Services Inc. submitted a higher price or did not meet the pre-qualification criteria for groups 1, 2, 3, 4A, 4B and 4C than the vendors being recommended for award.

CONTRACT MEASURES:

Small Business Enterprise Bid Preference was applied in accordance with the Ordinance.

LIVING WAGE:

The services being provided in Group One are covered under the Living Wage Ordinance.

USER ACCESS PROGRAM:

The User Access Program provision will apply. The 2% program discount will be collected on each purchase where permitted by the funding source.

LOCAL PREFERENCE:

The Local Preference will be applied in accordance with the Ordinance.

CONTRACT MANAGER(S):

Albert Touriz, Department of Procurement Management

Neivy Garcia, Miami-Dade Aviation Department

Mohammad Haq, Miami-Dade Correction and Rehabilitation

Marianela Befancourt, Miami-Dade Fire Rescue Department

Lucy Romano, General Services Administration

Karen Naya, Department of Solid Waste Management

Gale Glass-Aldrich, Department of Human Services

Diane Smith, Miami-Dade Park & Recreation Department

Indira Rajkumar, Miami-Dade Public Housing Agency

ESTIMATED CONTRACT COMMENCEMENT DATE:

Upon approval by the Board of County Commissioners and expiration of the Mayoral veto period.

BACKGROUND

The purpose of this solicitation is to establish a contract for the maintenance, repair, cleaning and pump-out services for lift stations. The increase in allocation is due to the opening of additional terminals at Miami International Airport with seven lift station sites that are now included in the maintenance and repair portion of this contract.

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Award of Contract No. 9039-4/14: Lift Station Pump Out and Maintenance
Page 5

This award recommendation consolidates three contracts with similar scopes of service. The new contract will allow departments the ability to purchase emergency repairs through the establishment of a pool of pre-qualified bidders; establishes pricing for pump out services based on a per gallon price and deletes requirements for obsolete equipment.

Parallel steps in the procurement process were performed in order to expedite the award of this contract. A Best and Final offer was conducted for Group 4B, between Hand Utilities and Pollution Elimination and resulted in Pollution Elimination reducing their prices. At the same time, documentation required in the solicitation to support that vendors were capable to perform the services was requested. When the final evaluation was completed, Hand Utilities was deemed non-responsible for not having the necessary water transfer permits as required in Section 3 of the original solicitation. Therefore, Pollution Elimination is the primary vendor and recommended for award on all groups including Group 4B.


Assistant County Manager

Item 1.2

Memorandum



Date: September 8, 2009

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

From: George M. Burger
County Manager

Subject: Award of Contract No. 8960-0/10: Armored Trucks



RECOMMENDATION

It is recommended that the Board of County Commissioners approve award of this contract to Atlantic Ford Truck Sales Inc, to provide Armored Trucks for the Miami-Dade Transit (MDT) Department.

CONTRACT NUMBER: 8960-10

CONTRACT TITLE: Armored Trucks

TERM: One-year term

APPROVAL TO ADVERTISE: March 11, 2009

CONTRACT AMOUNT: \$466,471

**USING/MANAGING
AGENCY AND FUNDING
SOURCE:**

<u>Department</u>	<u>Allocation</u>	<u>Funding Source</u>
MDT	\$466,471	MDT Operating

**PREVIOUS CONTRACT
ALLOCATION:** None

METHOD OF AWARD: To the lowest responsive and responsible bidder for each of the two items.

**VENDOR RECOMMENDED
FOR AWARD:**

Vendor	Address	Principal	Award
Atlantic Ford Truck Sales Inc (Local vendor)	2840 Center Port Circle Pompano Beach, FL 33064	Philip S. Maas	Items 1 and 2

PERFORMANCE DATA:

There are no performance issues with the recommended vendor.

COMPLIANCE DATA:

There are no compliance issues with the recommended vendor.

VENDORS NOT RECOMMENDED FOR AWARD:

Pancar Supply's bid for Item 1 is contained unauthorized exceptions to the bid and was deemed non-responsive (re: Legal opinion dated May 19, 2009). Pancar Supply submitted a higher price for Item 2 than the recommended vendor.

Rechtien International Trucks offered higher prices than the recommended vendor.

Sparkman Chevy LLC's bid for Item 1 contained unauthorized exceptions to the bid and was deemed non-responsive (re: Legal opinion dated May 19, 2009). Sparkman Chevy LLC submitted a higher price for Item 2 than the recommended vendor.

Transeo GVS failed to meet the minimum requirements for Items 1 and 2 (re: Legal opinion dated May 19, 2009).

CONTRACT MEASURES:

Small Business Enterprise Bid Preference was applied in accordance with the Ordinance.

LIVING WAGE:

The Living Wage Ordinance is not applicable to the services provided under this contract.

USER ACCESS PROGRAM:

The User Access Program provision will apply. The 2% program discount will be collected on all purchases.

LOCAL PREFERENCE:

The Local Preference will be applied in accordance with the Ordinance.

CONTRACT MANAGERS:

Ana M. Rioseco, Department of Procurement Management

Martin Dareff, General Services Administration Department

Fred Shields, Miami-Dade Transit Department

Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
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ESTIMATED CONTRACT
COMMENCEMENT DATE:

Ten days after date adopted by the Board of
County Commissioners, unless vetoed by the
Mayor; and approval by the Citizens'
Independent Transportation Trust.

BACKGROUND

This contract is for purchase of four Armored Trucks for the Miami-Dade Transit (MDT) Department. The armored trucks provide safe and secure collection and transport of County revenues from various Transit facilities. These trucks will replace the current vehicles that have over 200,000 miles of usage, and require frequent repairs and expensive maintenance.


Assistant County Manager

SECTION #2
REJECTED BIDS

Item 2.1

Memorandum



Date: August 12, 2009

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

From: George M. Burgess
County Manager 

Subject: Rejection of all Bids Under Solicitation No. 9050-4/14;
Microfiltration/Ultrafiltration Membrane System



RECOMMENDATION

It is recommended that the Board of County Commissioners approve the rejection of all bids received under the referenced solicitation.

BID NUMBER: 9050-4/14

TITLE: Microfiltration/Ultrafiltration Membrane System

APPROVAL TO ADVERTISE: May 8, 2009

TERM: Upon delivery (equipment); one year (maintenance)

CONTRACT AMOUNT: \$3,923,401

PREVIOUS CONTRACT ALLOCATION: There is no previous contract.

METHOD OF AWARD: To the responsive, responsible vendor who offers the lowest net present value.

VENDOR(S) RECOMMENDED FOR AWARD: None

VENDORS NOT RECOMMENDED FOR AWARD: Pall Corporation
Siemens Water Technologies Corporation
Zenon Environmental Corporation

CONTRACT MEASURES: Small Business Enterprise Bid Preference

LIVING WAGE: The Living Wage Ordinance is not applicable.

USER ACCESS PROGRAM: The User Access Program provision is included in the solicitation.

LOCAL PREFERENCE: The Local Preference Ordinance is applicable to this solicitation.

Honorable Chairman Dennis C. Moss
 and Members, Board of County Commissioners
 Award of Contract No. 9034-3/14: Technical Support, Emergency Repair Services,
 Parts and Supplies for Passenger Loading Bridges
 Page 2

Group C: Establishes a pool of pre-qualified vendors that met the qualification criteria specified in the solicitation to provide parts and supplies for passenger loading bridges. As needs are identified, the vendor(s) will be asked to submit price quotations. Additional vendors meeting the qualification criteria may be added to the pool at any time during the contract term.

**VENDORS
 RECOMMENDED
 FOR AWARD:**

Vendor	Address	Principal	Award
Oxford Electronic, Inc (Non-local Vendor)	474 Meacham Ave. Elmont, NY 75063	Anthony Dalia	Primary vendor for Groups A and B Pre-qualified for Group C
Thyssenkrupp Airport Systems, Inc. (Non-local Vendor)	3201 N Sylvania Ste.117 Fort Worth, TX 76111	Ramon Sotomayor	Secondary vendor for Groups A and B Pre-qualified for Group C

PERFORMANCE DATA: There are no performance issues with these firms.

COMPLIANCE DATA: There are no compliance issues with these firms.

VENDOR NOT RECOMMENDED FOR AWARD: Motion Industries, Inc. failed to submit a complete set of bid affidavits required for vendor registration.

CONTRACT MEASURES: The Small Business Enterprise Bid Preference was applied in accordance with the Ordinance.

LIVING WAGE: The Living Wage Ordinance is not applicable to the services provided under this contract.

USER ACCESS PROGRAM: The User Access Program provision will apply. The 2% program discount will be collected on all purchases.

LOCAL PREFERENCE: The Local Preference will be applied in accordance with the Ordinance.

CONTRACT MANAGERS: Marcelo Cam, Department of Procurement Management
 Gyselle Saner, Seaport

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Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
Approval to Reject Bid No. 9050-4/14: Microfiltration/Ultrafiltration Membrane System
Page 2

CONTRACT MANAGERS: Km! Ra, Department of Procurement Management
George Par, Water and Sewer Department

REASON FOR REJECTION

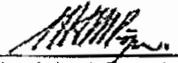
This solicitation was intended to allow the County to contract for a microfiltration/ultrafiltration membrane system (MF/UF system) in two phases, a) identify and select a micro-filtration/ultra-filtration system vendor and establish a price for the equipment; and, b) establish a contract with the selected vendor for the periodic evaluation and maintenance of the installed MF System. The method of award was based on the lowest net present value when all input cost variables are calculated.

The three responding vendors were Pall Corporation, Siemens Water Technologies Corporation, and Zenon Environmental Corporation. Each responding vendor took multiple exceptions to the terms and conditions and the technical requirements. In addition, some of the offers omitted pricing information for several aspects of the project. The Department of Procurement Management (DPM) requested a legal opinion on the responsiveness of the offers from the County Attorney's Office (CAO). A technical compliance review by the Water and Sewer Department (WASD) was also requested.

On July 16, 2009, following a review of the offers, the CAO determined that all of the bids were non-responsive and could not be accepted. The numerous exceptions stated by the vendors, the omission of certain critical pricing elements, and the submission of alternative terms and conditions were identified as issues relevant to the determination of non-responsiveness (copy attached).

Following the determination of non-responsiveness and after consulting with DPM and the CAO, WASD staff has decided to acquire the microfiltration membrane system as part of the main construction contract for the plant and facility.

Attachment(s)


Assistant County Manager

Memorandum



Date: July 16, 2009

To: Kml Ra
Senior Procurement Contracting Agent
Department of Procurement Management

From: Henry N. Gillman
Assistant County Attorney

Subject: Bid Responsiveness Opinon - ITB #9050- 4/14 Microfiltration/Ultrafiltration Membrane System

You have asked this office if the bid submittals from PALL Corporation ("PALL"), Siemens Water Technologies Corp. ("Siemens") and Zenon Environmental Corporation ("Zenon") may be considered responsive to the above referenced Invitation to Bid ("ITB"). For the reasons set forth below, we conclude that none of the bids are responsive to the ITB and DPM does not have discretion to accept them.

FACTS

We rely on the information provided to this office including your memorandum dated June 18, 2009, the Invitation to Bid and addenda and each bid submittal. PALL, Siemens and Zenon each treated the ITB as a Request for Proposals. In fact, both PALL and Siemens refers to the solicitation as an RFP. Each submitted numerous exceptions to the ITB. Siemens provided its Standard Terms of Sale and Supplemental Terms which contain terms and conditions that differ from the express terms of the ITB. Zenon included exceptions to various commercial terms intending that they be negotiated. PALL also included numerous commercial and technical exceptions to the terms and conditions of the ITB, including but not limited to exceptions to provisions on indemnification, extension of contract, termination, limitation of liability and delivery schedules.

Section 2.19 A. 5. of the ITB (Membrane System Warranty) states: "Any exceptions to these warranty requirements will be considered non-responsive and thus cause for rejection of the Bid." Both Siemens and Zenon took exception to the warranty provision for the Membrane System and PALL's bid submittal noted "clarification" of the provision.

DISCUSSION

Based on the information provided, DPM may not consider PALL, Siemens or Zenon's bids as responsive to the ITB. In general, a bid may be rejected or disregarded if there is a material variance between the bid and the advertisement. *See Robinson Electric Co. v. Dade County*, 417 So. 2d 1032, (Fla. 3d DCA 1982). Only when a variance is immaterial or "minor" is a bidder permitted to withdraw the variance. *Harry Pepper & Associates, Inc. v. City of Cape Coral*, 352 So. 2d 1190, 1129 (Fla. 2nd DCA 1977) ("a bidder cannot be permitted to change his bid after the bids have been opened, except to cure minor irregularities"). Bidders who propose impermissible exceptions to invitations to bid do so at the risk those exceptions are deemed material to the proposal and having their bid rejected as nonresponsive.

A determination of whether a variance or irregularity is minor is fact specific and may differ from bid to bid. There is a two part test to determine if a specific noncompliance in a bid

constitutes a substantial and thus nonwaivable issue: (1) whether the effect of the waiver would be to deprive the County of the assurance that the contract would be entered into, performed and guaranteed according to its specific requirements; and (2) whether it would adversely affect competitive bidding by placing a bidder in a position of advantage over other bidders. See e.g. Glatstein v. City of Miami, 399 So. 2d 1005 (Fla. 3rd DCA), rev. denied, 407 So. 2d 1102 (Fla. 1981).

Here, PALL, Siemens and Zenon took numerous exceptions to the terms and conditions of the ITB including exceptions/clarification to the membrane system warranty requirements. Their bids are a wholesale departure from the ITB. In essence, they submitted a bid based on their own terms and specifications and not the specifications provided in the ITB. These exceptions constitute a material variance from the requirements of the ITB and clearly deprive the County of any assurance that the Contract will be performed in accordance with the County's specified requirements. See Robinson; Glatstein. These bidders may not now, after all bids are opened, decide whether it wants the contract badly enough to accept the County's specifications and abandon its own. As such, PALL, Siemens and Zenon's bids are not responsive.

Memorandum



Date: August 12, 2009

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

From: George M. Burgess
County Manager *GBurgess*

Subject: Rejection of all Bids Under Solicitation No. 9025-4/14: Dual Fuel Engine and Pump Assembly

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the rejection of all bids received under the referenced solicitation.

BID NUMBER: 9025-4/14

TITLE: Dual Fuel Engine and Pump Assembly

APPROVAL TO ADVERTISE: March 27, 2009

TERM: Upon delivery (equipment); one year (maintenance)

CONTRACT AMOUNT: \$7,169,000

PREVIOUS CONTRACT ALLOCATION: There is no previous contract

METHOD OF AWARD: To the responsive, responsible vendor who offers the lowest life cycle cost

VENDOR(S) RECOMMENDED FOR AWARD: None

VENDOR NOT RECOMMENDED FOR AWARD: Wartsila North America, Inc.

CONTRACT MEASURES: Small Business Enterprise Bid Preference

LIVING WAGE: The Living Wage Ordinance is not applicable.

USER ACCESS PROGRAM: The User Access Program provision is included. The 2% program discount will be collected on all purchases.

LOCAL PREFERENCE: The Local Preference will be applied in accordance with the Ordinance.

CONTRACT MANAGERS: Kml Ra, Department of Procurement Management
Gregory Hicks, Water and Sewer Department

Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
Approval to Reject Bid No. 9025-4/14: Dual Fuel Engine and Pump Assembly
Page 2

REASON FOR REJECTION

This solicitation was issued for purchase of a dual fuel engine and pump assembly to replace 50-year-old equipment at the Miami-Dade Water and Sewer Department (WASD) Alexander Orr, Jr. Water Treatment Plant. The equipment would provide WASD the flexibility to use both natural gas and/or diesel fuel, allowing the department to more effectively operate the equipment, and improve the economy of overall operations at the Plant.

The sole responding vendor, Wartsila North America, Inc., took several material exceptions to the clauses and technical specifications in the solicitation. The Department of Procurement Management (DPM) requested a written legal opinion from the County Attorney's Office regarding the determination of Wartsila's responsiveness. DPM also requested that WASD review the bid submitted and determine whether the engineering exceptions would deem Wartsila's bid technically non-compliant.

On July 16, 2009, subsequent to a review of the bid submitted by Wartsila North America, the County Attorney's Office determined that the vendor's bid was non-responsive and could not be accepted (copy attached). The exceptions taken by the vendor, and the conditioning of the bid bond were identified as issues relevant to the determination of non-responsiveness.

WASD is now reviewing several options to acquire the equipment to meet its needs. These options include re-issuing the solicitation as a Request for Proposals, a Bid Waiver, or for purchase of a standard diesel-powered or natural gas-powered engine and pump assembly.

Attachment(s)


Assistant County Manager

Memorandum



Date: July 16, 2009

To: Kmi Ra
Senior Procurement Contracting Agent
Department of Procurement Management

From: Henry N. Gillman
Assistant County Attorney

Subject: Responsiveness of Bid - Solicitation No. 9025-4/14 Dual Fuel Engine System

You have asked this office if a bid submittal from Wartsila North America, Inc. ("Wartsila") may be considered responsive to the above referenced Invitation to Bid ("ITB"). For the reasons set forth below, we conclude that Wartsila's bid is nonresponsive to the ITB and DPM does not have discretion to accept it.

FACTS

We rely on the information provided with your memorandum to this office dated June 29, 2009. Specifically, you informed us that Wartsila's Cover Letter and sample form of agreements for parts and service contain terms and conditions that differ from the express terms of the ITB. Moreover, the Cover Letter informed the County that "The Submittal and Wartsila's ability to accept an award is expressly conditioned upon the arrival of mutually agreeable terms and conditions between Wartsila and the County concerning the Exceptions." Wartsila included numerous exceptions to the terms and conditions of the ITB.

DISCUSSION

Based on the information provided, DPM may not consider Wartsila's bid as responsive to the ITB. In general, a bid may be rejected or disregarded if there is a material variance between the bid and the advertisement. *See Robinson Electric Co. v. Dade County*, 417 So. 2d 1032, (Fla. 3d DCA 1982). Only when a variance is immaterial or "minor" is a bidder permitted to withdraw the variance. *Harry Pepper & Associates, Inc. v. City of Cape Coral*, 352 So. 2d 1190, 1129 (Fla. 2nd DCA 1977) ("a bidder cannot be permitted to change his bid after the bids have been opened, except to cure minor irregularities"). Bidders who propose impermissible exceptions to invitations to bid do so at the risk those exceptions being deemed material to the proposal and having their bid rejected as nonresponsive.

A determination of whether a variance or irregularity is minor is fact specific and may differ from bid to bid. There is a two part test to determine if a specific noncompliance in a bid constitutes a substantial and thus nonwaivable issue: (1) whether the effect of the waiver would be to deprive the County of the assurance that the contract would be entered into, performed and guaranteed according to its specific requirements; and (2) whether it would adversely affect competitive bidding by placing a bidder in a position of advantage over other bidders. *See e.g. Glatstein v. City of Miami*, 399 So. 2d 1005 (Fla. 3rd DCA), rev. denied, 407 So. 2d 1102 (Fla. 1981).

Here, Wartsila took numerous exceptions to the terms and conditions of the ITB. In fact, Wartsila submitted its own General Terms and Conditions for both parts and service work and specifically stated that its bid bond was conditioned on the parties negotiating and mutually agreeing on various terms. Wartsila's proposal is a wholesale departure from the ITB. Wartsila's sample parts and service agreements contains its standard terms for the responsibilities of the parties, the charges and payments, the apportionment of liability and other terms integral to the ITB. Wartsila in essence submitted a bid based on its own specifications and not the specifications available to all other bidders. These exceptions constitute a material variance from the requirements of the ITB and clearly deprive the County of any assurance that the Contract will be performed in accordance with the County's specified requirements. See Robinson. Wartsila may not now, after all the bids are opened, decide whether it wants the contract badly enough to accept the County's specifications and abandon its own. As such, Wartsila's bid is not responsive.

SECTION #3
COMPETITIVE CONTRACT MODIFICATIONS

Item 3.1

Contract No.: 9047-2/12

Contract Title: Fire Extinguishers

Description: To modify this contract for additional spending authority to provide the Miami-Dade Transit Department (MDT) an allocation funded by MDT Operating Funds to purchase and service fire extinguishers.

Type of Change: Additional spending authority

**Using/Managing
Agencies and Funding
Sources:**

<u>Departments</u>	<u>Existing Allocation</u>	<u>Additional Allocation</u>	<u>Modified Allocation</u>	<u>Funding Source</u>
Aviation	\$ 53,000	\$ 0	\$ 53,000	Proprietary Revenue
DERM	\$ 1,000	\$ 0	\$ 1,000	Proprietary Revenue
GSA	\$ 7,000	\$ 0	\$ 7,000	Internal Services Fund
Fire Rescue	\$ 12,000	\$ 0	\$ 12,000	Fire District
Housing	\$ 3,000	\$ 0	\$ 3,000	Federal Funds
Human Services	\$ 4,000	\$ 0	\$ 4,000	General/State/ Federal Funds
Transit	\$ 0	\$30,000	\$ 30,000	MDT Operating Fund
Park and Recreation	\$ 6,000	\$ 0	\$ 6,000	General Fund
Police	\$ 11,000	\$ 0	\$ 11,000	General Fund
Public Works	\$ 7,000	\$ 0	\$ 7,000	General Fund
Water & Sewer	\$ 39,000	\$ 0	\$ 39,000	Proprietary Revenue
Total:	\$143,000	\$30,000	\$173,000	

Current Expiration: June 30, 2010

Modified Expiration: Unchanged

Vendors:

•City Fire Incorporated
(Local vendor)

Address

5708 S.W. 25th St.
Miami, FL 33023

Principal

Gerard J. Stumm

- Cold Fire Law Enforcement Florida LLC
(Non-local vendor) 2450 Timberwest Circle West Clearwater, Florida 33763 Ivan Kahana
- Security Fire Prevention Inc.
(Local vendor) 7298 W. Flagler St. Miami, FL 33144 Margaret Garcia
- Triangle Fire Inc.
(Local vendor) 7720 N.W. 53rd St. Miami, FL 33166 Raquel Cano

Performance Data: There are no performance issues with the awarded firms.

Compliance Data: There are no compliance issues with the awarded firms.

Contract Measure: Small Business Enterprise Bid Preference

Review Committee Date: May 13, 2009; Item #6-09

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 the funding source.

Contract Managers: Connie Thame, Department of Procurement Management
 Neivy Garcia, Miami-Dade Aviation Department
 John Lariosa, Environmental Resource Management
 Martin Dareff, General Services Administration
 Marianela Betancourt, Miami-Dade Fire Rescue Department
 Mari Saydal-Hamilton, Miami-Dade Public Housing Agency
 Gail Aldrich, Human Services Department
 Angel Castro, Miami-Dade Transit Department
 Kevin Kirwin, Park and Recreation Department
 Laura Romano, Miami-Dade Police Department

Orky Rodriguez, Public Works Department

Gregory Hicks, Miami-Dade Water and Sewer Department

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

REASON FOR CHANGE

Authorization is requested to add an allocation for the Miami-Dade Transit Department (MDT) funded by MDT Operating Funds for purchase of fire extinguishers. The extinguishers will be used in Metrorail cars, Metromover vehicles, MDT facilities, and fuel islands.

Item 3.2

Contract No.: 8336-3/11-2

Contract Title: **Uniforms for Various County Departments**

Description: To modify this contract to provide the Miami-Dade Transit Department (MDT) an allocation funded by MDT Operating Fund to purchase embroidered windbreakers and jackets.

Type of Change: Authorization to use MDT Operating Fund

**Using/Managing
Agencies and Funding
Sources:**

<u>Departments</u>	<u>Existing Allocation</u>	<u>Additional Allocation</u>	<u>Modified Allocation</u>	<u>Funding Source</u>
Animal Services	\$ 45,000	\$ 0	\$ 45,000	General Fund
Aviation	\$ 10,000	\$ 0	\$ 10,000	Proprietary Revenue
Building Code Compliance	\$ 12,000	\$ 0	\$ 12,000	General Fund
Building	\$ 17,000	\$ 0	\$ 17,000	Proprietary Revenue
ETSD	\$ 29,000	\$ 0	\$ 29,000	Internal Service Funds
GIC	\$ 8,000	\$ 0	\$ 8,000	General Fund
Medical Examiner	\$ 10,000	\$ 0	\$ 10,000	General Fund
Transit	\$ 0	\$22,000	\$ 22,000	MDT Operating Fund
Park and Recreation	\$ 8,000	\$ 0	\$ 8,000	General Fund
Police	\$ 12,000	\$ 0	\$ 12,000	General Fund
Public Works	\$ 6,000	\$ 0	\$ 6,000	General Fund
Seaport	\$ 61,000	\$ 0	\$ 61,000	Proprietary Revenue
Solid Waste	\$ 43,000	\$ 0	\$ 43,000	Proprietary Revenue
Vizcaya	\$ 9,000	\$ 0	\$ 9,000	Proprietary Revenue
Water & Sewer	\$ 55,000	\$ 0	\$ 55,000	Proprietary Revenue
Unallocated	\$ 57,000	(\$22,000)	\$ 35,000	
Total:	\$382,000	\$ 0	\$382,000	

Current Expiration: September 30, 2010

Modified Expiration: Unchanged

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Vendors:	Address	Principal
•Global Trading Inc (Local vendor)	3399 N.W. 72 nd Ave. Miami, FL 33122	Viraj S. Wikramayake
•Palmetto Uniforms Inc (Local vendor)	8869 S.W. 131 st St. Miami, FL 33076	Ramonita Cruz Feick
•RDH Quest Inc (Local vendor)	2150 N.W. 21 st St. Miami, FL 33134	Willie C. Robinson

Performance Data: There are no performance issues with the awarded firms.

Compliance Data: There are no compliance issues with the awarded firms.

Contract Measure: Small Business Enterprise Bid Set-aside

Review Committee Date: January 10, 2007; Item #2-01

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 the funding source.

Contract Managers:

- Abelin Rodriquez, Department of Procurement Management
- Angel Villarreal, Animal Services Department
- Neivy Garcia, Miami-Dade Aviation Department
- Anna Rodriguez, Building Code Compliance Department
- Vivian Sotolongo, Building Department
- Manny Fernandez, Enterprise Technology Services Department
- Aimee Martinez, Government Information Center
- Sergio Bonilla, Medical Examiner Department
- Angel Castro, Miami-Dade Transit Department
- Kevin Kirwin, Park and Recreation Department
- Laura Romano, Miami-Dade Police Department

Orky Rodriguez, Public Works Department

Gyselle Sayner, Seaport Department

Olga Espinosa-Anderson, Solid Waste Department

Luis Correa, Vizcaya

Gregory Hicks, Miami-Dade Water and Sewer Department

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

REASON FOR CHANGE

Authorization is requested to modify this contract to provide Miami-Dade Transit Department (MDT) an allocation funded by MDT Operating Fund to purchase embroidered windbreakers and jackets. The allocation will be taken from unallocated funds on the contract. These unallocated funds resulted when existing departments reduced their requested funding during the contract renewal process. There will be a remaining balance of \$35,000 in unallocated funds if this modification is approved.

MDT's Collective Bargaining Agreement with the Transport Workers Union requires jackets/windbreakers be provided every two years to employees in the bus maintenance, rail and warehouse divisions. The allocation will be used to purchase 495 lined windbreakers and 162 jackets for employees in the affected divisions.

Item 3.3

Contract No.: RFP405

Contract Title: **Psychological Testing Services**

Description: To modify this contract for additional time for the Miami-Dade Police and Corrections and Rehabilitation departments to continue to purchase psychological testing services. All applicants for police officer, correctional officer, public service aide, police dispatcher, and police complaint officer are tested as part of a thorough background investigation. Psychological testing services are also provided for sworn police officers mandated to undergo a fitness-for-duty evaluation.

Type of Change: Additional time

Using/Managing Agencies and Funding Sources:

<u>Departments</u>	<u>Allocation</u>	<u>Funding Source</u>
MDPD	\$128,000	General Funds
MDCR	\$320,000	General Funds

Current Expiration: November 12, 2009

Modified Expiration: May 12, 2010

Vendor:
•Law Enforcement Psychological and Counseling Associates, Inc.
(Local vendor)

Address:
7925 N. W. 12 Street, Suite 301
Miami, FL 33126

Principal:
Mark Axelberd, Ph.D.

Performance Data: There are no performance issues with the awarded firm.

Compliance Data: There are no compliance issues with the awarded firm.

Contract Measure: Selection Factor for Black Business Enterprises, Hispanic Business Enterprises, and Women Business Enterprises. No Proposers were certified and the selection factor was not applied.

Review Committee Date: August 27, 2003; Item #2-01

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

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 where permitted by the funding source.

Contract Managers: Amado Gonzalez, Department of Procurement Management
Andrienne Byrd, Miami-Dade Police Department
Nancy Vinock, Miami-Dade Corrections and Rehabilitation Department

Contract Effective Date: May 13, 2004

JUSTIFICATION

Authorization is requested to extend the current contract by six additional months on a month-to-month basis from the contract expiration date. The County is soliciting for a replacement contract. Award of the new contract is anticipated for February 2010. The contract extension is needed to ensure that these services are not interrupted until completion of the re-procurement process.

Item 3.4

Contract No.: 6846-1/18

Contract Title: **Fence Materials (Pre-Qualification)**

Description: To modify this contract to provide the Miami-Dade Transit Department (MDT) an allocation funded by MDT Operating Funds to purchase fencing materials.

Type of Change: Additional spending authority

Existing Allocation: \$585,000 for five years

Increase By: \$165,000

Modification Allocation: \$750,000

Using/Managing Agencies and Funding Sources:

<u>Departments</u>	<u>Existing Allocation</u>	<u>Additional Allocation</u>	<u>Modified Allocation</u>	<u>Funding Source</u>
Aviation	\$159,000	\$ 0	\$159,000	Proprietary Revenue
Corrections	\$ 30,000	\$ 0	\$ 30,000	General Fund
DERM	\$ 5,000	\$ 0	\$ 5,000	Proprietary Revenue
Fire Rescue	\$ 5,000	\$ 0	\$ 5,000	Fire District Funds
GSA	\$ 7,000	\$ 0	\$ 7,000	Internal Service Funds
Transit	\$ 0	\$165,000	\$165,000	MDT Operating Fund
Park and Recreation	\$128,000	\$ 0	\$128,000	General Fund
Public Works	\$195,000	\$ 0	\$195,000	General Fund
Seaport	\$ 20,000	\$ 0	\$ 20,000	Proprietary Revenue
Solid Waste	\$ 30,000	\$ 0	\$ 30,000	Proprietary Revenue
Vizcaya	<u>\$ 6,000</u>	<u>\$ 0</u>	<u>\$ 6,000</u>	Proprietary Revenue
Total:	\$585,000	\$165,000	\$750,000	Revenue

Current Expiration: March 31, 2014

Modified Expiration: Unchanged

Vendors:	Address	Principal
•A & B Hardware, Inc. (Local vendor)	2851 N.W. 27 Avenue Miami, FL 33142	Oscar J. LLerena
•Fence Masters, Inc (Local vendor)	3550 N.W. 54 Street Miami, FL 33142	Stephen Webb
•SID Tool, Inc (Local vendor)	2810 N.W. 79 Avenue Miami, FL 33122	Cristian Suarez

Performance Data: There are no performance issues with the awarded firms.

Compliance Data: There are no compliance issues with the awarded firms.

Contract Measure: Small Business Enterprise Bid Preference

Review Committee Date: August 20, 2008; Item #6-04

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 the funding source.

Contract Managers:

- Albert Falcon, Department of Procurement Management
- Neivy Garcia, Miami-Dade Aviation Department
- Mohammad Haq, Corrections and Rehabilitation Department
- John Lariosa, Department of Environmental Resource Management
- Marianela Betancourt, Miami-Dade Fire Rescue Department
- Martin Dareff, General Services Administration
- Angel Castro, Miami-Dade Transit Department
- Kevin Kirwin, Park and Recreation Department
- Orky Rodriguez, Public Works Department
- Gyselle Sayner, Seaport Department
- Olga Espinosa-Anderson, Solid Waste Department

Luis Correa, Vizcaya

REASON FOR CHANGE

Authorization is requested to add an allocation for the Miami-Dade Transit (MDT) Department funded by MDT Operating funds for purchase of fence materials. The materials will be used for repair of fencing at various transit facilities sites throughout the County.

This is a pre-qualification pool contract used by County departments on an as needed basis. MDT has an immediate need to repair fencing at the Dadeland Tail Track, Culmer grade and areas along the I-95 underpass.

Item 3.5

Contract No.: 5840-4/12-2

Contract Title: **Polymeric Flocculants**

Description: To modify this contract for additional spending authority for the Miami-Dade Water and Sewer Department (WASD) to purchase polymeric flocculants used in the wastewater treatment process.

Type of Change: Additional spending authority

Existing Allocation: \$1,216,000 for a one year period (April 1, 2009 to March 31, 2010)

Increase By: \$ 495,000

Modification Allocation: \$1,711,000

Using/Managing Agencies and Funding Sources:

<u>Departments</u>	<u>Existing Allocation</u>	<u>Additional Allocation</u>	<u>Modified Allocation</u>	<u>Funding Source</u>
Water & Sewer	\$1,216,000	\$ 495,000	\$1,711,000	Proprietary Revenue

Current Expiration: March 31, 2010

Modified Expiration: Unchanged

Vendors:	Address	Principal
•Polydyne Inc. (Non-local vendor)	One Chemical Plant Rd. Riceboro, GA 31323	Peter Nichols

Performance Data: There are no performance issues with the awarded firm.

Compliance Data: There are no compliance issues with the awarded firm.

Contract Measure: Small Business Enterprise Bid Preference

Review Committee Date: November 15, 2006; item# 6-09

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 the funding source.

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Contract Managers: Herman Ramsey, Department of Procurement Management
Gregory Hicks, Water and Sewer Department

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

REASON FOR CHANGE

Authorization for additional spending authority in the amount of \$495,000 is required by the Miami-Dade Water and Sewer Department (WASD). The funds are required for purchase of polymeric flocculants used in the wastewater treatment process at the South District Water Treatment Plant.

The additional funding is necessary due to increased usage of polymeric flocculants (gravity thickeners and dewatering agents) used in the wastewater treatment process. The increased usage is a result of a higher dosage rate of polymer per 1,000 gallons of sewage required to process increases in incoming sludge and the underperformance of an aging polymer system. A new polymer system has been ordered. The installation of the system will be procured through an open competitive process. The requested increase in allocation will ensure adequate funding for continuity of operations through the remainder of the contract term.

Item 3.6

Contract No.: 195-14

Contract Title: 800MHz Trunked Radio System

Description: To modify a contract for additional time in support of the County's 800 Megahertz (MHz) trunked radio system managed by the Enterprise Technology Services Department (ETSD). This modification will extend the contract for an additional six months, with an option to extend the contract for an additional six month period, to provide continuity of services while current negotiations are finalized and a replacement contract is presented to the Board of County Commissioners for approval.

Type of Change: Additional time only

Using/Managing Agencies and Funding Sources:

<u>Departments</u>	<u>Allocation</u>	<u>Funding Source</u>
ETSD	\$29,000,000	Internal Service Fund
Transit	\$ 4,000,000	MDT Operating Fund
Unallocated	<u>\$34,678,000</u>	
Total:	\$67,678,000	

Current Expiration: December 14, 2009

Modified Expiration: June 14, 2010

Vendor:	Address	Principal
•Harris Corporation (Non-local vendor)	1025 W. NASA Blvd Melbourne, FL 32919	Howard Lance

Performance Data: There are no performance issues with the awarded firm.

Compliance Data: There are no compliance issues with the awarded firm.

Contract Measure: No measures

Review Committee Date: This project 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.

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

Contract Managers: James D. Munn, Department of Procurement Management

Pedro Cacicedo, Enterprise Technology Services Department

Angel Castro, Miami-Dade Transit Department

REASON FOR CHANGE

Authorization is requested for additional time to extend this contract's term, through June 14, 2010 to support the County's 800MHz radio system managed by the Enterprise Technology Services Department (ETSD). Approval to exercise an additional six-month extension is requested. This contract was approved by the Board of County Commissioners on June 15, 1993 under Resolution R-701-93. The award recommendation presented by the County Manager was based on an open and competitive RFP awarded to a single responsive vendor for an initial 15-year term.

Miami-Dade County has one of the nation's largest 800MHz radio telecommunication systems, supporting approximately 27,000 radio users, with over eight million monthly transmissions. Multiple County departments and agencies depend on this system to perform their core functions, such as the Miami Dade Police, Miami-Dade Transit, and Public Works departments, and many others, supporting both the public safety and general government arenas. In addition to the County's utilization, numerous municipal, state and federal agencies depend on this system for day-to-day communication among first responders, joint immediate response to natural disasters, and special events requiring the formation of task forces with the participation of many jurisdictions.

Pursuant to a Federal Communication Commission (FCC) mandate, the County is currently negotiating a frequency reconfiguration agreement with Sprint/Nextel that will affect the 800MHz radio system. Over the past few years, public safety and other radio systems occupying the 800MHz band have been experiencing interference as a result of the growth in adjacent commercial bands. On August 6, 2004, the FCC issued a report and order to modify its rules governing the 800 MHz band to minimize the harmful interference to public safety radio communications systems operating in the band. Users of this band, including Miami-Dade County, were ordered to reconfigure their operations by engaging in a frequency "swap" with Sprint/Nextel, to eliminate the interference experienced in the band. Through this order, the FCC also charged Sprint/Nextel with funding the reconfiguration costs of affected licensees (such as the County). This effort is generally known as re-banding.

There has been an ongoing negotiation process to seek agreement on the complex technical and business elements of this FCC mandated re-banding process, involving staff members from ETSD, the County Attorney's Office, M/A-COM, Harris Corporation, Sprint/Nextel, and the FCC assigned Transition Administrator. Consistent with the public safety nature of radio communications, the County is seeking a resolution that makes certain that the 800 MHz system is maintained fully operational and at the highest available capacity during the re-banding process. The County will not agree to any approach that, in its estimation, does not make public safety readiness its paramount goal.

Once agreement is reached by the parties on the re-banding process, a comprehensive amendment to this contract between the County and Harris Corporation would be presented to the Board to extend the term of the contract, and incorporate any conditions that are specific to the re-banding project, including both implementation and post implementation support.

SECTION #4
PURCHASES MADE UNDER COMPETITIVELY AWARDED CONTRACTS
OF OTHER GOVERNMENTAL ENTITIES

Item 4.1

Contract No.: 490-000-07-1

Contract Title: **Laboratory Safety Supplies and Equipment**

Description: To modify this contract for additional spending authority for the Miami-Dade Police (MDPD) and Miami-Dade Fire Rescue (MDFR) departments to purchase laboratory and safety supplies and equipment.

Type of Change: Additional spending authority

Existing Allocation: \$3,971,000 for a five year period (May 18, 2007 to April 30, 2012)

Increase By: \$1,179,000

Modification Allocation: \$5,150,000

**Using/Managing
Agencies and Funding
Sources:**

<u>Departments</u>	<u>Existing Allocation</u>	<u>Additional Allocation</u>	<u>Modified Allocation</u>	<u>Funding Source</u>
DERM	\$ 519,000	\$ 0	\$ 519,000	Proprietary Revenue
Fire Rescue	\$ 450,000	\$ 350,000	\$ 800,000	Fire District/ Federal Grant
Medical Examiner	\$ 131,000	\$ 0	\$ 131,000	General Fund
Police	\$ 829,000	\$ 829,000	\$1,658,000	General Fund/ Federal Grant
Public Works	\$ 42,000	\$ 0	\$ 42,000	General Fund
Water & Sewer	<u>\$2,000,000</u>	<u>\$ 0</u>	<u>\$2,000,000</u>	Proprietary Revenue
Total:	\$3,971,000	\$1,179,000	\$5,150,000	

Current Expiration: April 30, 2012

Modified Expiration: Unchanged

Vendors:	Address	Principal
•Fisher Scientific Company, LLC (Non-local vendor)	2000 Park Lane Pittsburgh, PA 15275	Paul M. Montrone

Performance Data: There are no performance issues with the recommended firm.

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Compliance Data: There are no compliance issues with the awarded firm.

Contract Measure: No measures

Review Committee Date: March 21, 2007; Item# 2-09

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: Jose A Sanchez, Department of Procurement Management
John Lariosa, Department of Environmental Resource Management
Marianela Betancourt, Miami-Dade Fire Rescue Department
Sergio Bonilla, Medical Examiner Department
Laura Romano, Miami-Dade Police Department
Orky Rodriguez, Public Works Department
Gregory Hicks, Water and Sewer Department

Contract Effective Date: Upon approval by the Board of County Commissioners and expiration of the Mayoral veto period.

REASON FOR CHANGE

Authorization for additional spending authority in the amount of \$1,179,000 is required by the Miami-Dade Police (MDPD) and Miami-Dade Fire Rescue (MDFR) departments. The funds are required for purchase of laboratory and safety supplies, and additional equipment to support departmental operations. The purchase of laboratory equipment and supplies is partially covered by federal grants.

MDPD requires \$829,000 to purchase laboratory supplies essential to investigative operations and evidence analysis; various chemical detector/analyzers; radiological, biological and bomb detection equipment; and chemical air monitors.

MDFR requires \$350,000 for purchase of hazmat equipment. The allocation will cover payments for an equipment maintenance schedule, repair and training services for hazmat meters, as well as technology upgrades, equipment replacement, and parts.

Item 4.2

Contract No.: 863-000-10-1-A

Contract Title: Tires

Description: To access a competitive contract established by the State of Florida for purchase of tires for various County departments.

Contract Term: Twenty-seven months (December 1, 2009 – February 29, 2012)

Using/Managing Agencies/Funding Sources:

<u>Department</u>	<u>Allocation</u>	<u>Funding Source</u>
Aviation	\$ 585,000	Proprietary Revenue
Fire	\$ 850,000	Fire District Fund
GSA	\$3,921,000	Internal Service Fund
Transit	\$ 275,000	MDT Operating Fund
Park and Recreation	\$ 320,000	General Fund
Seaport	\$ 20,000	Proprietary Revenue
Vizcaya	\$ 3,000	Proprietary Revenue
Water & Sewer	\$1,500,000	Proprietary Revenue
Total:	\$7,474,000	

Previous Contract Allocation: \$12,135,298

Method of Award: To the responsive and responsible vendor, offering the best value, consistent with the evaluation process.

Vendors:	Address	Principal
•Tiresoles of Broward, Inc (Local vendor)	7800 N.W. 103 RD St. Hialeah Gardens, FL 33016	Robert Cole
•KM Pedersen Enterprises Inc. (Local vendor)	406 Washington Ave. Homestead, FL 33030	Michele Pedersen
•Martino Commercial Tire Centers (Local vendor)	13155 S.W. 132 Ave. Miami, FL 33186	Gary Turner

Performance Data: There are no performance issues with the awarded firms.

Compliance Data: There are no compliance issues with the awarded firms.

Contract Measure: No measures - accessing other entity's contract

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Review Committee Date: September 2, 2009

Local Preference: Not applicable - accessing other entity's contract

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: Albert Touriz, Department of Procurement Management
Martin Dareff, General Services Administration
Gregory Hicks, Water and Sewer Department
Marianela Betancourt, Miami-Dade Fire Rescue Department
Neivy Garcia, Miami-Dade Aviation Department
Bill Solomon, Miami-Dade Park & Recreation Department
Angel Castro, Miami-Dade Transit Department
Phillip Rose, Seaport Department
Luis Correa, Vizcaya

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

REASON FOR CHANGE

On July 1, 2009, the State of Florida, Department of Management Services issued a competitive Invitation to Bid to establish a contract for purchase of tires. These tires are purchased for trucks and specialized equipment not serviced by GSA. Administrative Order 3-38 provides the authority to access a competitively solicited contract from any other governmental or quasi-governmental entity or not-for-profit organization, provided the goods or services are not available through an existing County contract at the same or lower price. Accessing the State contract provides the County with the best value for assorted sizes of automotive and truck tires. The decrease in allocation from the previous contract is based on actual usage throughout the contract term.