Memorandum

MIAMI-DADE COUNTY

Date: December 1, 2009

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

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

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

There are no known performance issues with the vendors recommended for award in the accompany Bid Waiver Package. Each department's 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 BID WAIVERS

A bid wavier is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is determined to be in the best interest of the County.

Item 1.1: IBM Hardware, Software, Maintenance, Support, and Professional Services is to waive formal bid procedures to support the acquisition of IBM hardware, software, maintenance, support, and professional services. The amount being requested is **$8,395,000**.

Section 2 SOLE SOURCES

A sole source purchase is the procurement of a good or service under Administrative Order 3-38 for which there is no other vendor who can compete to provide the good or service, and an equal product or service is not available from any other supplier.

There are no items for this section.

Section 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.

There are no items for this section.

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: Artists and Exhibitions for the Miami-Dade Public Library is for additional spending authority for the Miami-Dade Public Library Department to provide a pool of artists and exhibitors for presentations and exhibitors. It is also recommended that the Board of County Commissioners authorize the County Mayor or County Mayor's designee, to exercise the first Option-to-Renew (OTR) period. The additional amount requested for the current term is $25,000, and $125,000 for the first OTR period. The total amount being requested is **$150,000**.

Section 5 CONFIRMATION (UNAUTHORIZED) PURCHASES

A confirmation purchase is a ratification action approving an unauthorized purchase in accordance with Administrative Order 3-38.

There are no items for this section.

Alex T. Hudak

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: December 1, 2009

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

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

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
Veto _____
Override _____

Agenda Item No. 8(O)(1)(B)
12-1-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES FOR 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

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 1st day of December, 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 1
BID WAIVERS

Item 1.1

Contract No.: BW9130-5/19

Contract Title: **IBM Hardware, Software, Maintenance, Support, and Professional Services**

Description: Requesting waiver of formal bid procedures and approval to award a bid waiver contract to support the acquisition of IBM hardware, software, maintenance, support, and professional services. Staff is recommending a one year term. The five, one-year Options-to-Renew (OTRs) will be presented to the Board at a later time.

Contract Term: One year with five, one-year OTRs

Contract Amount: $ 8,395,000 for one year

Allocation, Managing Agencies and Funding Sources:

Department	Allocation	Funding Source
ETSD	$ 6,500,000	General Funds / Internal Service Funds
MDAD	$ 1,000,000	Operating Revenue
COC	$ 500,000	General Revenue
MDPD	$ 310,000	General Funds
GSA	$ 45,000	Internal Service Funds
GIC	$ 40,000	General Funds
Total:	**$ 8,395,000**	

Contract Measure: No measure – Bid Waiver

Review Committee Date: August 5, 2009; Item #2-06

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.

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

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

Vendor:	Address	Principal
• International Business Machines Corp. (Non-local vendor)	New Orchard Road Armonk, NY 10504	Samuel J. Palmisano

Contract Managers:

Julian R. Manduley, Department of Procurement Management

Mirta Lopez Cardoso, Enterprise Technology Services Department

Carlos Garcia, Miami-Dade Aviation Department

Charis Lubeck, Clerk of Courts

Laura K. Romano, Miami-Dade Police Department

Glen Cleghorn, General Services Administration

Deborah Dean, Government Information Center

JUSTIFICATION

Approval is requested to award this noncompetitive contract to International Business Machines Corporation (IBM) for purchase of proprietary software annual licensing, hardware, maintenance, support, and professional services for multiple County departments.

The County has used IBM software licenses and computer hardware infrastructure for over 35 years to deliver many mission critical enterprise and departmental functions. During this period, many software applications have been developed based on IBM technology. These software applications and Systems help bring services to the public, whether directly or indirectly, and support internal processes that make service delivery possible. Critical County applications such as the Criminal Justice Information System, Financial Accounting Management Information System, and Advanced Purchasing and Inventory Control System were developed specifically for this platform and will continue to be maintained through this contract.

This contract includes reduced pricing that will provide the County with the same, if not better, pricing offered to the Federal Government under the GSA Schedule 70 for IBM products. Throughout the term of the contract, IBM will also offer incentive discounts to the County for fixed price engagements to be negotiated based on the scope of work. Additionally, through staff negotiations, IBM has provided their lowest price for governmental entities on hardware purchases and maintenance support services. These prices are fixed and firm throughout the initial contract term and any renewal exercised in the sole discretion of the County. This contract will provide authorized County departments with IBM proprietary hardware, software, and professional services required to maintain and support the current infrastructure for the mission-critical Systems supported and provide continuity of services.

SECTION 4
BID WAIVERS

Item 4.1

Contract No.: BW8970-4/14

Contract Title: **Artists and Exhibitions for the Miami-Dade Public Library**

Description: To modify this contract for additional spending authority for the Miami-Dade Public Library (Library) to provide a pre-qualified pool of artists and exhibitors for presentations and exhibitions. It is also recommended that the Board of County Commissioners authorize the County Mayor or County Mayor's designee, to exercise the first Option-to-Renew (OTR) period. This contract is in the initial term which expires February 25, 2010.

Type of Change: Additional spending authority

Existing Allocation: $100,000 for one-year
Increase By: $ 25,000
Modification Allocation: $125,000

Current Expiration: February 25, 2010

Modified Expiration: Unchanged

Using/Managing Department(s) and Funding Source(s):

Department(s)	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source(s)	Contract Manager(s)
Library	$100,000	$ 25,000	$125,000	Library District Operating Funds	Leonel Maresma
Total:	**$100,000**	**$ 25,000**	**$125,000**		

Initial Contract Term and Usage:	February 26, 2009 to February 25, 2010	$125,000*
First OTR and Estimated Usage:	February 26, 2010 to February 25, 2011	$125,000
Cumulative Value:		**$250,000**
	* Includes modification of $25,000 related to the addition of sites	
Total Amount Being Requested:		**$150,000**

Vendor(s):	Address	Principal
•Antonio Da Rocha Vieira Jr. (Non-local vendor)	6 Cliff Road Gray, ME 04039	Antonio Da Rocha Vieira Jr.
•Dinorah Rodriguez-Garcia (Local vendor)	7936 Byron Avenue East Miami Beach, FL 33141	Dinorah Rodriguez-Garcia
•Roy Lawrence Lyons (Local vendor)	643 West Melrose Circle Ft Lauderdale, FL 33372	Roy L. Lyons
•Benjamin Entner (Non-local vendor)	701 Northcliffe Road, Apt. 1F Syracuse, NY 13206	Benjamin Entner
•Ginette Rouzeau (Local vendor)	505 NW 127th Street Miami, FL 33168	Ginette Rouzeau
•Jonathan Francisco Moreno (Local vendor)	7336 SW 25th Court Davie, FL 33317	Jonathan F. Moreno
•Diane Williams (Non-local vendor)	PO BOX 825 Madison, MD 39110	Diane Williams
•Pamela Vander Zwan (Non-local vendor)	284 Frenchtown Road Milford, PA 18337	Pamela Vander Zwan
•Tugboat Music LLC (Non-local vendor)	212 East 13th Street New York, NY 10003	Keith Torgan
•Carrie Sue Ayvar (Local vendor)	1829 NE 179th Street North Miami Beach, FL 33162	Carrie Sue Ayvar
•Laura S Packer (Non-local vendor)	33 Grace Street Malden, MA 02148	Laura S. Packer
•Brenda Darlene Jordan (Local vendor)	830 9th Street Miami Beach, FL 33139	Brenda Jordan
•Susan Wilders (Non-local vendor)	2106-21st Lane Palm Beach, FL 33418	Susan Wilders
•Teatro En Miami Corp (Local vendor)	10302 NW 9th Street Circle Unit 104 Miami, FL 33172	Sandra R. Garcia
•Brent Gregory (Non-local vendor)	PO Box 637 Pompano Beach, FL 33061	Brent Gregory

•Lloyd Wilson (Local vendor)	2031 NE 167th Street, #2 North Miami Beach, FL 33162	Lloyd Wilson
•Myra L Solomon (Local vendor)	7515 SW 168th Street Palmetto Bay, FL 33157	Myra L. Solomon
•Maria Ibanez (Local vendor)	12791 SW 216th Terrace Miami, FL 33170	Maria Ibanez
•Huffworks LLC (Local vendor)	7231 SW 61st Street Miami, FL 33143	Norman Huff
•Friendly Learning Theatre Company (Local vendor)	14601 SW 82nd Avenue Miami, FL 33158	Katia Gomez
•Arturo Martinez (Local vendor)	13351 SW 88th Terrace, Unit A Miami, FL 33186	Art Martinez
•Melinda Munger (Local vendor)	18740 NE 18th Avenue #142 Miami, FL 33179	Melinda Munger
•Mike D Mccartney (Non-local vendor)	PO Box 3503 Santa Fe, NM 87501	Mike D. Mccartney
•Elizabeth H Horner (Non-local vendor)	2646 Broadway Avenue Evanston, IL 60201	Elizabeth Horner
•Bahamas Junkanoo Shakers Inc. (Local vendor)	1720 NW 90th Street Miami, FL 33147	Jawara Sturrup
•Kuniko Yamamoto (Non-local vendor)	4060 Woodland Boulevard North Port, FL 34291	Kuniko Yamamoto
•Bits N Pieces Puppet Theatre Inc. (Non-local vendor)	12904 Tom Gallagher Road Dover, FL 33527	Jerry L. Bickel
•Jamaican Folk Revue Inc. (Local vendor)	8710 SW 190th Street Miami, FL 33157	Norman W. Darby
•Darren Liebman Inc. (Non-local vendor)	10137 Lake Oah Circle Tampa, FL 33624	Darren Liebman
•Caren Neile (Non-local vendor)	48 SW 9th Terrace Boca Raton, FL 33486	Caren Neile

•Earthman Project Inc. (Local vendor)	12010 NW 15th Street Pembroke Pines, FL 33026	Lanny Smith
•Top Hat Entertainment Inc. (Local vendor)	442 Stonemont Drive Weston, FL 33326	Sandra Hermens
•Page Turner Adventures Inc. (Non-local vendor)	PO Box 4237 Boynton Beach, FL 33424	Riley R. Roam
•Ohana Arts Inc. (Local vendor)	3708 Arthur Street Hollywood, FL33021	Sandra K Stevens
•Ife Ile Inc. (Local vendor)	4845 NW 7th Street, #404 Miami, FL 33126	F. Neri Torres
•Edwin Dario Villasmil (Local vendor)	14301 SW 88th Street, B-11 Miami, FL 33186	Edwin Villasmil
•Mrys International Inc. (Local vendor)	14040 NW 7th Avenue Miami, FL 33168	Yannick Brackenridge
•Antonio De Rocha Viera (Non-local vendor)	6 Cliff Road Gray, ME 04039	Antonio Viera Jr.
•Art Works For Us (Local vendor)	668 NE 70th Street Miami, FL 33138	Ana Miranda
•Womens International Film / Arts (Local vendor)	2911 Grand Avenue, #3A Miami, FL 33133	Yvonne McCormack-Lyons
•Saroj Ghoting (Non-local vendor)	5710 Piney Woods Road Riner, VA 24149	Saroj Ghoting
•Reyno San Pedro (Local vendor)	11895 SW 209th Terrace Miami, FL 33177	Reyno San Pedro
•Daniela Lombardo (Local vendor)	7629 NW 1st Avenue Miami, FL 33138	Lela Lombardo
•Science Boomers Inc (Local vendor)	1701 SW 12th Street Miami, FL 33145	Dania Sancho

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 Measure

Review Committee Date: Not applicable

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.

REASON FOR CHANGE

This contract is used by the Miami-Dade Public Library to hire artists, community groups, and curators, and to stage public exhibitions and presentations at public library facilities.

The Library Department continuously performs market research to indentify potential providers. This involves visiting and studying art galleries, museums, arts fairs, and artist's studios, reading arts and culture publications, researching the web, and attending arts and culture programs. The selection of providers is made by an exhibition committee which includes library staff, and arts and culture representatives from the community.

The resulting presentations and exhibitions stimulate interest in Library resources and elevate visibility within the community. They also cultivate broader community involvement and support. This encourages visual and cultural literacy and promotes discussion on important social and community issues via high quality arts, cultural and educational experiences.

The additional allocation will provide support to four new library branches and their associated programs and outreach services. Approval of the first Option-to-Renew will ensure continuity of services.