Memorandum

MIAMI-DADE COUNTY

Date: January 21, 2010

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 accompanying 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 waiver 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: Histopathology Services is for waiver of formal bid procedures to purchase histopathology services for the Medical Examiner Department. The amount being requested is **$268,000**.

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.

Item 3.1: Disposal of Hazardous Waste is for waiver of formal bid procedures and ratification of an emergency contract award for purchase of hazardous waste disposal services for the Miami-Dade Transit Department. The amount being requested is **$94,000**.

Section 4 NON-COMPETITIVE CONTRACT MODIFICATIONS

A non-competitive contract modification is a supplemental allocation for goods or services that exceeds 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: Vegasoft Software Maintenance & Support Services is for additional spending authority for the Enterprise Technology Services Department to purchase required mainframe upgrade maintenance and support services for Vegasoft Software. The additional amount being requested is **$10,000**.

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.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: January 21, 2010

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)

1-21-10

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

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 2010. 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.

By:_____
Deputy Clerk

Bruce Libhaber

SECTION 1
BID WAIVERS

Item 1.1

Contract No.:	BW9156-0/13
Contract Title:	**Histopathology Services**
Description:	Requesting waiver of formal bid procedures and approval to award a bid waiver contract for the Miami-Dade Medical Examiner Department to purchase histopathology services.
Contract Term:	38 months
Previous Contract Allocation:	$100,000 for one year
Contract Amount:	$268,000

Allocation, Managing Agency and Funding Source:

Department	Allocation	Funding Source
Medical Examiner	$ 268,000	General Fund

Vendor:	Address	Principal
•University of Miami (Local vendor)	1252 Memorial Drive Ashe Building, Room 230 Coral Gables, Fl 33146	Donna Shalala

Performance Data:	There are no performance issues with this firm.
Compliance Data:	There are no compliance issues with this firm.
Contract Measure:	No measure – Bid Waiver
Review Committee Date:	September 2, 2009; Item# 2-05
Local Preference:	Not applicable
Living Wage:	The services being provided are not covered under the Living Wage Ordinance.
User Access Program:	The User Access Program provision will apply. The 2% program discount will be collected on all purchases where permitted by funding source.

Contract Managers: Lourdes Betancourt, Department of Procurement Management

Sergio Bonilla, Miami-Dade Medical Examiner Department

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

JUSTIFICATION

Authorization is requested to waive the competitive bidding process to establish an agreement between Miami-Dade County and the University of Miami (UM) for histopathology services and tissue processing including preparation, staining and labeling of microscopic slides for the Medical Examiner (ME). The ME requires the services of histopathology technologists in evaluating the evidentiary human tissue collected during the autopsy process as a part of the death investigation procedure specified in State of Florida Statute 406.

If the County were to provide these services, an initial investment in excess of $1.5 million would need to be incurred to establish and equip an in-house facility. The operational cost for these services would exceed the new cost of $84,500 per year. Tissue sample receipt, inventory, requisition, packaging, glass slide receipt and distribution, paraffin tissue block storage and archiving are services currently included at no additional cost to the County. If the County were to manage these services, it would require a full time staff position representing an additional expenditure of $60,000 per year, plus benefits.

In addition to the histopathology services provided under this agreement, ME pathologists have free access to UM pathologists for consultation. Consultations typically cost $400 per case or more. The University of Miami has been providing these services to the ME for over 30 years at no additional cost to the County. It is therefore in the County's best interest to continue this relationship.

SECTION 3
EMERGENCY PURCHASES

Item 3.1

Contract No.: E9168-0/09

Contract Title: **Disposal of Hazardous Waste**

Description: To waive formal bid procedures and ratify an emergency contract award for purchase of disposal of hazardous wastes services for the Miami-Dade Transit Department (MDT) funded by MDT Operating funds. Approval to use Charter County Transit System Surtax funds as a component of Miami-Dade Transit Operating funds is also requested.

Contract Term: September 1, 2009 to October 31, 2009

Contract Amount: $94,000

Options-To-Renew: Not applicable

Allocation, Managing Agency and Funding Source:

Department	Allocation	Funding Source
Transit	$94,000	MDT Operating

Contract Measure: No measure

Review Committee Date: September 30, 2009; Item #2-03

Local Preference: The Local Preference was applied in accordance with the Ordinance bud did not affect outcome.

Living Wage: Services being provided are not covered under the Living Wage Ordinance.

User Access Program: The User Access Program provision will apply. The 2% program discount will be collected on all purchases where permitted by funding source.

Vendor:	Address	Principal
• Clean Harbors Environmental Services, Inc. (Non-local vendor)	42 Longwater Drive Norwell, MA 02061	Alan S. McKim

• Perma-Fix of Fort Lauderdale, Inc. (Local vendor)	3701 SW 47th Avenue, Suite 109 Davie, FL 33314	Louis F. Centofanti
• Safety-Kleen Systems, Inc. (Non-local vendor)	5360 Legacy Drive, Bldg. 2, Suite 100 Plano, TX 75024	David M. Sprinkle
• World Petroleum Corp (Local vendor)	4717 Orange Drive Davie, FL 33314	Eric Miranda

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

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

Contract Managers: Drakus Wiggins, Department of Procurement Management

Daryl Hurston, Miami-Dade Transit Department

JUSTIFICATION

Seeking ratification of an emergency contract awarded on September 1, 2009, for continuity of services for the disposal of hazardous waste for the Miami-Dade Transit Department (MDT).

MDT was mandated by the Department of Environmental Resource Management (DERM) to increase the sampling frequency of wastewater discharged into the sewer from quarterly to monthly due to violations at the Northeast Bus Maintenance facility. In order to reduce the levels of discharged contaminants, MDT determined that a thorough cleaning of the oil water separator was needed monthly. An emergency contract was executed so that the work could be accomplished in a timely manner.

There is an established contract for hazardous waste disposal services. The contract, however, was being used by MDT primarily for hauling of hazardous materials and did not contain adequate funding to cover the cost of routine cleaning services for the last two months of the contract's current term. This emergency award allowed MDT to purchase uninterrupted services using the prices, terms, conditions, and awarded vendors from the active hazardous waste disposal contract. The department's needs will be met via the established contract's second option-to-renew period.

SECTION 4
NON-COMPETITIVE CONTRACT MODIFICATIONS

Item 4.1

Contract No.: SS7217-6/14-2

Contract Title: **Vegasoft Software Maintenance & Support Services**

Description: To modify this contract for additional spending authority for the Enterprise Technology Services Department (ETSD) to pay for required mainframe upgrade maintenance and support fees for the proprietary software provided by Vegasoft Oy. Approval of this modification will bring the cumulative value of this contract over $100,000.

Type of Change: Additional spending authority

Existing Allocation: $ 23,000 for one-year
Increase By: $ 10,000
Modification Allocation: $ 33,000

Current Expiration: October 31, 2010

Initial Contract Term and Estimated Usage:	November 7, 2007 through October 31, 2008	$ 53,000
First OTR and Estimated Usage:	November 1, 2008 through October 31, 2009	$ 25,000
Second OTR and Estimated Usage:	November 1, 2009 through October 31, 2010	$ 33,000*
Cumulative Value:		**$111,000**

*Includes modification of $10,000

Using/Managing Department and Funding Source:

Department	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source	Contract Manager
ETSD	$ 23,000	$ 10,000	$ 33,000	Internal Service Fund	Mirta Lopez Cardoso
Total:	**$ 23,000**	**$ 10,000**	**$ 33,000**		

Vendor(s):	Address	Principal
•Vegasoft Oy (Non-local vendor)	Kirvesti 43 00760 Helsinki Fi Finland	Matti Karjalainen

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 Measure – Sole Source
Review Committee Date:	Not Applicable
Local Preference:	The Local Preference was applied in accordance with the local ordinance but did not affect the outcome.
Living Wage:	The services being provided are not covered under the Living Wage Ordinance.
User Access Program:	The User Access Program provision will apply. The 2% program discount is being collected on purchases where permitted by funding source.

REASON FOR CHANGE:

Authorization for additional spending authority is requested to allow the Enterprise Technology Services Department (ETSD) to pay for required mainframe upgrade and support fees for the existing Vegasoft software. This contract provides ETSD with access to County data stored in the Integrated Database Management System (IDMS). IDMS is utilized to support the Tax Collection, Criminal Justice, Traffic Violations, and Parking Violation System, among others. These applications were built as mainframe applications, the Vegasoft software acts as a web server to allow information from the IDMS to be accessed over the Internet. The Vegasoft proprietary software is owned by VegaSoft Oy, the sole proprietor of the software, maintenance, and support services.

The additional allocation will be utilized by ETSD to pay for maintenance and support fees associated with the required mainframe upgrade. Due to increased usage of the IDMS system, the mainframe capacity requires an upgrade to ensure system reliability. Approval of this modification will provide ETSD the ability to maintain and upgrade the equipment and obtain ongoing software maintenance and support services for this renewal year. It is therefore in the best interest of the County to increase the allocation to allow for the upgrade.