Memorandum

MIAMI-DADE COUNTY

Date: February 2, 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.

There are no items for this section.

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 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: Medical Transport Billing and Collection Services is to modify this contract for additional time and spending authority for the Miami-Dade Fire Rescue Department to pay for emergency medical transport billing and collection services. The additional amount being requested is **$750,000**.

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: February 2, 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)
2-2-10

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.

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 2nd day of February, 2010. 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

Item 4.1

Contract No.: TBW7863-1/06-1

Contract Title: **Medical Transport Billing and Collection Services**

Description: To modify this contract for additional time and spending authority for the Miami-Dade Fire Rescue (MDFR) Department to pay for emergency medical transport billing and collection services. This contract is a bridge contract providing continuity of services while negotiations with the successor contract are finalized.

Type of Change: Additional time and spending authority

Existing Allocation: $3,480,000 for 54 months
Increase By: $ 750,000* for six months
Modification Allocation: $4,230,000

*Prorated at $125,000 per month to meet increased collections during 2009.

Current Expiration: March 21, 2010

Modified Expiration: September 21, 2010

Using/Managing Department and Funding Source:

Department	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source	Contract Manager
Fire Rescue	$3,480,000	$750,000	$4,230,000	Fire District	Scott Mendelsberg
Total:	**$3,480,000**	**$750,000**	**$4,230,000**		

Vendor:	Address	Principal
•Advanced Data Processing, Inc. (Local vendor)	520 NW 165th Street, Suite 201 Miami, FL 33169	Doug Shamon

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

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

Contract Measure: Not applicable

Review Committee Date: Not applicable

Local Preference: Applied in accordance with the Ordinance where permitted by funding source.

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

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 Manager: Adil Khan, Department of Procurement Management

REASON FOR CHANGE

Authorization is requested for additional time and spending authority to provide the Miami-Dade Fire Rescue Department (MDFR) the ability to pay for the medical transport billing and collection services being provided by Advanced Data Processing Inc. (ADPI). This is a bridge contract providing continuity of services while negotiations for the long-term successor contract are finalized.

On December 27, 2007, the County issued RFP No. 600-2/22 – Emergency Medical Services Billing under full and open competition. The solicitation was structured to achieve the highest revenue for the County with a Minimum Annual Guarantee (MAG). The Selection Committee evaluated the five proposals received and recommended negotiations with Advanced Data Processing Inc. (ADPI), the highest ranked proposer. Following several negotiations meetings and consultation with the County Attorney's Office, the Negotiations Team recommended that negotiations with ADPI be terminated. In addition, staff recommended that the County reject all proposals, waive competitive bidding and bid protest procedures, and authorize competitive negotiations with the two highest ranked firms. On March 3, 2009, the Board directed staff to conduct competitive negotiations among the top three ranked firms: Advanced Data Processing, Inc. (ADPI), Apollo Health Street, and PerSe McKesson.

The Negotiation Team requested Best Price Offers from the three firms on April 23, 2009. All three firms requested that the Minimum Annual Guarantee (MAG) requirement be removed from the price evaluation criteria. The Negotiation Team met with representatives of each firm on several occasions and closely consulted with the County Attorney's Office (CAO) during this process. As a result of these meetings, a new price proposal format was developed. The Negotiation Team issued the request for price proposal offers on July 17, 2009. All three firms responded with their price offers. Due to the narrow margin of difference in proposed prices of ADPI and PerSe, the Negotiation Team decided to conduct site visits. The site visits were performed in September 2009. Staff is in process of finalizing the evaluation of site visits and alternate price offers. Negotiations with the recommended vendor will follow. Once negotiations are finalized, staff's recommendation will be presented to the Budget, Planning, and Sustainability Committee for approval.

The current contract expires in March 2010. Approval of this extension will provide MDFR with continuity of services until the replacement contract is awarded.