

# Memorandum



**Date:** July 13, 2010

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

BPS  
Agenda Item No. 30

**From:**   
Carlos Alvarez  
Mayor

George M. Burgess   
County Manager

**Subject:** Recommendation for Waiver of Competitive Bidding 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 the Resource Allocation Plan adopted annually by the Board.** There is no additional fiscal impact beyond what is stated on the individual items in this package. Allocations have been rounded consistent with standard auditing practices.

## 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 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.

**Item 3.1: Traffic Barrier Systems (Barricades)** is to waive formal bid procedures and ratify an emergency contract award for purchase of 128 barricades to restrict vehicular traffic in the Dadeland Metrorail Station parking lot for the Miami-Dade Transit Department. The amount being requested is **\$26,000**.

**Item 3.2: Uniforms and Accessories for Miami-Dade Transit** is to waive formal bid procedures and ratify an emergency contract award for purchase of uniforms for the Miami-Dade Transit Department. The amount being requested is **\$112,000**.

**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: 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.

Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners  
Page 3

**Item 5.1: ERP & AOIS Propworks Software Integration Services** is to ratify a confirmation purchase for ERP Interfaces and AOIS Propworks Software Integration for the Miami-Dade Aviation Department provided by Air Transport IT Services, Inc. The amount being requested is **\$245,000**.

**Item 5.2: Copier Lease Agreements** is to ratify a confirmation purchase for copier lease agreements and document management software for the Miami-Dade Fire Rescue Department provided by Ikon Office Solutions, Inc. The amount being requested is **\$384,000**.



Assistant County Manager



# MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners      DATE: September 9, 2010

FROM: R. A. Cuevas, Jr. County Attorney      SUBJECT: Agenda Item No.

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 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, SUBJECT TO THE MONETARY LIMITATIONS SET FORTH THEREIN, AND AUTHORIZING 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:

The Chairperson thereupon declared the resolution duly passed and adopted this 9<sup>th</sup> day of September, 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

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Bruce Libhaber

**SECTION 3**  
**EMERGENCY PURCHASES**

**Item 3.1**

**Contract No.:** E9341-MT

**Contract Title:** Traffic Barrier Systems (Barricades)

**Description:** To waive formal bid procedures and ratify an emergency contract award for purchase of 128 barricades to restrict vehicular traffic in the Dadeland Metrorail Station parking lot for the Miami Dade Transit Department.

**Contract Term:** Upon completion

**Contract Value:** \$26,000

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

| <u>Department</u> | <u>Allocation</u> | <u>Funding Sources</u> | <u>Contract Manager</u> |
|-------------------|-------------------|------------------------|-------------------------|
| Transit           | \$26,000          | MDT Operating          | Daryl Hurston           |
| <b>Total:</b>     | <b>\$26,000</b>   |                        |                         |

| <b>Vendor:</b>                                 | <b>Address</b>                                 | <b>Principal</b> |
|--|--|------------------|
| All American Barricades Corp<br>(Local Vendor) | 3355 NW 154 Terrace<br>Miami Gardens, FL 33054 | Ruben Santos     |

**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 – Emergency Purchase

**Local Preference:** The Local Preference Ordinance was not applied as this is an emergency purchase.

**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.

**DPM Contract Manager:** Ana M. Rioseco

## **JUSTIFICATION**

The Miami-Dade Transit Department (Transit) is seeking ratification of an emergency contract awarded on May 27, 2010 for the purchase of 128 barricades.

On February 26, 2010, the Dadeland Metrorail station parking facility was cited with a code violation by the Miami-Dade County Building Department. The citation was due to broken cables that serve as vehicle barriers as required by the County Code. The notice mandated installation of temporary barriers within five days. In order to meet this mandate, Transit rented barricades to ensure immediate compliance as a short term solution. The barricades will be required until the deteriorated cables at Dadeland Metrorail Station parking lot are replaced, which is estimated to take up to nine months. An analysis of renting versus purchasing new barricades indicates it is more cost effective to purchase the 128 barricades at \$197.88 each than to rent them for \$5.16 each per day. After this project, the barricades may be used at other renovation projects (i.e., parking lot expansions, station upgrades, etc.).

**Item 3.2**

**Contract No.:** E9287-1/11

**Contract Title:** **Uniforms and Accessories for Miami-Dade Transit**

**Description:** To waive formal bid procedures and ratify an emergency contract award for purchase of uniforms for the Miami-Dade Transit (Transit) Department.

**Contract Term:** Six months with one, six-month option to renew

**Contract Value:** \$112,000

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

| <u>Department</u> | <u>Allocation</u> | <u>Funding Sources</u> | <u>Contract Manager</u> |
|-------------------|-------------------|------------------------|-------------------------|
| Transit           | <u>\$112,000</u>  | MDT Operating          | Daryl Hurston           |
| <b>Total:</b>     | <b>\$112,000</b>  |                        |                         |

| <b>Vendor:</b>                                | <b>Address</b>  | <b>Principal</b> |
|---|---|------------------|
| Monica Manufacturing, Corp.<br>(Local Vendor) | 2605 West 8 <sup>th</sup> Avenue<br>Hialeah, FL 33010 | Nelly De Paz     |

**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 Set Aside

**Review Committee Date:** March 2, 2010; Item #2-01

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

**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.

**DPM Contract Manager:** Abelin Rodriguez

## JUSTIFICATION

The Miami-Dade Transit Department (MDT) is seeking ratification of an emergency contract awarded on April 26, 2010 for the purchase of uniforms. On August 23, 2007, a contract was awarded to RDH Quest Inc. to provide uniforms for MDT bus and train operators, mechanics, and maintenance workers as required under the collective bargaining agreement with the Transport Workers Union.

RDH Quest Inc. experienced difficulty meeting the high demand for uniforms, and could no longer meet its contractual obligations. The contract was terminated for default in April 2010. This emergency contract will ensure uniforms are available until a permanent, long-term contract is awarded in November 2010.

**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 the successor contract is established. This modification will extend the current contract for six months.

**Type of Change:** Additional time and spending authority

**Existing Allocation:** \$4,230,000 for 60 months  
**Increase By:** \$ 750,000\* for six months  
**Modification Allocation:** \$4,980,000

\*Prorated at \$125,000 per month commensurate with 2009 collections.

**Current Expiration:** September 21, 2010

**Modified Expiration:** March 21, 2011

**Using/Managing Department and Funding Source:**

| <u>Department</u> | <u>Existing Allocation</u> | <u>Additional Allocation</u> | <u>Modified Allocation</u> | <u>Funding Sources</u> | <u>Contract Manager</u> |
|-------------------|----------------------------|------------------------------|----------------------------|------------------------|-------------------------|
| Fire Rescue       | \$4,230,000                | \$750,000                    | \$4,980,000                | Fire District          | Scott Mendelsberg       |
| <b>Total:</b>     | <b>\$4,230,000</b>         | <b>\$750,000</b>             | <b>\$4,980,000</b>         |                        |                         |

| <b>Vendor:</b>                                   | <b>Address</b>   | <b>Principal</b> |
|--|--|------------------|
| Advanced Data Processing, Inc.<br>(Local Vendor) | 520 NW 165 <sup>th</sup> Street,<br>Suite 201<br>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.
- DPM Agent/Officer:** 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 provided by Advanced Data Processing Inc. (ADPI). This is a bridge contract providing continuity of emergency services billing and collections during transition to a new long-term contract.

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 (PerSe).

Based upon the Board's direction, staff engaged in competitive negotiations with the three vendors to achieve the highest possible revenue for the County. During the first round of negotiation meetings with the vendors, all three vendors requested that the requirement of MAG be removed. All the three vendors were invited by the Negotiation Team to discuss and develop an alternate price proposal format that would be acceptable to the three firms and the County. During a meeting with the three vendors on July 7, 2009, the vendors and the County agreed on the format of the Alternate Price Form. As a result of the negotiations and based on the feedback and concurrence of the three vendors, the MAG requirement was eliminated from the Alternate Price Form. The Alternate Price Form includes four categories: 1) Liquidated Returns – Amount payable to County if vendor fails to meet the average collections 2) Bonus - Amount payable to vendor if vendor exceeds collections average 3) Flat Fee – Amount payable to vendor for Medicaid collections) and 4) Percentage Fee - Amount payable to vendor for non-Medicaid collections. The three firms agreed that this price format and the associated terms were acceptable and provided a level playing field. The Alternate Price Form was issued to the three vendors on July 17, 2009. The three vendors submitted price offers on July 20, 2009. PerSe's price offered the best value for the County, resulting in a contract award recommendation to PerSe dated June 1, 2010. This award recommendation has been protested by the incumbent vendor (ADPI). Staff is currently reviewing the protest with the County Attorney's Office. The current contract expires on September 21, 2010. Approval of this extension will provide MDFR with continuity of services until the replacement contract is awarded.

**Item 5.1**

**Contract No.:** CP9264-AV

**Contract Title:** ERP & AOIS Propworks Software Integration Services

**Description:** Ratification of a confirmation purchase for ERP Interfaces and AOIS Propworks Software Integration Services for the Miami-Dade Aviation Department.

**Term:** November 2005 to October 2009

**Contract Amount:** \$244,963.92

**Using/Managing Department and Funding Source:**

| <u>Department</u> | <u>Purchase Amount</u> | <u>Funding Source</u> | <u>Contract Manager</u> |
|-------------------|------------------------|-----------------------|-------------------------|
| Aviation          | \$245,000              | Proprietary Revenue   | Neivy Garcia            |
| <b>Total:</b>     | <b>\$245,000</b>       |                       |                         |

| <b>Vendor:</b>                                       | <b>Address</b>  | <b>Principal</b> |
|--|---|------------------|
| Air Transport IT Services, Inc<br>(Non-Local Vendor) | 5920 Hazeltine National Drive<br>Suite 210<br>Orlando, FL 32822 | Fred Dowding     |

**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:** 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 not apply due to the funding source.

**JUSTIFICATION**

The Miami-Dade Aviation Department (MDAD) requests ratification of a confirmation purchase to Air Transport IT Service, Inc. for Propworks software integration services. The purchases were made in November 2005 through February 2008, and from March 2008 through October 2009.

Miami-Dade Aviation Department (MDAD) contracted with Air Transport IT Service, Inc. (AirIT) to incorporate the Airport Operations Information System (AOIS) and the PROPworks Revenue Management System with MDAD's Enterprise Resource Planning (PeopleSoft ERP) system. The project included an upgrade of PROPworks to Version 6, configuration of the Carrier Activity Tracking (CAT) and other tasks related to the creation of interfaces and data interchanges between various systems. The project was broken down into eight tasks with projected hours assigned to each task. The total projected hours for all tasks were 1,940. Due to unforeseen technical problems involved in the implementation, the number of hours required to complete tasks three, seven, and eight exceeded the projected hours.

Task three required the completion of data interchanges between PROPworks and PeopleSoft ERP. The task was estimated at 620 hours. The actual hours to complete this task were 3,378. There were numerous unforeseen technical problems that arose during the integration process that were addressed through collaborative efforts between MDAD and AirIT staff. The team's troubleshooting efforts allowed for successful completion of task number three of the implementation process, as well as stabilization of ERP financials, clearing of numerous conversion mapping issues, and a successful year-end closing. The hourly overages for task three incurred as a result of these unexpected challenges occurred from November 2005 through February 2008.

In March 2008, additional labor hours were needed for successful completion of tasks seven and eight of the implementation process for AOIS/CAT. Tasks seven and eight were estimated to be completed within 520 and 500 hours respectively; however, the actual hours to complete were 2,048.5 and 1,081.5. These tasks involved the integration of the cashiering function, and the replacement of the sales ticket system. Integration complexities required AirIT to perform additional customization to the billing functionality of the revenue system. The additional work spanned from March 2008 through completion of the integration in October 2009, and required AirIT staff to work onsite from January 2009 through October 2009.

AirIT kept pace with the project requirements and agreed to absorb over 64% of the overage hours. The project consumed a total of 6,137 hours for successful implementation, of which only 1,940 were budgeted. AirIT absorbed 2,697 of the 4,197 overage hours, reducing the billable hours to 1,500. The hourly rate was negotiated from \$163.35 to \$156, totaling \$234,000 for the reduced hours. Scope changes due to the added customization to the billing system resulted in additional charges of \$11,000.

**Item 5.2**

**Contract No.:** CP9346-FR

**Contract Title:** Copier Lease Agreements

**Description:** Ratification of a confirmation purchase for copier lease agreements and document management software for the Miami-Dade Fire Rescue Department.

**Term:** October 1, 2008 to September 30, 2010

**Contract Amount:** \$384,000

**Using/Managing Department and Funding Source:**

| <u>Department:</u> | <u>Purchase Amount</u> | <u>Funding Source</u> | <u>Contract Manager</u> |
|--------------------|------------------------|-----------------------|-------------------------|
| Fire Rescue        | \$384,000              | Fire District Funds   | Rick Recio              |
| <b>Total:</b>      | <b>\$384,000</b>       |                       |                         |

| <b>Vendor:</b>                                | <b>Address</b>                                       | <b>Principal</b> |
|---|--|------------------|
| Ikon Office Solutions, Inc.<br>(Local Vendor) | 703 Waterford Way, Suite 190<br>Miami, Florida 33126 | Sandra Fisher    |

**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:** Not applicable

**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.

**DPM Contract Manager:** Lourdes Farley

## **JUSTIFICATION**

The Miami-Dade Fire Rescue Department (MDFR) requests approval to pay invoices for the unauthorized purchase of copier lease agreements and document management software with Ikon Office Solutions, Inc. in the amount of \$384,000.

MDFR currently has an allocation on the County's contract for Copier Lease Agreements in the amount of \$177,000 which was approved at the June 2, 2009 Board meeting. This allocation covered the lease and maintenance of 13 copiers with expiration dates through 2015. The department subsequently entered into additional lease agreements for eleven copiers in the amount of \$225,000, and a document management software system for \$159,000. Sufficient funding to cover the additional 11 copiers and software was not covered by the established allocation. Ratification of this confirmation purchase will allow MDFR to pay for the subsequent lease/maintenance and software system obligations through the year 2015.