Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 14(A)(10)

Date: July 20, 2010

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

From: Carlos Alvarez
Mayor

George M. Burgess
County Manager

Subject: Modification of Contract No. TR04-TSB: Paratransit Transportation Services

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) waive formal competitive bidding and approve modification of this contract for additional time and spending authority for the Miami-Dade Transit Department (MDT) to continue to purchase demand response paratransit transportation services for people with disabilities in compliance with American with Disabilities Act regulations.

CONTRACT NO.: TR04-TSB

CONTRACT TITLE: Paratransit Transportation Services

TYPE OF CHANGE: This change is to allow use of Charter County Transit System Surtax fund as a component of Miami-Dade Transit Operating funds and for additional time and spending authority.

USING/MANAGING AGENCIES AND FUNDING SOURCES:

Departments	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source
MDT	$239,460,000	$20,460,000	$259,920,000	MDT Operating

The allocation and funding source have been reviewed and approved by the Office of Strategic Business Management. There is no fiscal impact beyond what is stated in this contract modification request.

CURRENT EXPIRATION: September 22, 2010

MODIFIED EXPIRATION: March 31, 2011

This approval will allow for the contract to be extended initially for six months with an option-to-renew (OTR) for up to six additional months, on a month-by-month basis at the County's discretion. If the County chooses to exercise the six, one-month OTRs, the cumulative value will be $280,380,000.

Vendor	Address	Principal
Advanced Transportation Solutions, LLC (Local vendor)	815 N.W. 57th Avenue, Suite 130 Miami, FL 33126	Zev Naiditch

PERFORMANCE/ COMPLIANCE DATA:	An investigation by the Miami-Dade Police Department resulted in the arrest of 16 individuals providing STS services under the contract involving alleged criminal activities related to covered services. The County's investigation in regard to alleged fraudulent activities has concluded. The parties are in the process of negotiating the amount of liquidated damages to be imposed pursuant to the current and previous STS contract .
CONTRACT MEASURE:	Thirty percent Disadvantaged Business Enterprise Goal
REVIEW COMMITTEE DATE:	July 23, 2003; Item #5-01
LOCAL PREFERENCE:	Applied in accordance with the Local Preference Ordinance.
LIVING WAGE:	The Living Wage Ordinance does apply.
USER ACCESS PROGRAM:	The contract does not include the User Access Program provision.
CONTRACT MANAGER:	Hugh Chen, Miami-Dade Transit Department Drakus Wiggins, Department of Procurement Management
CONTRACT MODIFICATION 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 for additional time and spending authority to continue to purchase demand response paratransit transportation services. The services are provided in compliance with the Americans with Disabilities Act regulations.

This modification will provide continuity of services until the replacement contract is awarded by the County. This approval will allow for the contract to be extended for six months with the option to renew for up to six additional months on a month-by-month basis at the County's discretion. The successor contract is anticipated to be awarded in December 2010, and will require an additional 90-day period for transition.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: July 20, 2010

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

SUBJECT: Agenda Item No. 14(A)(10)

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. 14(A)(10)
7-20-10

RESOLUTION NO. _____

RESOLUTION AUTHORIZING MODIFICATION FOR CONTRACT NO. TR04-TSB FOR ADDITIONAL TIME AND SPENDING AUTHORITY IN THE AMOUNT OF $20,460,000 FOR THE MIAMI-DADE TRANSIT DEPARTMENT TO CONTINUE TO PURCHASE DEMAND RESPONSE PARATRANSIT TRANSPORTATION SERVICES; WAIVING THE REQUIREMENTS OF SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTIONS 2-8.1 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE PERTAINING TO COMPETITIVE BID PROCEDURES AND THE BID PROTEST PROCESS, BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN

WHEREAS, this Board finds it to be in the best interest of Miami-Dade County to waive formal bid procedures in this instance; and

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:

Section 1. This Board approves the modification of Contract No. TR04-TSB in substantially the form attached hereto and made a part hereof, for additional time and spending authority in the amount of $20,460,000 for the Miami-Dade Transit Department to continue to purchase demand response public paratransit transportation services.

Section 2. This Board authorizes the waiver of formal bid procedures and bid protest procedures pursuant to Section 5.03(D) of the Home Rule Charter and Sections 2-8.1 and 2-8.4 of the County Code by two-third (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 20th day of July, 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

SUPPLEMENTAL AGREEMENT NO. 2

Contract Number: **TR04-TSB-approved by Resolution No. R-1099-04 adopted September 09, 2004**

Contract Title: **Paratransit Transportation Services**

Contractor: **Advanced Transportation Solutions, LLC**
815 NW 57th Avenue, Suite 130
Miami, FL 33126

In accordance with the above referenced Contract, this supplement when properly executed, becomes a part of the Contract effective September 23, 2010, and shall provide for the following:

1. Provision for the Contract to be extended for six months (September 23, 2010 through March 22, 2011) with an option to renew for up to six additional months on a month-by-month basis at the County's discretion.

2. The requirement, specified in Section 22.3, of 5 model years for Paratransit vans and mid-size 4-door sedans will not be enforced by the County for the extension periods specified in this supplemental agreement.

All terms, covenants and conditions of the original Contract and any supplemental agreements issued thereto shall remain in full force and effect, except to the extent herein amended.

IN WITNESS WHEREOF, the parties have executed this Supplemental Agreement to County Contract No. TR04-TSB.

Contractor	County
By:	By:
Name: David Naiditch	Name:
Title: General Manager & Secretary	Title:
Date: 06/03/2010	Date:
Attest:	Attest:
Corporate Secretary/Notary Public	Clerk of the Board
Corporate Seal/Notary Seal	Approved as to form and legal sufficiency.

NOTARY PUBLIC-STATE OF FLORIDA
Georgia E. Dickson
Commission # DD941096
Expires: NOV. 18, 2013
BONDED THRU ATLANTIC BONDING CO., INC.