Memorandum

MIAMI-DADE COUNTY

Date: November 4, 2010

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

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

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 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.

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: Electronic Patient Care Reporting System is to waive formal bid procedures and ratify an emergency contract award for purchase of required support services for the Electronic Patient Care Reporting (EPCR) System used by the Miami-Dade Fire Rescue Department. The EPCR System collects, references, and communicates patient information in real time throughout the course of an emergency response call. The amount being requested is **$185,000**.

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: COMPUWARE Software Licenses and Maintenance Support Services is to modify this contract for additional time and spending authority for the Enterprise Technology Services Department to continue to purchase ongoing software maintenance and support services for the Abend-AID software. The additional amount being requested is **$97,000**.

Item 4.2: Scale House Upgrade is to modify this contract for additional time and spending authority for Solid Waste Management to purchase additional equipment and professional services need to expand the existing Scale House System provided by Paradigm Software LLC. The additional amount being requested is **$729,000**.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: November 4, 2010

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

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

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)(D)
11-4-10

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 4th day of November, 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

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

By:_____
Deputy Clerk

SECTION 3
EMERGENCY PURCHASES

Item 3.1

Contract No.: RQFR1000034

Contract Title: **Electronic Patient Care Reporting System**

Description: To waive formal bid procedures and ratify an emergency contract award for the payment of required support services for the Electronic Patient Care Reporting (EPCR) System used by the Miami-Dade Fire Rescue Department (MDFR). The EPCR System collects, references, and communicates patient information in real time throughout the course of an emergency medical response call.

Contract Term: Six months

Contract Value: $185,000

Using/Managing Department and Funding Source:

Department	Allocation	Funding Source	Contract Manager
Fire Rescue	$185,000	Fire District	John E. Gardner
Total:	**$185,000**		

Vendor:	Address	Principal
Open Incorporated (Non-local Vendor)	11283 Eagle View Blvd., Suite 100 Woodbury, MN 55129	Mike Vukovich

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

Review Committee Date: September 29, 2010

Local Preference: The Local Preference 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: Leida Altman Carrillo

JUSTIFICATION

Ratification of an emergency contract award for the payment of required support services for the Electronic Patient Care Reporting (EPCR) System used by the Miami-Dade Fire Rescue Department (MDFR) is requested to avoid a disruption in services. The EPCR System collects, references, and communicates patient information in real time throughout the course of an emergency medical response call. MDFR requires continuation of these services to maintain daily operational needs for first responder reporting as required by the State of Florida. The EPCR System also provides MDFR with the ability to communicate and exchange information with first responders, dispatcher, operation staff, billing, hospital staff, and other local and state agencies.

The System was acquired by MDFR in 2009 by accessing a competitively established City of Miami contract. The EPCR System was needed to automate the multiple manual reporting methods that were in place to provide consistency throughout MDFR. Prior to implementation of this System, MDFR depended on a keypunch method to process hand written reports that were transcribed. Since the deployment of the System, this process has been automated in real-time to increase efficiency and accuracy. The EPCR System is critical to MDFR's daily operations; without it MDFR will not be able to effectively communicate patient medical information.

Due to MDFR's volume, the continued use of the City of Miami's contract is not recommended. A long term maintenance and support services agreement is currently being negotiated with Open Incorporated to renegotiate the fees charged to the County. This six month emergency contract will allow MDFR to purchase the required support services while the replacement agreement is finalized and presented to the Board of County Commission for approval.

Item 4.1

Contract No.: SS7022-4/15

Contract Title: **COMPUWARE Software Licenses and Maintenance Support Services**

Description: To modify this contract for additional time and spending authority for the Enterprise Technology Services Department (ETSD) to purchase ongoing software maintenance and support services for the Abend-AID software application provided by COMPUWARE Corporation. The Abend-AID software assists ETSD programmers and analyst's identifing and resolving errors to prevent or reduce downtime in mission critical systems, such as the Advanced Purchasing and Inventory Control System and the Financial Accounting Management Information System, operating on the County's mainframe system.

Type of Change: Additional time and spending authority

Existing Allocation: $ 97,000 for three years
Increase By: $ 97,000
Modification Allocation: $194,000

Current Expiration: November 30, 2010

Modified Expiration: November 30, 2013

Using/Managing Department and Funding Source:

Department	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source	Contract Manager
ETSD	$97,000	$97,000	$194,000	Internal Service Fund	Pedro Cacicedo
Total:	**$97,000**	**$97,000**	**$194,000**		

Vendor:	Address	Principal
COMPUWARE Corporation (Non-local vendor)	One Campus Martius Detroit, MI 48226	Peter Karmanos

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: January 24, 2007; Item #2-04

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 is being collected on all purchases.

DPM Contract Manager: Beth Goldsmith

REASON FOR CHANGE

Additional time and an increase in spending authority is being requested by the Enterprise Technology Services Department (ETSD) to continue renewing its software licensing rights, maintenance and support services for the Abend-AID product, which is used to monitor, control and help correct mainframe computer application failures. It provides ongoing diagnostics, pinpoints the cause of failures, and identifies solutions. Applications supported include the Advanced Purchasing and Inventory Control System and the Financial Accounting Management Information System utilized throughout the County.

COMPUWARE is the sole proprietor and developer of the Abend-AID software products, including maintenance and support services. Currently, the contract has three, one-year options-to-renew remaining. Based on the current usage, the anticipated cost of renewals for the next three years if exercised on an annual basis would amount to $135,374. Staff negotiated with COMPUWARE in an effort to reduce annual fees. Negotiations yielded a revised maintenance and support fee schedule that holds the fees fixed at the current rate throughout the contract term. By committing to a three-year extension, the pricing will remain fixed and result in a savings of $38,534, or 28.5%. Market research findings indicate that the County rates are significantly lower than rates available to other government entities, and therefore, provide the best value to the County. At this time, ETSD has no future plans to move away from the mainframe infrastructure, and as such, will continue to require the functionality provided by this software. Maintenance and support services are necessary to ensure proper mainframe operations throughout the County.

Item 4.2

Contract No.: BW8675-1/12-1

Contract Title: **Scale House Upgrade**

Description: To modify this contract for additional time and spending authority to allow Solid Waste Management (SWM) to purchase additional equipment and professional services needed to expand the existing Scale House System provided by Paradigm Software LLC. The Scale House System is comprised of a specialized waste disposal measurement and accounting system that supports revenue generation by automatically calculating, recording, and charging the trucks that carry the waste in and out of landfill facilities managed by DSWM.

Type of Change: Additional time and spending authority

Existing Allocation: $ 98,000 for 12 months
Increase By: $729,000 for 60 months
Modification Allocation: $827,000

Current Expiration: January 27, 2011

Modified Expiration: January 27, 2016

Using/Managing Department and Funding Source:

Department	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source	Contract Manager
Solid Waste	$98,000	$729,000	$827,000	Proprietary Revenue	Rey Perez
Total:	**$98,000**	**$729,000**	**$827,000**		

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 – Bid Waiver

Review Committee Date: January 9, 2008; Item # 2-05

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: Adil Khan

REASON FOR CHANGE

Solid Waste Management (SWM) is requesting additional time and spending authority to purchase equipment and professional services required to expand the existing Scale House System (System) provided by Paradigm Software LLC. The System is comprised of a specialized waste disposal measurement and accounting function that supports revenue generation by automatically calculating, recording, and charging the trucks that carry the waste in and out of transfer and landfill facilities. The System supports a revenue generation stream of $96 million annually from six remote transfer and landfill facilities. Almost 320,000 transactions are processed through the System each year with an average weight of five tons per transaction at an average rate of $60.00 per ton.

Since 2005, DSWM has been using the System to automate measurement and calculation of waste disposal fees at various landfill and transfer stations across the County to streamline operations and generate revenue. The System is proprietary to Paradigm Software LLC, the owner and developer of the technology. No other vendor is capable of providing the required equipment, maintenance, and professional services needed for further expansion of the System.

The additional funding requested will be used to expand use of the System and add additional functionality to track permit processing, install four new unmanned scales, purchase maintenance and support services, replacement equipment, and enhance the software functionality by developing an interface with the department's customer relations management database. The use of this System has yielded several benefits for SWM. The use of this System allows for attendant-free scale house operations that accurately measure waste hauled by each vehicle, automatically charges each vehicle, and records the data in real time. In the past this was a manual process that required employees to conduct the calculations, charge the vehicles, and log the data. The use of this automated approach throughout the System has reduced vehicle wait time, sped up the processing time for each truck processed through the scale house, improved reporting and forecasting tools for SWM management decision making, and has streamlined overall scale house operations to be more efficient. It is in the best interest of the County to extend the contract for an additional five years to provide continuity of services, improve operations of all County Scale Houses, enhance customer service and provide capability for increased usage of the facilities and thus increased revenues.