Memorandum

MIAMI-DADE COUNTY

Date: May 3, 2011

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

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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. 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.

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 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: Elections Training and Reporting Software is to modify this contract for additional time and spending authority to allow the Elections Department to continue to purchase maintenance and support services for the existing Election Night Reporting and Poll Worker Training Software. The additional amount requested is **$353,000**.

Assistant County Manager

SECTION 4
NON-COMPETITIVE CONTRACT MODIFICATION

Item 4.1

Contract No.: SS8016-2/11-2

Contract Title: **Elections Training and Reporting Software**

Description: To extend this contract for ten years at a rate of $32,157 per year with a two percent annual escalation to provide the Miami-Dade Elections Department with maintenance and support services for the existing Election Night Reporting and Poll Worker Training Software provided by SOE Software Corporation. The Elections Department uses the SOE software to display election results on the Web, submit automated election results to the State of Florida, transfer results to Miami-Dade Web TV for broadcast on election night and provide online training for poll workers. The SOE software is tailored to perform according to specific requirements defined by the State of Florida and Miami-Dade County. The contract is in its final option-to-renew (OTR) term.

Type of Change: Additional time and spending authority

Initial Contract Term and Usage:	May 15, 2006 to April 30, 2009	$396,000*
First OTR and Usage:	May 1, 2009 to April 30, 2010	$ 45,000**
Second OTR and Usage:	May 1, 2010 to May 30, 2011	$ 45,000**
Requested Extension:	June 1, 2011 to April 30, 2021	$353,000***
Cumulative Value:		**$839,000**

*Purchase of software licenses, implantation, and maintenance for a three-year period
**Annual maintenance and support services for a one-year period.
***Extension for a ten-year term for annual maintenance and support services. The annual fee for the first year will be $32,157, and will escalate at a 2% rate annually.

Current Expiration: April 30, 2011

Modified Expiration: April 30, 2021

Using/Managing Department and Funding Source:

Department	Approved Allocations	Requested Modification	Total Allocation	Funding Source	Contract Manager
Elections	$486,000	$353,000	$839,000	General Fund	John Mendez
Total:	**$486,000**	**$353,000**	**$839,000**		

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 – Sole Source

Review Committee Date: March 08,2006; Item #2-03

Local Preference: Applied in accordance with the Local Preference Ordinance and did not affect outcome.

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

REASON FOR CHANGE

The current contract with SOE Software Corporation was approved by the Board of County Commissioners on April 25, 2006, via Resolution R-441-06. The contract was established with an initial term of three years with two, one-year Options-to-Renew for the Statement Of Work that included the initial purchase of the software, installation, migration, training and support of the Software. The contract amount for the initial three (3) years was for $396,000. The contract also included two one-year options at a rate of $45,000 each. The department is currently on their last year of these options.

Staff engaged SOE Software Corporation in an effort to extend the existing contract for an additional ten years through April 30, 2021. Negotiations yielded fixed and firm software maintenance and support fees throughout the revised contract term. By committing to a ten-year contract extension, the pricing will remain fixed, and will result in savings of $140,000. As an additional safeguard to the County, the contract also includes a termination for convenience clause.

SOE Software Corporation is the sole proprietor and developer of the SOE Software, including maintenance and support services. The functionality available in the SOE software is configured to meet the State of Florida mandates and no other vendor is currently certified within the state to provide online election night reporting with the ability to submit reports directly to the Florida Division of Elections.

Authorization is requested for additional time and spending authority to provide the Miami-Dade Elections Department with maintenance and support services for the existing Election Night Reporting and Poll Worker Training Software provided by SOE Software Corporation. Elections uses the SOE software to display election results on the Web, submit automated election results to the State of Florida, transfer results to Miami-Dade Web TV for broadcast on election night and provide online training for Poll Workers. The SOE software is tailored to perform according to specific requirements defined by the State of Florida and Miami-Dade County. The SOE Software is currently being used by the State of Florida, Division of Elections and other Supervisors of Elections Offices in the State.

Maintenance and support services are necessary to ensure timely election results and improved poll worker training. Approval of this modification is in the best interest of the County to ensure continuity of services for this critical business function required by Elections.

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: May 3, 2011

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)
5-3-11

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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Jean Monestime
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2011. 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