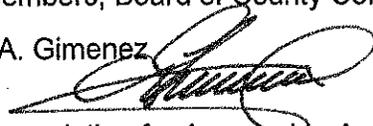


# Memorandum



**Date:** May 6, 2014  
**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners  
**From:** Carlos A. Gimenez  
Mayor   
**Subject:** Recommendation for Approval to Award a Bid Waiver Contract: Airport Apron Drive Buses

Agenda Item No. 8(F)(3)

## Recommendation

It is recommended that the Board of County Commissioners (Board) waive competitive bidding procedures for the purchase of goods and services pursuant to Section 2-8.1 of the County Code and Section 5.03(D) of the Home Rule Charter and approve award of *Contract BW9713-AV* to COBUS Industries, LP. This contract will allow the Miami-Dade Aviation Department (MDAD) to purchase two additional COBUS buses. This item is being presented as a bid waiver as COBUS Industries, LP is the only vendor that manufactures buses with the required capacity and maneuverability to meet the needs of an airport environment.

MDAD was using Automated Passenger Mover (APM) trains to transport passengers from the main terminal to aircraft parking gates. The first train was removed from service due to an accident. The second APM train has become unreliable and is currently 13 years beyond its designed life cycle. The train has to be shut down for a minimum of nine hours each day for preventive maintenance. In lieu of operating the APM train, MDAD is currently using two COBUS buses to transport passengers from the main terminal to aircraft parking gates. The buses accommodate up to 112 passengers each.

In addition to the two existing COBUS buses in operation, MDAD also uses city-style buses that can only accommodate up to 39 passengers (compared to 112 passengers in the COBUS buses). The buses require passengers to use stairs for loading and unloading. Although the city-style buses are equipped with electric boarding ramps, it takes two to three minutes per passenger for the ramp to be deployed. With the sizeable number of ADA passengers traveling daily, the wheel chair lift motors often overheat and require a 15 to 20 minute shut down period to cool down and reset. This additional time needed to operate ramps in a safe manner to accommodate large number of ADA passengers may result in MDAD not being in compliance with the USDOT's mandate. The fines for violating the mandate are as high as \$27,500 per passenger. The COBUS buses are compliant with the Americans with Disabilities Act and meet the safety, structural, maneuverability and design requirements of the International Air Transport Association. The unique design (low floor, three doors and door width of 50 inches) of the buses enables MDAD to comply with the U.S. Department of Transportation "Passenger Bill of Rights" which mandates transport of passengers within three hours for a domestic flight and four hours for an international flight.

## Scope

The impact of this item is countywide in nature.

## Fiscal Impact and Funding Source

The fiscal impact for this one-time purchase of the two buses is \$1,070,000. In October 2012, the County purchased two COBUS buses via an emergency procurement, *E9713-AV*, for \$999,800.

Department	Allocation	Funding Source	Contract Manager
Aviation	\$1,070,000	Proprietary Funds	Lonny Craven
<b>Total</b>	<b>\$1,070,000</b>		

**Track Record/Monitor**

Lorrie Delhomme of the Internal Services Department is the Procurement Contracting Officer.

**Delegated Authority**

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise, at their discretion, contract modifications, subsequent options-to-renew and extensions in accordance with the terms and conditions of the contract.

**Vendor Recommended for Award**

Awardee	Address	Principal
COBUS Industries, LP	1230 Peachtree Street, Suite 3100 Atlanta, GA	Don Frassetto

**Vendor(s) not Recommended for Award**

None

**Due Diligence**

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

**Applicable Ordinances and Contract Measures**

- The two percent User Access Program provision does not apply.
- The Small Business Enterprise Bid Preference and Local Preference do not apply.
- The Living Wage Ordinance does not apply.



Jack Osterholt  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** May 6, 2014

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

**SUBJECT:** Agenda Item No. 8(F)(3)

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 Mayor'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. 8(F)(3)

Veto \_\_\_\_\_

5-6-14

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING AWARD OF A BID WAIVER CONTRACT TO COBUS INDUSTRIES LP IN A TOTAL AMOUNT UP TO \$1,070,000 TO PURCHASE COBUS BUSES FOR THE MIAMI-DADE AVIATION DEPARTMENT, WAIVING THE REQUIREMENTS OF SECTIONS 2-8.3 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE, PERTAINING TO BID PROTESTS, BY A TWO-THIRD VOTE OF THE BOARD MEMBERS PRESENT, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NO. BW9713-AV

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference ; and

**WHEREAS**, it has been established that specified items 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 finds it is in the best interest of Miami-Dade County to waive formal bid procedures and award a contract in the total amount of \$1,070,000 to COBUS Industries LP for the purchase of COBUS buses for the Miami-Dade Aviation Department, therefore, competitive bidding is waived in this instance pursuant to Section 5.03(D) of the Home Rule Charter by a two-third (2/3) vote of the Board members present. The Board also authorizes the County Mayor or County Mayor's designee to execute a contract for the item approved herein

and exercise contract modifications, options-to-renew, any cancellation provisions, and any other rights contained therein in accordance with the terms and conditions of such contract.

Furthermore, the Board waives the procedures contained in Section 2-8.3 and 2-8.4 of the County Code, pertaining to bid protests, by a two-third (2/3) 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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of May, 2014. 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.



Oren Rosenthal

6