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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: January 10, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution Waiving Formal Bid Procedures

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

R-30-08

This package, listed as Agenda Item No. 3D on the December 11, 2007 Budget and Finance (B&F) Committee meeting agenda, was amended by the Committee to bifurcate Item 4.1 Elevator and Escalator Maintenance. Item 4.1 will be a stand-alone item on the February 12, 2008 B&F Committee agenda.

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 4.03(D) of the Home Rule Charter, in the best interest of Miami-Dade County.

Scope

The impact of the items in the accompanying Bid Waiver Package is countywide in nature.

Fiscal Impact/Funding Source

The accompanying Bid Waiver Package states the funding source for each department utilizing a contract. It should be noted that no funds are to be expended on any contract if the department's budget cannot support such expenditures.

Track Record/Monitor

There are no known performance issues with the vendors recommended for award in the accompanying Bid Waiver Package. Each department's contract manager is reflected in the agenda item.

Background

Section 1 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 in this section.

Section 2 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.

Item 2.1: EMD Diesel Engine Generator is to award a contract to Engine Systems, Inc. to provide and deliver a diesel engine generator unit with extended warranty to the Miami-Dade Water and Sewer Department for the Alexander Orr Water Treatment Plant. The amount being requested is **$2,305,882**.

Item 2.2: Load and Pack Vehicles and Front Loading Compactor Boxes is to award a contract to Broyhill Manufacturing for the purchase of two Load and Pack Refuse Vehicles, and 15 Front Loading Compactor Boxes for the Miami-Dade Park and Recreation Department. The amount being requested is **$322,405.**

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: Security Guard and Screening Personnel Services ratifies an emergency contract replacing a contract originally awarded under an emergency competition due to non-compliance with contractual requirements involving Living Wage and Performance Bond by Empirical Protective Services, Inc. The affected sector provides security guard and screening services for courts facilities managed by General Services Administration. The amount being requested is **$1,731,630**.

Section 4 NON-COMPETITIVE CONTRACT MODIFICATIONS

A non-competitive contract modification is a supplemental allocation for goods or services that exceeds 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 4.2: Janitorial Services is for additional spending authority to compensate for 2006 and 2007 Living Wage rate increases and the addition of eight facilities. This contract provides janitorial services for several buildings managed by General Services Administration. The additional amount being requested is **$1,175,600**.

Section 5 CONFIRMATION (UNAUTHORIZED) PURCHASES

A confirmation purchase is a ratification action approving an unauthorized purchase in accordance with Administrative Order 3-38.

There are no items for this section.

Assistant County Manager

It is recommended that the Board of County Commissioners waive the use of the formal bidding process for the items listed in this package pursuant to Section 4.03 (D) of the Home Rule Charter in the best interest of Miami-Dade County.

SECTION #2
BID WAIVER

Item 2.1

RECOMMENDATION

It is recommended that the Board of County Commissioners waive formal bid procedures and approve the award of a contract to Engine Systems, Inc. to provide an Electro-Motive Diesel (EMD) engine generator with extended warranty to the Miami-Dade Water and Sewer Department (WASD) for the Alexander Orr Water Treatment Plant.

Contract No: BW8507-0/11

Contract Title: **EMD Diesel Engine Generator**

Description: This contract will provide one diesel engine generator equipped with EMD engine controls, electronic unit injectors, and emissions certified for compliance with Federal Environmental Protection Agency regulations. The contract includes equipment, delivery and a two-year extended warranty.

Term: Three years

Contract Amount: $2,305,882 for the three-year term

Using/Managing Agencies and Funding Sources:

Department	Allocation	Funding Source
Water and Sewer	$2,305,882	Operating Revenue

Method of Award: Bid Wavier

Vendor:	Address	Principal
•Engine Systems, Inc. (Non-local vendor)	175 Freight Road Rocky Mount, NC 27804	Tom Horner

Contract Measure: No measure. This is a non-competitive contract.

Review Committee Date: August 22, 2007; Item #2-04

Local Preference: Not applicable

Living Wage: The Living Wage Ordinance does not apply.

User Access Program (UAP): This contract includes the User Access Program (UAP). The 2% program discount will be collected on all purchases.

Performance Data: There are no known performance issues.

Compliance Data:	There are no compliance issues with this firm.
Contract Managers:	Leonard Gonzalez, Department of Procurement Management
	Tom Seagars, Miami-Dade Water and Sewer Department
Contract Effective Date:	Upon approval by the Board of County Commissioners and expiration of the mayoral veto period.

JUSTIFICATION

The Miami-Dade Water and Sewer Department (WASD) currently has five Electro-Motive Diesel (EMD) engine-generators at the Alexander Orr Water Treatment Plant. The engine-generators are linked through an EMD master synchronization control system. In the event of a power outage, the control system is designed to start the engine-generators, in sequence, supplying power to pumping stations and maintaining water pressure. The timing and the synchronization of the engine-generator's start-up is crucial in maintaining the plant's water pressure. Loss of pressure would result in the contamination of treated water, and in potential fines by regulatory agencies.

A sixth engine-generator is required to accommodate the County's growing need for uninterrupted fresh water supply. This item is presented as a bid waiver because the purchase of engines other than EMD engine generators may lead to loss of synchronization with the existing EMD engine-generators and the main control system.

Item 2.2

RECOMMENDATION

It is recommended that the Board of County Commissioners waive formal bid procedures and approve the award of a contract to Broyhill Manufacturing to purchase two "Load and Pack" refuse vehicles and 15 front loading compactor boxes for the Miami-Dade Park and Recreation Department.

Contract No: BW8542-PR

Contract Title: **Load and Pack Vehicles and Front Loading Compactor Boxes**

Description: This contract will provide two off-road load and pack vehicles and 15 front loading compactor boxes capable of picking up and dumping 55 to 90 gallon trash containers and larger seven-cubic yard front loading collection compactor boxes on various terrains. This equipment is used on County beaches by the Miami-Dade Park and Recreation Department, Beach Maintenance Division.

Term: One time purchase

Contract Amount: $322,405

Using/Managing Agencies and Funding Sources:

Department	Allocation	Funding Source
Park and Recreation	$322,405	MDPR – Trust Funds, General Funds

Method of Award: Bid Wavier

Vendor:	Address	Principal
•Broyhill Manufacturing (Non-local vendor)	PO Box 475 1 North Market Square Dakota City, NE 68731	Craig G. Broyhill

Contract Measure: No measure. This is a non-competitive contract

Review Committee Date: October 17, 2007; Item #2-02

Local Preference: Not applicable

Living Wage: The Living Wage Ordinance does not apply.

User Access Program (UAP): This contract includes the User Access Program (UAP). The 2% program discount will be collected on all purchases.

Performance Data: There are no known performance issues.

Compliance Data: There are no compliance issues with this vendor.

Contract Managers: Leonard Gonzalez, Department of Procurement Management

William E. Solomon, Park and Recreation Department

Contract Effective Date: Upon approval by the Board of County Commissioners and expiration of the mayoral veto period.

JUSTIFICATION

The Miami-Dade Park and Recreation Department has a fleet of three Load and Pack Refuse Collection Vehicles that are over 15 years old and have exceeded their useful life. These trucks are utilized to pick up garbage collection boxes on County beaches and parks. This award allows for replacement of two vehicles which have deteriorated due to extensive exposure to salt.

The Load and Pack vehicles are capable of picking up and transporting large refuse collection boxes and individual trash receptacles directly on County beaches. While there are other refuse trucks available in the market place, staff recommends a bid waiver because the Broyhill equipment enables the automation of collection and dumping by a single employee, replacing a manual process which requires a crew of six employees and two 4 x 4 dump trucks. The use of another type of equipment would be more costly to the County since it will require more personnel.

SECTION #3
EMERGENCY PURCHASES

Item 3.1

RECOMMENDATION

It is recommended that the Board of County Commissioners to ratify an emergency award to Vanguard Security, Inc. to provide security guard and screening services for the courts (Sector 2A), managed by General Services Administration (GSA). The previous vendor, Empirical Protective Services, Inc., failed to comply with the contractual terms and conditions related to Performance Bond and Living Wage requirements, which resulted in the immediate termination of the vendor.

Contract No: E8560-0/08

Contract Title: **Security Guard and Screening Personnel Services**

Description: To ratify an emergency award for security guard services for GSA managed buildings for Sector 2A.

Term: November 19, 2007 through March 31, 2008

Contract Amount: $1,731,630

Using/Managing Agencies and Funding Sources:

Department	Allocation	Funding Source
GSA	$1,731,630 The allocation includes the most recent Consumer Price Index and Living Wage increases.	Internal Service Charges

Method of Award: Emergency

Vendor:	Address	Principal
•Vanguard Security, Inc. (Local vendor)	10145 N.W. 19th St. Miami, FL 33172	Thomas M. Shopay

Contract Measure: No measure. This is a competed emergency contract. The Small Business Program was not in place at the time of solicitation was issued.

Review Committee Date: November 28, 2007

Local Preference: Not applicable

The Living Wage Ordinance applies.

Living Wage:

User Access Program (UAP): This contract includes the User Access Program (UAP). The 2% discount will be collected on all purchases.

Performance Data: There are no known performance issues.

Compliance Data: There are no compliance issues with Vanguard Security, Inc.

Contract Managers: Maria Hevia, Department of Procurement Management

Daniel Payne, General Services Administration

Contract Effective Date: November 19, 2007 subject to retroactive approval by the Board of County Commissioners and expiration of the mayoral veto period.

JUSTIFICATION

Seeking ratification of an emergency contract awarded to Vanguard Security, Inc. on November 19, 2007 to provide security guard and screening services for the courts (Sector 2A) that are managed by General Services Administration (GSA). The previous vendor, Empirical Protective Services, Inc., failed to comply with Performance Bond and Living Wage requirements, resulting in immediate termination of the vendor. Immediate action was required to maintain safety for the courts. Therefore, an emergency contract was awarded to Vanguard Security, Inc. the next lowest responsive, responsible bid for Sector 2A, in accordance with the terms and conditions of the solicitation approved by the Board on March 15, 2005.

The vendor originally awarded Sector 2A was Milex Corporation, Inc., was purchased by Empirical Protective Services, Inc. The transfer was accepted by the County on June 27, 2007.

This emergency contract is in place for this service pending the award of a replacement contract.

SECTION #4
NON-COMPETITIVE CONTRACT MODIFICATIONS

Item 4.2

RECOMMENDATION

It is recommended that the Board of County Commissioners approve a contract modification to increase the allocation for janitorial services at several buildings managed by General Services Administration (GSA) in order to compensate for 2006 and 2007 Living Wage Ordinance increases and the addition of eight facilities.

Contract No.: BW7934-3/10

Contract Title: **Janitorial Services**

Description: This contract provides janitorial services at several buildings managed by GSA.

Initial Contract Term and Estimated Usage: March 1, 2006 through February 28, 2008
$5,599,919 for two years

Type of Change: Additional spending authority

Existing Allocation: $5,599,919
Increase By: $1,175,600
Modified Allocation: **$6,775,519 for two years**

Using/Managing Agencies and Funding Sources:

Departments	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source
GSA	$5,599,919	$1,175,600	$6,775,519	Internal Service Charges

Current Expiration: February 28, 2008

Modified Expiration: Unchanged

Vendor:	Address	Principal
•Florida Association of Rehabilitation Facilities Inc. d/b/a Respect of Florida	2475 Apalachee Parkway Suite 205 Tallahassee, FL 32301	Jon Fisher

Contract Measure: No measure. This is a non-competitive contract.

Review Committee Date: August 1, 2005; Item #2-02

Local Preference: Not applicable

Living Wage: The Living Wage Ordinance applies.

User Access Program (UAP):	This contract includes the User Access Program (UAP). The 2% discount is being collected on all purchases.
Performance Data:	There are no known performance issues.
Compliance Data:	There are no compliance issues with this firm.
Contract Managers:	Aylin Borrego, Department of Procurement Management Lucy Romano, General Services Administration
Contract Modification Effective Date:	Upon approval by the Board of County Commissioners and expiration of the mayoral veto period.

REASON FOR CHANGE

General Services Administration (GSA) is requesting a contract modification to increase the allocation for janitorial services contract to compensate for 2006 and 2007 Living Wage increases, and the addition of eight facilities during the initial contract term: South Dade Government Center Complex, Cutler Ridge Police Station, South Dade Justice Center, Fleet Manager, Shop 3D and Fleet Manager, Shop 1, Mosquito Control, Animal Services and Library.

On February 7, 2006, the Board approved a bid waiver to Respect of Florida to provide janitorial services to various GSA managed buildings. These services are covered by Florida Statue 413.036, which requires that agencies and political subdivisions in the State of Florida purchase certain services, including janitorial, from a qualified non-profit organization which employs blind or other disabled persons.

The Florida Association of Rehabilitative Facilities Inc. d/b/a Respect of Florida is a non-profit agency established to manage the employment of blind or other disabled persons by having government agencies purchase the services provided by these individuals.

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: January 10, 2008

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

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

Please note any items checked.

_____ "4-Day Rule" ("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

✓ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(O)(1)(B)
01-10-08

RESOLUTION NO. **R-30-08**

RESOLUTION WAIVING FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES AND AUTHORIZING THE MAYOR OR HIS 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 finds it is in the best interest of Miami-Dade County to waive formal bid procedures for the purchase of goods and services and to authorize the County Mayor or his designee to award such contracts, with authority to exercise options-to-renew established thereunder pursuant to Section 4.03(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 **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Carlos A. Gimenez** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	nay	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of January, 2007. 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 with the exception of those items which the attached list specifically describes as funded or potentially funded by proceeds from the Charter County Transit System Surtax. The effectiveness of those is subject to the provisions of subsection (e) of section 29-124 of the County Code which specifies "no award shall be effective and no contractual relationship shall arise with the County unless and until approved by the [Citizens' Independent Transportation] Trust or re-affirmed by the County Commission."

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. HR

By: **Kay Sullivan**
Deputy Clerk