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

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 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)(A)

Resolution No. R-652-08

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. ***Contract amounts and department allocations represent the maximum spending authority based on estimated past usage. 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

The accompanying Bid Waiver Package states the funding source for each department utilizing a contract. ***Funding will be expended only if departmental budgets can support the expenditures approved in their Resource Allocation Plan adopted annually by the Board.***

Per Ordinance No. 02-116, the use of People's Transportation Plan (PTP) surtax funds requires Board approval, regardless of the dollar amount. The allocated PTP surtax funds will support expanded operations associated with the implementation of capital improvements, maintenance, and/or operations as described by the PTP legislation (Ordinance No. 02-116) and its amendments, including but not limited to Resolution No. R-1154-03 adopted on October 9, 2003, which added the Miscellaneous Capital Improvements Projects List and authorized significant infrastructure improvements for existing Miami-Dade Transit facilities.

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.

Delegated Authority

If this item is approved, the County Mayor or his designee will have the authority to exercise in his discretion subsequent options-to-renew, 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 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.

Item 1.1: Enterprise Asset Management System approve the award of a sole source contract for the Enterprise Technology Services Department to purchase software licenses, maintenance, and on-site technical support services for the Enterprise Asset Management System. The amount being requested is **$2,500,000**.

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.

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 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 4.1: Air Conditioning A/C Chiller Repair Services is to ratify the approval of additional time and spending authority on a previously Board approved emergency purchase to allow Miami-Dade Aviation and the General Services Administration departments to continue to maintain and repair A/C chillers until the long-term replacement contract was awarded. The additional amount being requested is **$453,560**.

Item 4.2: Oracle Licenses, Maintenance, Training, Technical Services for additional time to provide the Enterprise Technology Services Department with software licenses, maintenance, training, and technical support provided by Oracle USA, Inc. **There is no additional funding requested.**

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.

Section 6 APPROVAL OF THE USE OF PEOPLE'S TRANSPORTATION PLAN SURTAX FUNDS

Per Ordinance No. 02-116, the use of People's Transportation Plan (PTP) surtax funds surtax funds requires Board approval, regardless of the dollar amount. The allocated PTP surtax funds will support expanded operations associated with the implementation of capital improvements, maintenance, and/or operations as described by the PTP legislation (Ordinance No. 02-116) and its amendments, including but not limited to, Resolution No. R-1154-03 adopted on October 9, 2003, which added the Miscellaneous Capital Improvements Projects List and authorized significant infrastructure improvements for existing Miami-Dade Transit facilities.

There are no items for this section.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: June 3, 2008

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

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

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)(A)
6-3-08

RESOLUTION NO. **R-652-08**

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 **Bruno A. Barreiro**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** 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	**absent**	Audrey M. Edmonson	**absent**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**absent**	Natacha Seijas	**absent**
Katy Sorenson	**aye**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 2008. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

SECTION #1
SOLE SOURCE

Item 1.1

Contract No:	SS8667-1/18
Contract Title:	**Enterprise Asset Management System**
Description:	To waive formal bid procedures and approve the award of a sole source contract for the Enterprise Technology Services Department (ETSD) to purchase software licenses, maintenance, and on-site technical support services for the Enterprise Asset Management software application provided by Infor Global Solutions (Michigan), Inc.
Contract Term:	Five years (June 16, 2008 to June 15, 2013) With one, five-year option-to-renew
Managing Agency/Funding Source:	ETSD – Internal Service Funds
Contract Amount:	**$2,500,000 for five years**
Previous Contract Allocation:	$1,025,000 for one year
Method of Award:	Sole Source

Vendor:	**Address**	**Principal**
• Infor Global Solutions (Michigan), Inc. (Non-local vendor)	13560 Morris Road Suite 4100 Alpharetta, GA 30004	Jim Schaper

Performance Data:	There are no performance issues with this firm.
Compliance Data:	There are no compliance issues with this firm.
Contract Measure:	No measure
Review Committee Date:	April 16, 2008; Item #2-02
Local Preference:	Not applicable
Living Wage:	The Living Wage Ordinance does not apply.
User Access Program:	The contract includes the User Access Program provision. The 2% program discount will be collected on all purchases.

Contract Managers: Julian Manduley, Department of Procurement Management

Magaly Hernandez, Enterprise Technology Services Department

Mirta Lopez Cardoso, Enterprise Technology Services Department

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

JUSTIFICATION

The Enterprise Technology Department (ETSD) has requested approval of a non-competitive award to Infor Global Solutions (Michigan), Inc., a sole source vendor, to provide software licensing, maintenance, and on-site technical support services for the Enterprise Asset Management (EAM) software application. EAM software application provides the County with the ability to record and report the use of parts, labor, and other related costs for equipment and facilities. This information is vital to the effective management and control of resources.

The present EAM application has been custom developed in conjunction with DataStream and Infor for the specific operational needs of the County. EAM software application is employed by the County as the standard technology platform for asset management and is utilized by Miami-Dade Park and Recreation, Miami-Dade Transit, General Services Administration, Miami-Dade Fire Rescue, and the Miami-Dade Water and Sewer Department. ETSD maintains the system and is the project manager responsible for day-to-day operations.

The EAM application was acquired under Contract No. RFP351, which provides the ability to purchase licenses and maintenance support services for the system. RFP351 was solicited under full and open competition through a Request for Proposals process, and was approved by the Board on June 3, 2003 via Resolution No. R-634-03. The requested allocation of $2.5 million for this five-year contract represents a reduction from the allocation for RFP351 because the majority of software licenses have been purchased. While this replacement agreement is primarily for on-going maintenance and to support the existing system, it does contain provisions for additional licenses.

Infor Global Solutions (Michigan), Inc. is the sole proprietor of the EAM application. No other vendor is capable of providing software licensing or maintenance. The approval of this sole source contract will ensure the continuity of the County business functions.

SECTION #4
CONTRACT MODIFICATIONS

Item 4.1

Contract No: E8503-0/08

Contract Title: **Air Conditioning (A/C) Chiller Repair Service**

Description: To ratify the modification of emergency bridge contract E8503-0/08 for additional time and spending authority to allow Miami-Dade Aviation (MDAD) and General Services Administration (GSA) departments to continue to maintain and repair A/C chillers until the long-term replacement contract was awarded.

Type of Change: Additional time and spending authority

Existing Allocation: **$500,000 for six months**

	Allocation	Department	Funding Source
Increase By/Managing Agencies/Funding Sources:	$300,000	MDAD	Operating Revenue
	$153,560	GSA	Internal Service Funds
Total:	**$453,560 for three months**		

Modified Allocation: **$953,560 for nine months**

Current Expiration: March 18, 2008

Modified Expiration: June 18, 2008

Vendors:	**Address**	**Principal**
• American Standard, Inc. (Non-local vendor)	One Centennial Ave. Piscataway, NJ 08855	Mary E. Gustafsson
• Carrier Corp. (Non-local vendor)	One Carrier Pl. Farmington, CT 06034	Esther Johnson
• Cool Breeze Air Conditioning Corp. (Local vendor)	13120 S.W. 130th Terr. Miami, FL 33186	Frank D. Crawley
• Johnson Controls, Inc. (Non-local vendor)	5757 N. Green Bay Ave. Milwaukee, WI 53201	Bruce R. McDonald
• Thermo Air, Inc. (Local vendor)	2875 N. 29th Ave. Hollywood, FL 33020	C. Reni Dewit

• Weathertrol Maintenance Corp. (Local vendor)	7250 N.E. 4th Ave. Miami, FL 33138	Carlos I. Borja

Performance Data: There are no performance issues for all six firms.

Compliance Data: There are no compliance issues for all six firms.

Contract Measure: No measure

Review Committee Date: August 29, 2007; Item #2-02

Local Preference: Not applicable

Living Wage: The Living Wage Ordinance does not apply.

User Access Program: This contract does not include the User Access Program provision as the original award was processed by MDAD on an emergency basis.

Contract Managers: Basia Pruna, Department of Procurement Management

Neivy Garcia, Miami-Dade Aviation Department

Lucy Romano, General Services Administration

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

REASON FOR CHANGE

Authorization is necessary to ratify the modification of this emergency bridge contract for additional time and spending authority to allow Miami-Dade Aviation (MDAD) and General Services Administration (GSA) departments to continue to maintain and repair A/C chillers at various facilities throughout the County. This emergency bridge contract was ratified by the Board on December 4, 2007, pending the award of a long-term replacement contract.

The emergency contract was set to expire on March 18, 2008, and the replacement contract had yet not been awarded. Therefore, an additional allocation was required by MDAD to continue to repair A/C chillers at Miami International Airport which provide air conditioning in the terminals. This modification also added an allocation for GSA to maintain and repair chillers at several locations that provide air conditioning to GSA-managed County buildings.

The long-term replacement contract was awarded on April 1, 2008. However, these allocations will be used to pay invoices for work completed prior to, as well as work completed within, the initial 60-day inspection period of the new contract.

The issuance of emergency contract was certified by the director of MDAD, as required by Administrative Order 3-38.

Item 4.2

Contract No.:	BW7289-4/08-4
Contract Title:	**Oracle Licenses, Maintenance, Training, Technical Services**
Description:	To modify this contract for additional time to provide the Enterprise Technology Services Department (ETSD) with software licenses, maintenance, training, and technical support provided by Oracle USA Inc. The Government Information Center uses Motorola's Customer Service Request (CSR) system to run the 311 operations. Oracle is the Database Management System that CSR uses as a platform to organize, archive, retrieve, analyze query, and share the vast amount of data needed to run the 311 operations. The software products also support departmental applications managed by ETSD for multiple County departments such as Elections, Human Resources, Seaport, Miami-Dade Police, Public Works, Team Metro, and Miami-Dade Water and Sewer.
Type of Change:	Additional time
Managing Agency/Funding Source:	ETSD – Internal Service Funds
Existing Allocation:	**$5,500,000**
Current Expiration:	June 30, 2008
Modified Expiration:	September 30, 2008

Vendor:	**Address**	**Principal**
•Oracle USA, Inc. (Non-Local vendor)	1900 Oracle Way Reston 1 Fourth Floor Reston, VA 20190	Larry Ellison

Performance Data:	There are no performance issues with this firm.
Compliance Data:	There are no compliance issues with this firm.
Contract Measure:	No measure
Review Committee Date:	May 8, 2002; Item #2-09
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.

Contract Managers: Leida Carrillo, Department of Procurement Management

Mirta Lopez Cardoso, Enterprise Technology Services Department

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

REASON FOR CHANGE

Miami-Dade County has procured Oracle proprietary software products, training, and technical support services since 1995. Oracle is the established County standard for distributed systems and databases. Contract BW7289-4/08 was approved by the Board on March 11, 2003. The current contract was extended for a 90-day period, through June 30, 2008. An additional 90-day extension, through September 30, 2008, requires Board approval as specified in the agreement between Oracle and the County.

This extension is necessary to provide continuity of services while a long-term replacement contract is finalized. The long-term replacement contract is expected to be presented to the Board in the fall.