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

Memorandum

MIAMI-DADE COUNTY

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

Resolution R-1026-08

Date: October 7, 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 for the Acquisition, Assembly and Delivery of Recycling Containers for the Department Solid Waste Management

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Recommendation

It is recommended that the Board of County Commissioners waive competitive bidding procedures and ratify the County Mayor (or County Mayor's designee) award of the attached three emergency contracts for the Acquisition of Containers, and Assembly and Delivery of Recycling Containers 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. These three emergency contracts were awarded due to the County's termination of Contract 8513-0/09 with Puryear Inc. for the acquisition, delivery and assembly of recycling containers (carts) for automated recycling collection due to non-performance by the vendor. The emergency contracts will allow the County to continue the implementation of the new curbside recycling program and regain the project schedule.

Scope

The impact of the three emergency contracts will effect 210,000 households located inside the Miami-Dade Solid Waste Collection Area.

Fiscal Impact/Funding Source

The funding source for the three emergency contracts is Solid Waste Proprietary Revenue. The fiscal impact is as follows:

- **Item No. 1** - Cascade Engineering - Purchase of 98,250 carts at $41.08 per cart and 25,062 at $44.58 per cart for a total fiscal impact of **$5,153,374**.
- **Item No. 2 –** Barker Environmental Co. LLC - Assembly and Delivery Services for 210,000 carts at $2.90 per cart for a total fiscal impact of **$609,000.**
- **Item No. 3** - Otto Environmental Systems - Purchase of 86,688 carts at $44.38 per cart for a total fiscal impact of **$3,847,214**.

The three emergency contracts will increase the cost of the program by $374,000. Overall, $2 million of the originally anticipated $2.4 million in overall savings projected in FY 2008-09 from the implementation of the new recycling program will be realized. The County will seek to recover the additional expenses resulting from Puryear's non-performance through re-procurement charges.

Track Record/Monitor
There are no performance issues with the three vendors recommended for award. The contract manager is DSWM Director Kathleen Woods-Richardson.

Delegated Authority
If this item is approved, the County Mayor or County Mayor's designee will have the authority to extend contracts for the Acquisition, Assembly and Delivery of Recycling Containers in accordance with the terms and conditions of the contracts listed in the accompanying Bid Waiver Package.

Background
In the attached memorandum of August 21, 2008, the Board was advised that the County terminated Contract 8513-0/09 with Puryear Inc. for the acquisition, delivery and assembly of recycling containers (carts) for automated recycling collection due to non-performance by the vendor. Senior staff researched all possible options that would allow the implementation of the program to continue and the project schedule to be restored to the greatest extent possible. The goal was to secure a combination of vendors that minimizes the cost and schedule impacts to the program.

As a result, the County entered into, and seeks ratification of, the following three emergency contracts which represented the best possible value of continuing the implementation of the new curbside residential recycling program:

- **Item No. 1** - Award to Cascade Engineering Inc. for the purchase of recycling containers
- **Item No. 2** - Award to Barker Environmental Co. LLC for the assembly and delivery of recycling containers
- **Item No. 3** - Award to Otto Engineering Systems LLC for the purchase of recycling containers

Cascade Engineering and Otto Environmental Systems commenced delivery of recycling carts to DSWM sites on August 27, 2008 and Barker Environmental Co. LLC will assemble the carts at DSWM sites and commence delivery to County residents on or before September 7, 2008.

Assistant County Manager

Memorandum

MIAMI-DADE COUNTY

Date: August 21, 2008

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

From: George M. Burgess
County Manager

Subject: Update No. 5 - Implementation of the New Curbside Residential Recycling Program

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This memorandum serves as a follow-up to the August 19, 2008 report on the implementation of the new Curbside Residential Recycling Program. As you are aware, the County has terminated its Contract 8513-0/09 with Puryear, Inc. for the acquisition, delivery and assembly of recycling containers (carts) for automated recycling collection due to non-performance by the vendor.

Since then, senior staff from the County Executive Office, Department of Solid Waste Management (DSWM) and Department of Procurement Management have been working diligently to enter into new contracts to continue the program and regain the project schedule. Vendors were contacted and many different options were thoroughly reviewed, considering unit price per cart, unit price for assembly and delivery, and the project schedule. The goal of the negotiations and review was to secure a combination of vendors that minimizes the cost and schedule impacts to the program resulting from the termination of Puryear.

Please be advised that the County has entered into emergency contracts with the following vendors. These emergency awards will be presented for ratification to the Governmental Operations and Environment Committee on September 9, 2008 and the Board on October 7, 2008.

- Cascade Engineering - Purchase of 98,250 carts at $41.08 per cart and 25,062 at $44.58 per cart
- Otto Environmental Systems - Purchase of 86,688 carts at $44.38 per cart
- Barker/Trio Environmental - Assembly and Delivery Services for 210,000 carts at $2.90 per cart

DSWM currently has approximately 10,000 carts in its possession. DSWM will assume responsibility for assembling and distributing these carts in order to continue implementation of the program. Cascade, which continued production of the carts, will begin delivering carts to DSWM on August 27, 2008. Otto Environmental will begin to deliver carts on September 5, 2008. This best case option will increase the cost of the program by $374,000 and increase the program schedule by approximately 10 weeks. The County will seek to recover the additional expenses resulting from Puryear's non-performance through re-procurement charges. As of this date, $55,000 in liquidated damages has been assessed to Puryear and deducted from previous payments made for goods and services rendered. We anticipate an additional deduction of $45,000 in liquidated damages. Overall, $2 million of the anticipated $2.4 million in overall savings projected in FY 2008-09 from the implementation of the new recycling program will be realized.

DSWM is working closely with the Government Information Center to ensure that appropriate information is provided to the citizens which cart delivery has been delayed by Puryear's non-performance. Residents can obtain updated information on recycling carts by visiting www.miamidade.gov/dswm .

We will continue to keep the Board apprised of the situation.

C: Honorable Carlos Alvarez, Mayor
Denis Morales, Mayor's Chief of Staff
Susanne M. Torriente, Assistant County Manager
Miriam Singer, Director, Department of Procurement Management
Kathleen Woods-Richardson, Director, Department of Solid Waste Management
Judi Zito, Director, Government Information Center

Item No. 1

Contract No:	E8805-0/09
Contract Title:	**Recycling Containers**
Description:	To waive formal bid procedures and ratify an emergency award to Cascade Engineering, Inc. for the purchase of recycling containers for the Department of Solid Waste Management (DSWM).
Contract Term:	**August 21, 2008 to January 31, 2009**
Contract Amount:	**$5,153,374**
Managing Agency/Funding Source:	DSWM – Proprietary Funds
Previous Contract Allocation:	$15,816,850
Method of Award:	Emergency awarded on a competitive basis.

Vendor:	**Address**	**Principal**
•Cascade Engineering, Inc. (Non-local vendor)	5251 36th St. S.E. Grand Rapids, MI 49512	Frederick P. Keller

Performance Data:	There are no performance issues with this firm.
Compliance Data:	There are no compliance issues with this firm.
Contract Measure:	No measure due insufficient availability.
Local Preference:	Not applicable
Living Wage:	The Living Wage Ordinance does apply.
User Access Program:	The User Access Program provision is included in the contract. The 2% program discount will be collected on all purchases.
Contract Managers:	Andrew Zawoyski, Department of Procurement Management Kathleen Woods-Richardson, Department of Solid Waste Management

Contract Effective Date: 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 by the Department of Solid Waste Management (DSWM) on August 21, 2008 to Cascade Engineering Inc. (Cascade) for the purchase of a total of 123,312 recycling containers (carts) for the continued implementation of the automated recycling program.

The previous contract for the acquisition, delivery, and assembly of recycling carts for the automated recycling collection program was terminated due to the non-performance of the awarded vendor. Senior staff from the Department of Procurement Management (DPM), DSWM, and County Executive Office collaborated to enter into new contracts that would allow the implementation of the program to continue and the project schedule to be restored to the greatest extent possible. Vendors were contacted and many options were thoroughly reviewed, considering unit price per cart, unit price for assembly and delivery, and the project schedule. Award of this contract represents the best possible recovery to the implementation of the automated recycling program.

This contract with Cascade will allow for the purchase of 98,250 carts at $41.08 (same price as previous contract) per cart and 25,062 at $44.58 per cart. Cascade will deliver 56,250 carts before October 10, 2008. The balance of the carts will be delivered at a rate of approximately 10,000 carts per week.

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

Item No. 2

Contract No:	E8806-0/09
Contract Title:	**Assembly and Delivery of Recycling Containers**
Description:	To waive formal bid procedures and ratify an emergency award to Barker Environmental Co. LLC for the purchase of the assembly and delivery of recycling containers for the Department of Solid Waste Management (DSWM).
Contract Term:	**August 21, 2008 to January 31, 2009**
Contract Amount:	**$609,000**
Managing Agency/Funding Source:	DSWM – Proprietary Funds
Previous Contract Allocation:	$15,816,850
Method of Award:	Emergency awarded on a competitive basis.

Vendor:	**Address**	**Principal**
•Barker Environmental Co. LLC (Non-local vendor)	1102 Brownfield Rd. Pensacola, FL 32526	Kyle N. Barker

Performance Data:	There are no performance issues with this firm.
Compliance Data:	There are no compliance issues with this firm.
Contract Measure:	No measure due insufficient availability.
Local Preference:	Not applicable
Living Wage:	The Living Wage Ordinance does apply.
User Access Program:	The User Access Program provision is included in the contract. The 2% program discount will be collected on all purchases.
Contract Managers:	Andrew Zawoyski, Department of Procurement Management Kathleen Woods-Richardson, Department of Solid Waste Management

Contract Effective Date: 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 by the Department of Solid Waste Management (DSWM) on August 21, 2008 to Barker Environmental Company LLC (Barker) for the assembly and delivery of recycling containers (carts) for the continued implementation of the automated recycling program.

The previous contract for the acquisition, delivery, and assembly of recycling carts for the automated recycling collection program was terminated due to the non-performance of the awarded vendor. Senior staff from the Department of Procurement Management (DPM), DSWM, and County Executive Office collaborated to enter into new contracts that would allow the implementation of the program to continue and the project schedule to be restored to the greatest extent possible. Vendors were contacted and many options were thoroughly reviewed, considering unit price per cart, unit price for assembly and delivery, and the project schedule. Award of this contract represents the best possible recovery to the implementation of the automated recycling program:

This contract with Barker will allow for the assembly of recycling carts on County property and delivery to County residents. Barker will assemble and deliver 24,000 carts per week commencing September 7, 2008 at $2.90 per cart.

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

Item No. 3

Contract No:	E8807-0/09
Contract Title:	**Recycling Containers**
Description:	To waive formal bid procedures and ratify an emergency award to Otto Environmental Systems LLC for the purchase of recycling containers for the Department of Solid Waste Management (DSWM).
Contract Term:	**August 21, 2008 to January 31, 2009**
Contract Amount:	**$3,847,214**
Managing Agency/Funding Source:	DSWM – Proprietary Funds
Previous Contract Allocation:	$15,816,850
Method of Award:	Emergency awarded on a competitive basis.

Vendor:	**Address**	**Principal**
•Otto Environmental Systems LLC (Non-local vendor)	12700 General Drive Charlotte, NC 28273	Steve Stradtman

Performance Data:	There are no performance issues with this firm.
Compliance Data:	There are no compliance issues with this firm.
Contract Measure:	No measure due insufficient availability.
Local Preference:	Not applicable
Living Wage:	The Living Wage Ordinance does apply.
User Access Program:	The User Access Program provision is included in the contract. The 2% program discount will be collected on all purchases.
Contract Managers:	Andrew Zawoyski, Department of Procurement Management Kathleen Woods-Richardson, Department of Solid Waste Management

Contract Effective Date: 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 by the Department of Solid Waste Management (DSWM) on August 21, 2008 to Otto Environmental Systems LLC (Otto) for the purchase of a total of 86,688 recycling containers (carts) for the continued implementation of the automated recycling program.

The previous contract for the acquisition, delivery, and assembly of recycling carts for the automated recycling collection program was terminated due to the non-performance of the awarded vendor. Senior staff from the Department of Procurement Management (DPM), DSWM, and County Executive Office collaborated to enter into new contracts that would allow the implementation of the program to continue and the project schedule to be restored to the greatest extent possible. Vendors were contacted and many options were thoroughly reviewed, considering unit price per cart, unit price for assembly and delivery, and the project schedule. Award of this contract represents the best possible recovery to the implementation of the automated recycling program:

This contract with Otto will allow for the purchase of 86,688 carts at $44.38 per cart. Otto will deliver 20,160 carts before October 1, 2008. The balance of the carts will be delivered at a rate of approximately 7,392 carts per week through December 19, 2008.

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

MEMORANDUM

(Revised)

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

DATE: October 7, 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)
10-7-08

RESOLUTION NO. R-1026-08

RESOLUTION WAIVING FORMAL BID PROCEDURES RATIFYING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE AWARD OF THREE EMERGENCY CONTRACTS: CONTRACT NO. E8805-0/09 IN THE AMOUNT OF $5,153,374 WITH CASCADE ENGINEERING, INC. FOR RECYCLING CONTAINERS, CONTRACT NO. E8806-0/09 WITH BARKER ENVIRONMENTAL COMPANY LLC IN THE AMOUNT OF $609,000 FOR ASSEMBLY AND DELIVERY OF RECYCLING CONTAINERS AND CONTRACT NO. E8807-0/09 IN THE AMOUNT OF $3,847,214 WITH OTTO ENVIRONMENTAL SYSTEMS FOR RECYCLING CONTAINERS

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

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 ratify the County Mayor or County Mayor's designee the award of three emergency contracts: Contract No. E8805-0/09 in the amount of $5,153,374 with Cascade Engineering, Inc. for recycling containers, Contract No E8806-0/09 with Barker Environmental Company LLC in the amount of $609,000 for assembly and delivery of recycling containers and Contract No E8807-0/09 in the amount of $3,847,214 with Otto Environmental Systems for recycling containers.

The foregoing resolution was offered by Commissioner Rebeca Sosa, who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz 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	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 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