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

# Memorandum

MIAMI-DADE COUNTY

**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

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

Resolution R-1027-08

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**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.***

**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 the County Mayor's 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: Radio Controlled Solar Powered Beacons** is to award a sole source contract for the Public Works Department to purchase radio controlled solar powered flashing beacons. The amount being requested is **$500,775.**

**Item 1.2: Air Tasers and Accessories** is to award a sole source contract for the Miami-Dade Police Department to purchase Tasers X26 less-lethal weapons, air cartridges and training for officers. The amount being requested is **$750,000.**

**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 listed in 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.

**Item 3.1: Emergency Repairs to 48" Force Main** is to ratify an emergency award for the Miami-Dade Water and Sewer Department for repairs to a 48" wrought iron force main. The amount being requested is **$390,723.**

**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: Draeger SCBA Leasing and Spare Parts** is for additional spending authority to allow the Miami-Dade Fire Rescue Department to continue to lease Self-Contained Breathing Apparatuses (SCBA) and to purchase maintenance parts for existing Draeger's SCBA equipment. The additional amount being requested is **$100,000.**

**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 listed in this section.

Assistant County Manager

# 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)(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)
10-7-08

RESOLUTION NO. R-1027-08

RESOLUTION WAIVING FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES AND AUTHORIZING THE MAYOR OR 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 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 Mayor's 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 **Jose "Pepe" Diaz**, 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 | aye | Dennis C. Moss | aye |
| Dorrin D. Rolle | aye | Natacha Seijas | aye |
| Katy Sorenson | aye | Rebeca Sosa | aye |
| Sen. Javier D. Souto | aye | | |

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

## SECTION #1
## SOLE SOURCE

**Item 1.1**

| | |
|---|---|
| **Contract No:** | SS8695-0/09 |
| **Contract Title:** | **Radio Controlled Solar Powered Beacons** |
| **Description:** | To waive formal bid procedures and approve the award of a sole source contract for the Public Works Department (PWD) to purchase 33 radio controlled solar powered flashing beacons that will be installed at pedestrian crosswalks or any other locations that require warning signs. |
| **Contract Term:** | **One year** |
| **Contract Amount:** | **$500,775 for one year** |
| **Managing Agency/Funding Source:** | PWD – General Fund*<br><br>*Approval of the use of People's Transportation Plan Surtax Funds for the Public Works Department's allocation will be presented separately to the Board and Citizens' Independent Transportation Trust for approval. |
| **Previous Contract Allocation:** | There was no previous contract. |
| **Method of Award:** | Sole Source |

| **Vendor:** | **Address** | **Principal** |
|---|---|---|
| •Stop Experts, Inc.<br>(Non-local vendor) | 300 Azure Road<br>Venice, FL 34293 | Richard D. Jones |

| | |
|---|---|
| **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 14, 2008; Item #2-04 |
| **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 will be collected on all purchases. |
| **Contract Managers:** | Leonard Gonzalez, Department of Procurement Management<br><br>David Hays, Public Works Department |
| **Contract Effective Date:** | Upon approval by the Board and expiration of the mayoral veto period. |

**JUSTIFICATION**

In an effort to increase pedestrian safety, the Public Works Department is installing new radio controlled solar powered flashing beacons at mid-block pedestrian crosswalks or any other locations that require warning signs. These beacons are powered by a self-contained solar panel and a back up battery.

There are other companies that can provide radio controlled solar powered beacons such as, Solar Traffic Controls, LLC and Carmanah Technologies Corp. However, Stop Experts, Inc., is the only company identified through market research that offers the LED flashing beacons that flash in a rapid irregular pattern, which produces an increase in "yielding behavior" as drivers approach. The resultant data from studies conducted by City of St. Petersburg, FL and Western Michigan University showed a significant increase in yielding compliance with the rectangular irregular flashing beacons (from 11.48 percent to 71 percent and 15 percent to 62 percent respectively), as compared to the traditional amber flashing beacons.

**Item 1.2**

| | |
|---|---|
| **Contract No:** | SS8769-3/13 |
| **Contract Title:** | **Air Tasers and Accessories** |
| **Description:** | To waive formal bid procedures and approve award of a sole source contract for Miami-Dade Police Department (MDPD) to purchase Tasers X26 Less-Lethal Weapons, air cartridges and training for law enforcement officers. |
| **Contract Term:** | **One year (January 1, 2009 to December 31, 2010)**<br>With three, one-year options-to-renew |
| **Contract Amount:** | **$ 750,000 for one year** |
| **Managing Agency/Funding Source:** | MDPD – General Fund |
| **Previous Contract Allocation:** | **$1,330,6007** (for 18 months) |
| **Method of Award:** | Sole Source |

| **Vendor:** | **Address** | **Principal** |
|---|---|---|
| •DGG Taser, Inc.<br>(Non-local vendor) | 8725 Youngerman Court<br>Suite 305<br>Jacksonville, FL 32244 | Gary Measer |

| | |
|---|---|
| **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:** | July 23, 2008; Item #2-05 |
| **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 will be collected on all purchases. |
| **Contract Managers:** | Aylin Borrego, Department of Procurement Management<br><br>Laura Romano, Miami-Dade Police Department |

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

## JUSTIFICATION

The Miami-Dade Police (MDPD) Department is requesting award of a contract to continue purchasing Tasers X26 Less-Lethal Weapons, air cartridges, and training for officers. MDPD has identified the Advanced Taser X26 Less-Lethal Weapon as an appropriate resource that enables police personnel to establish effective control over aggressive, non-compliant and combative individuals.

The Advanced Taser X26 Less-Lethal Weapon is the only taser in the market available solely for use by law enforcement that has the capability to internally document the time and date of each use, as well as identification of the specific weapon used. The memory chip installed in these tasers can store past 2000 firings and this information can be downloaded in the event of an investigation or as evidence in court. DGG Taser is the sole authorized distributor in Florida for Taser International, Inc.

## SECTION #3
## EMERGENCY PURCHASE

**Item 3.1**

| | |
|---|---|
| **Contract No:** | E8759-WS |
| **Contract Title:** | **Emergency Repairs to 48" Force Main** |
| **Description:** | To waive formal bid procedures and ratify an emergency award for Ric-Man International, Inc. for repair of a 48" wrought iron force main on Sunny Isles Boulevard adjacent to the east side of the Oleta River. |
| **Contract Term:** | **April 29, 2008 to June 26, 2008** |
| **Contract Amount:** | **$390,723** |
| **Managing Agency/Funding Source:** | WASD – Operating Revenue |
| **Previous Contract Allocation:** | There was no previous contract. |
| **Method of Award:** | Emergency awarded on a competitive basis to the vendor capable of providing the required services needed by the Miami-Dade Water and Sewer Department (WASD) to make repairs in an expeditious manner in order to protect the health and welfare of the surrounding residents and businesses. |

| **Vendor:** | **Address** | **Principal** |
|---|---|---|
| •Ric-Man International, Inc. (Local vendor) | 2601 N.W. 48th Street<br>Pompano Beach, FL 33073 | David A. Mancini |

| | |
|---|---|
| **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:** | July 9, 2008; Item #2-03 |
| **Local Preference:** | Not applicable |
| **Living Wage:** | The Living Wage Ordinance does apply. |

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

**Contract Managers:** Km! Ra, Department of Procurement Management

Gregory Hicks, Miami-Dade Water and Sewer Department

**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 Miami-Dade Water and Sewer Department (WASD) on April 29, 2008 for Ric-Man International, Inc. to furnish all labor, materials, and equipment for the replacement and/or repair of approximately eight linear feet of 48-inch wrought iron force main.

On April 18, 2008, WASD responded to a call regarding a sewage leak on Sunny Isles Boulevard near the Oleta River Bridge. WASD crews excavated the area and discovered a leak in the 48-inch force main which was making the surrounding ground area unstable.

An emergency competitive solicitation was conducted among local firms identified as capable of performing the necessary repairs. Three firms were notified and responded to the solicitation and Ric-Man International, Inc. was the low responsive, responsible bidder.

| Vendor Name | Quotes/Pricing |
|---|---|
| RIC-MAN International | $322,875 |
| Lanzo Construction | $332,875 |
| Metro Equipment | $375,000 |

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

## SECTION #4
## NON-COMPETITIVE CONTRACT MODIFICATIONS

**Item 4.1**

| | |
|---|---|
| **Contract No:** | BW8660-4/10 |
| **Contract Title:** | **Draeger SCBA Leasing and Spare Parts** |
| **Description:** | To modify this contract for additional spending authority to allow the Miami-Dade Fire Rescue Department (MDFR) to continue to lease Self-Contained Breathing Apparatuses (SCBA) and to purchase maintenance parts for existing Draeger SCBA equipment used by MDFR. |
| **Type of Change:** | Additional spending authority |
| **Existing Allocation:** | **$100,000 for six months** |
| **Increase By/Managing Agency/Funding Source:** | $100,000 for MDFR – Fire District Funds |
| **Total:** | **$200,000** |
| **Current Expiration:** | November 30, 2008 |
| **Modified Expiration:** | Unchanged |

| **Vendor:** | **Address** | **Principal** |
|---|---|---|
| •Draeger Safety, Inc. (Non-local vendor) | 101 Technology Dr. Pittsburg, PA 15275 | Rolf Dangers |

| | |
|---|---|
| **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:** | March 19, 2008; Item #2-06 |
| **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:** Lourdes Betancourt, Department of Procurement Management

Mari Betancourt, Miami-Dade Fire Rescue

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

**REASON FOR CHANGE**

Authorization is necessary for additional spending authority to allow Miami-Dade Fire Rescue (MDFR) to lease an additional 50 Self-Contained Breathing Apparatuses (SCBA), and purchase maintenance, parts and services for an existing 650 Draeger SCBA units.

To replace the aging fleet of Draeger SCBAs, MDFR purchased SCBA equipment from Scott Health and Safety. MDFR has not been able to place these new units in service due to failures and defects that have not been resolved with the manufacturer. The County is currently in litigation to resolve these issues. Since the new units cannot be used, MDFR is required to keep the existing Draeger SCBAs properly functioning for safety purposes.

The National Fire Protection Association and the National Institute for Occupational Safety and Health that require all fire personnel be trained and certified on respiratory equipment used in firefighting operations. Professional standards also require that personnel receive a personally issued mask, and in some cases, regulators. As such, it is not feasible for MDFR to lease or introduce equipment from other manufacturers with different training procedures and incompatible masks and regulators. Due to training and compatibility issues, it is critical that MDFR's fleet of SCBA's be purchased from a single manufacturer.