OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: March 3, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

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

Resolution No. R-189-09

From: Carlos Alvarez
Mayor

George M. Burgess
County Manager

Subject: Resolution Waiving Formal Bid Procedures

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 utilization. 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 County Mayor's designee will have the authority to exercise in their discretion subsequent options-to-renew and 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.

There are no items for 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: Micro Air Vehicle (MAV) is to approve the award of a bid waiver contract for the Miami-Dade Police Department to purchase one and lease another MAV for the department's Special Response Team. The amount being requested is **$159,000**.

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: Miscellaneous Medical Supplies is to waive formal bid procedures and ratify an emergency contract award for the Miami-Dade Fire Rescue Department to purchase various medical supplies. The amount being requested is **$345,000**.

Section 4 NON-COMPETITIVE CONTRACT MODIFICATIONS

A non-competitive contract modification is a supplemental allocation for goods or services that exceed 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: Medical Transport Billing and Collection Services is for additional time and spending authority to allow the Miami-Dade Fire Rescue Department to obtain emergency medical transport billing and collection services. The additional amount being requested is **$300,000**.

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 for this section.

Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: March 3, 2009

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

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

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 Mayor'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)(C)
3-3-09

RESOLUTION NO. **R-189-09**

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER

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 waives formal bid procedures for the purchase of goods and services and authorizes the County Mayor or County Mayor's designee to award such contracts, with authority to exercise options-to-renew established thereunder, pursuant to Section 5.03(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 **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **aye**

Bruno A. Barreiro	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Barbara J. Jordan	**aye**	Joe A. Martinez	**absent**
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 3rd day of March, 2009. 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 #2
BID WAIVER

Item 2.1

Contract No:	BW8742-3/12
Contract Title:	**Micro Air Vehicle (MAV)**
Description:	Requesting waiver of formal bid procedures and approval of award of a bid waiver contract for the Miami-Dade Police Department (MDPD) for the purchase of one Micro Air Vehicle (MAV) and lease of another MAV for MDPD's Aviation Unit in support of the Special Response Team.
Contract Term:	**One year** With three, one-year options-to-renew
Contract Amount:	**$150,000 for one year** **$1.00 lease fee for the duration of the experimental project**
Options-To-Renew:	Three, one year options-to-renew (OTR) $ 3,000 - 1st OTR $ 3,000 - 2nd OTR $ 3,000 - 3rd OTR
Estimated Cumulative Value:	**$159,000 for four years** The allocation of $3,000 per year is to purchase replacement parts and/or repair and maintenance services, if needed.
Managing Agency/Funding Source:	MDPD – Federal Grant
Previous Contract Allocation:	No previous contract
Method of Award:	Bid Waiver

Vendor:	**Address**	**Principal**
•Honeywell International, Inc. (Non-local vendor)	9201 San Mateo Blvd. NE Albuquerque, NM 87113	Curtis Scholtz

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 #5-04

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:	Aylin Borrego, Department of Procurement Management 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 Department (MDPD) is requesting a bid waiver contract for two (one for purchase and another for lease) remote controlled Micro Air Vehicles (MAV) for MDPD's Aviation Unit in support of the Special Response Team. The Federal Aviation Administration (FAA) is interested in testing this aircraft for use by non-military law enforcement and has partnered with the United States Department of Justice (USDOJ) to select certain local agencies to participate in such a test. This test would determine the policies, requirements, and other mandates by the FAA regarding the use of these vehicles once testing is completed. MDPD has been selected by the USDOJ, in partnership with FAA, to participate in a test opportunity. The County has been awarded a federal grant for the MAVs, one portable ground station, and associated ground support equipment to conduct this test.

These vehicles will be utilized for intelligence gathering, strategic decision-making, and to minimize risk to officer safety. The MAV is an unmanned aircraft maneuvered by a portable ground station used by the military. Currently, these aircraft are authorized for use only by the United States Department of Defense and not in the national air space. The County is now being granted this same authority by the USDOJ through this contract.

The Honeywell MAV was identified as the selected aircraft to be used for testing in the USDOJ grant. This MAV is available for purchase only from Honeywell.

SECTION #3
EMERGENCY PURCHASES

Item 3.1

Contract No.:	E8595-0/08
Contract Title:	**Miscellaneous Medical Supplies**
Description:	To waive formal bid procedures and ratify an emergency contract award for the Miami-Dade Fire Rescue (MDFR) Department to purchase various medical supplies.
Contract Term:	December 26, 2007 to March 31, 2008
Contract Amount:	$345,000
Managing Agency / Funding Source:	MDFR – Fire District Funds
Previous Contract Allocation:	$1,699,999 for 18 months
Method of Award:	Emergency Purchase

Vendors:	**Address**	**Principal**
•Bound Tree Medical LLC (Non-local vendor)	5200 Rings Road Suite A Dublin, OH 43017	Matthew D. Walter
•Henry Schein, Inc. (Non-local vendor)	135 Duryea Road Mellville, NY 11747	Stanley M. Bergman
•Kentron Healthcare, Inc. (Non-local vendor)	3604 Kelton Jackson Road Springfield, TN 37172	Nari Sadarangani
•Potts Distributing Co. (Non-local vendor)	893 Fisher Road Columbia, LA 71418	Mable Potts
•Quadmed, Inc. (Non-local vendor)	11210 Philips Industrial Boulevard, E. Jacksonville, FL 32256	Lisa M. Price
•Southeastern Emergency Equipment Co., Inc. (Non-local vendor)	5760 Highway 96 W. Youngsville, NC 27596	Donald Pleasants
•Supreme Medical Fulfillment Systems, Inc. (Non-local vendor)	4497 Dawes Road Theodore, AL 36582	Tony Mason

•SZY Holdings LLC (Non-local vendor)	383 Kingston Avenue Brooklyn, NY 11213	Mari Weber

Performance Data: There are no performance issues with any of the eight firms.

Compliance Data: There are no compliance issues with any of the eight firms.

Contract Measure: Not applicable

Review Committee Date: January 9, 2008; Item #2-01

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: Michael Laughlin, Department of Procurement Management

Marianela Betancourt, Miami-Dade Fire Rescue Department

Contract Effective Date: Subject to retroactive approval by the Board and expiration of the mayoral veto period.

JUSTIFICATION

Seeking ratification of an emergency contract awarded on December 26, 2007 by the Miami-Dade Fire Rescue (MDFR) Department to various vendors to supply medical supplies for the emergency medical units.

A contract was established to purchase medical supplies for a one-year period from March 1, 2006 through February 28, 2007, with one option-to-renew (OTR) for six months. Upon approval of the six-month OTR period, the contract was in effect from March 1, 2007 through August 31, 2007. The contract was then extended for additional time and money through March 31, 2008. MDFR experienced a significant increase in emergency call volume which depleted the funding on that contract.

On December 26, 2007, MDFR declared an emergency to secure funding to provide a continuous supply of medical supplies to support daily operations through March 31, 2008, while the Board approved the extension of the existing contract for additional time and money. The successor contract, Bid No. 8441-4/12, was approved by the Board on July 17, 2008 which commenced on September 1, 2008 for a one-year period through August 31, 2009. This contract was awarded to a primary, secondary and tertiary vendor by group.

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

SECTION #4
NON-COMPETITIVE CONTRACT MODIFICATIONS

Item 4.1

Contract No:	TBW7863-1/06-1
Contract Title:	**Medical Transport Billing and Collection Services**
Description:	Request for modification of this contract for additional time and spending authority for the Miami-Dade Fire Rescue Department (MDFR) to obtain emergency medical transport billing and collection services.
Type of Change:	**Additional time and spending authority**
Existing Allocation:	**$2,100,000 (42 months)**
Increase By / Managing Agency/Funding Source:	$ 300,000 (six months) for MDFR – Fire District Funds
Total:	**$2,400,000 (48 months)**
Current Expiration:	March 21, 2009
Modified Expiration:	September 21, 2009

Vendor:	**Address**	**Principal**
•Advanced Data Processing, Inc. (Local vendor)	520 N.W. 165th Street, #201 Miami, FL 33169	Doug Shamon

Performance Data:	There are no performance issues with this firm.
Compliance Data:	There are no compliance issues with this firm.
Contract Measure:	Not applicable
Review Committee Date:	Not applicable
Local Preference:	Not applicable
Living Wage:	The Living Wage Ordinance does not apply.
User Access Program:	This contract does not include the 2% User Access Program provision as it is a revenue generating contract. The User Access Program provision does not apply.
Contract Managers:	Adil Khan, Department of Procurement Management Marianela Betancourt, Miami-Dade Fire Rescue

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

JUSTIFICATION

Authorization is requested for additional time and spending authority to provide medical transport billing and collection services for the Miami-Dade Fire Rescue Department (MDFR). This extension will allow for additional time to establish a new long-term contract and provide continuity of services until the replacement contract is awarded.

On March 16, 2006, the County issued a Request for Proposals (RFP) under full and open competition for Emergency Medical Transport Billing and Collection Services. After a comprehensive evaluation of the eight proposals, a recommendation to award to the top ranked firm, Advanced Data Processing Inc. (ADPI) was approved on November 30, 2006. On December 14, 2006, the second ranked firm, PerSe Technologies, filed a protest, citing discrepancies in the price evaluation formula used for the price calculation and assignment of price points. The protest was thoroughly evaluated by the County Attorney's Office and MDFR. It was determined that assigning price points based on the proposers' projected revenues, instead of actual collection figures, was not a sound basis for maximizing net revenue to the County. After discussion at the Budget and Finance Committee, MDFR withdrew its recommendation to award and the committee asked that all proposals be rejected, and that the bid protest period be waived. On October 2, 2007, the Board approved the rejection of the proposals and issuance of a new solicitation.

On December 27, 2007, the County issued RFP No. 600-2/22 - Emergency Medical Services Billing under full and open competition. The solicitation was structured to achieve the highest revenue for the County with a Minimum Annual Guarantee (MAG). The Selection Committee evaluated the five proposals received and recommended that the County negotiate with ADPI, the highest ranked proposer. Following several negotiations meetings with ADPI, the County was not able to reach an agreement with the firm. After consultation with the County Attorney's Office, the Negotiations Team recommended that negotiations with ADPI be terminated. It was also recommended that the County reject all proposals, waive competitive bidding and bid protest procedures, and authorize competitive negotiations with the two highest ranked firms. That recommendation is being submitted in this agenda as a separate item.