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

Memorandum

MIAMI-DADE COUNTY

Amended
Agenda Item No. 8(O)(1)(D)

Date: November 20, 2008

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

From: Carlos Alvarez
Mayor

George M. Burgess
County Manager

Subject: Resolution Waiving Formal Bid Procedures R#1181-08

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 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.

Item 1.1: PROPworks System Software is to approve the award of a sole source contract for the Miami-Dade Aviation Department to purchase ongoing software maintenance and technical support services for the existing PROPworks System. PROPworks is an automated revenue management system. The amount being requested is **$757,256**.

Item 1.2: Medical Examiner Computer Information System is to approve the award of a sole source contract for the Medical Examiner to purchase on-going software licenses, maintenance and support services. The amount being requested is **$400,000**.

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: Legal Research Services is for additional spending authority and to exercise the first Option-to-Renew (OTR) period to allow the Miami-Dade Corrections and Rehabilitation Department to continue to access the contact and expand the purchase of legal research services to the general inmate population. The additional amount being requested is **$330,000**.

Item 4.2: Juvenile Detention Services is for additional spending authority and time for the purchase of juvenile detention services by the Miami-Dade Juvenile Assessment Center. The additional amount being requested is **$840,000**.

Item 4.3: NICE Digital Video Recording Systems is for additional spending authority to allow the Miami-Dade Fire Rescue, Miami-Dade Police and Miami-Dade Transit departments to access a contract for ongoing maintenance support services, repairs, parts, system modifications, software upgrades and training for the Digital Video and Audio Recording Systems. The additional amount being requested is **$3,518,981**.

Item 4.4: Arbitrage Services is for additional spending authority to allow the Finance Department to continue to utilize the vendor to perform arbitrage related services, including determining methods by which the County may result in significant Internal Revenue Service (IRS) refunds from previous claims paid for arbitrage rebates. 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 for this section.

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: November 20, 2008

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

SUBJECT: Amended
Agenda Item No. 8(O)(1)(D)

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 _____

Amended
Agenda Item No. 8(O)(1)(D)
11-20-08

RESOLUTION NO. R- 1181-08

AUTHORIZING WAIVER OF FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES, AUTHORIZING THE COUNTY MAYOR OR 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 he4rein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds 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 Audrey M. Edmonson, who moved its adoption. The motion was seconded by Commissioner Katy Sorenson and upon being put to a vote, the vote was as follows:

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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	**absent**	Dennis C. Moss	**absent**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of November, 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:	SS8764-0/18
Contract Title:	**PROPworks System Software**
Description:	To waive formal bid procedures and approve award of a sole source contract for the Miami-Dade Aviation Department (MDAD) to purchase ongoing software maintenance and technical support services for the existing PROPworks System Software provided by Air-Transport IT Services, Inc.
Contract Term:	**10 years (December 1, 2008 to November 30, 2018)**
Managing Agency/Funding Source:	MDAD – Operating Revenue
Contract Amount:	**$757,256 for 10 years**
Previous Contract Allocation:	$28,704 for six months
Method of Award:	Sole Source

Vendor:	**Address**	**Principal**
•Air-Transport IT Services, Inc. (Non-local vendor)	6675 Westwood Boulevard Suite 210 Orlando, FL 32821	Chris B. 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
Review Committee Date:	May 14, 2008; Item #2-03
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 the Miami-Dade Aviation Department is the only department accessing the contract and Federal Aviation Administration regulations do not allow for inclusion of the UAP.

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

JUSTIFICATION

The Medical Examiner's Office (ME) is requesting approval of a non-competitive award to VertiQ Software LLC, the sole source vendor for the existing web-based Coroners and Medical Examiners (CME) Toolkit Software and the Laboratory Information Management System (LIMS) application. The ongoing maintenance and support services for LIMS are proprietary to VertiQ Software.

The Department of Procurement Management staff was able to obtain a more aggressive pricing structure through negotiations with this sole source that resulted in a reduction in the annual maintenance charges.

The LIMS application provides a centralized database which captures and stores information regarding death investigation, autopsy results, and other medical information that is shared with other County departments, as well as local, state, and federal agencies.

SECTION #4
NON-COMPETITIVE CONTRACT MODIFICATIONS

Item 4.1

Contract No:	BW8610-3/12
Contract Title:	**Legal Research Services**
Description:	To modify a contract for additional spending authority in the amount of $115,000 and to authorize the County Mayor or County Mayor's designee to exercise the first Option-to-Renew (OTR) period to allow the Miami-Dade Corrections and Rehabilitation Department (MDCR) to purchase legal research services in compliance with federal law for the general inmate population at County detention facilities. The contract is in its initial term which expires on February 28, 2009. This modification and the execution of the first OTR will bring the cumulative value of the contract to $430,000.
Type of Change:	Additional spending authority and authorization to exercise the first OTR period
Managing Agency/Funding Source:	MDCR – General Fund

Initial Contract Term and Existing Allocation:	One year March 1, 2008 to February 28, 2009	**$100,000**
Increase By:		$115,000
Modified Allocation:		**$215,000**
First OTR and Estimated Usage:	One year March 1, 2009 to February 28, 2010	**$215,000**
Cumulative Value:		**$430,000**

Vendor:	**Address**	**Principal**
•Prison Solutions, Inc. (Non-local vendor)	3943 Ocita Drive Orlando, FL 32837775	Mark Cacho

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:	February 6, 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 is being collected on all purchases.
Contract Managers:	Aylin Borrego, Department of Procurement Management Mohammed Haq, Miami-Dade Corrections and Rehabilitation Department
Contract Effective Date:	Upon approval by the Board and expiration of the mayoral veto period.

REASON FOR CHANGE

Authorization is requested for additional spending authority and to authorize the County Mayor or County Mayor's designee to exercise the first Option-to-Renew (OTR) period. This contract will allow the Miami-Dade Corrections and Rehabilitation Department (MDCR) to continue to purchase legal research services, complying with federal law access to legal support for the general inmate population at County detention facilities. These services are currently provided to inmates in maximum security status at two detention facilities. This modification will allow MDCR to expand these services to the remaining three detention facilities.

Legal Research Associates (LRA) provides jails and other corrections agencies off-site programs that support inmate access to legal information by taking the place of jail law libraries. Presently, LRA is the only provider of this kind of service. Legal research and assistance is provided at inmate confinement locations. This eliminates the need for transporting inmates to and from law libraries.

This modification and the execution of the first OTR will bring the cumulative value of the contract to $430,000.

Item 4.2

Contract No:	E8104-0/06
Contract Title:	**Juvenile Detention Services**
Description:	To modify an emergency contract for additional time and spending authority for the purchase of juvenile detention services at the Miami-Dade Juvenile Assessment Center (JAC).
Type of Change:	Month-to-month extension (for up to five months)
Existing Allocation:	**$3,640,000 for a period of 27 months**
Increase By/Managing Agency/Funding Source:	$ 840,000 for JSD – General Fund ($140,000 per month for up to six (months – includes the
Modified Allocation:	**$4,480,000 for 32 months**
Current Expiration:	October 31, 2008
Modified Expiration:	March 31, 2009

Vendor:	**Address**	**Principal**
•The Wackenhut Corp. (Non-local vendor)	4200 Wackenhut Drive Palm Beach Gardens, FL 33410	Jeffery Cappeletti

Performance Data:	There are no performance issues with this firm on this contract. An audit was performed by the Audit and Management Services Department (AMS) on another County contract. Final close-out of this audit is pending.
Compliance Data:	There are no compliance issues with this firm.
Contract Measure:	No measure
Local Preference:	Not applicable
Living Wage:	The Living Wage Ordinance does apply.
User Access Program:	This contract does not include the 2% User Access Program provision as it was awarded by the Juvenile Services Department on an emergency basis.
Contract Managers:	Maria Hevia, Department of Procurement Management Latosha Tarver, Juvenile Services Department

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

REASON FOR CHANGE

Authorization is requested for additional time (up to five months) and additional spending authority (for a six-month period) for the Miami-Dade Juvenile Services Department (JSD) to provide juvenile detention services at the Juvenile Assessment Center (JAC).

This extension, with prorated funding, is necessary to ensure continuity of services pending the audit close-out while this process takes place. The contract was extended administratively for a one-month period without additional funds through October 31, 2008. The additional allocation of $840,000 will provide enough funds six months to include the five-month extension period that is being requested.

Award of the replacement contract is currently on hold pending resolution of an audit performed by Audit and Management Services involving the incumbent firm. In 2006, JSD processed an emergency purchase order for The Wackenhut Corporation, the incumbent vendor, to ensure continuity of these specialized juvenile services.

Item 4.3

Contract No: SS8554-2/20

Contract Title: **NICE Digital Video Recording Systems**

Description: To modify a contract for additional spending authority to allow the Miami-Dade Fire Rescue (MDFR), Miami-Dade Police (MDPD) and Miami-Dade Transit (MDT) departments to purchase ongoing maintenance support services, repairs, parts, system modifications, software upgrades, and training for the Digital Video and Audio Recording Systems (DVARS) provided by NICE Systems, Inc.

Type of Change: Additional spending authority

Existing Allocation: **$5,157,693 for five years**

Increase By/Managing Agencies/Funding Sources:

Allocation	Department	Funding Source
$1,000,000	MDFR	Fire District Funds
$1,179,380	MDPD	General Fund and Grants
$1,339,601	MDT	General Fund, Operating Revenue, and Grants
$3,518,981		

Total:

Modified Allocation: **$8,676,674 for the remaining term**

Current Expiration: March 31, 2013

Modified Expiration: Unchanged

Vendor:	Address	Principal
•NICE Systems, Inc. (Non-local vendor)	301 RT. 17 North, 10th Floor Rutherford, NJ 07070	Eran Gorev

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: November 7, 2007; Item #2-02

Local Preference: Applied in accordance with the Local Preference Ordinance.

Living Wage: The Living Wage Ordinance does not apply.

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User Access Program: This contract did not include the User Access Program (UAP) provision as the Miami-Dade Aviation Department was the only department accessing the contract and Federal Aviation Administration regulations do not allow for inclusion of the UAP. Approval of this modification will allow the three additional departments to access the contract. The 2% UAP program discount will be collected on future purchases made by these three departments.

Contract Managers: Leida Altman Carrillo, Department of Procurement Management

Marianela Betancourt, Miami-Dade Fire Rescue Department

Thomas Gross, Miami-Dade Police Department

Tametria Harris, Miami Dade Transit

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 the Miami-Dade Fire Rescue, Miami-Dade Police and Miami-Dade Transit departments access to the contract for ongoing maintenance support services, repairs, parts, system modifications, software upgrades, and training for DVARS provided by NICE Systems, Inc. Approval of these modifications will provide the three departments the ability to maintain and upgrade the equipment and obtain ongoing software maintenance and support services.

This contract currently provides the Miami-Dade Aviation Department (MDAD) with maintenance support services, upgrades and maintenance for the proprietary Digital Video and Audio Recording Systems (DVARS) located at Miami International Airport (MIA).

Item 4.4

Contract No:	EPP-RFP533
Contract Title:	**Arbitrage Services**
Description:	To modify a contract for additional spending authority to allow the Finance Department to continue to utilize the vendor to perform arbitrage related services, including determining methods by which the County may result in significant Internal Revenue Service (IRS) refunds from previous claims paid for arbitrage rebates.
Type of Change:	Additional spending authority
Existing Allocation:	**$425,000 for three years**
Increase By/Managing Agencies/Funding Sources:	$100,000 for Finance – Fees to be paid from refunds received
Modified Allocation:	**$525,000 for the remaining term**
Current Expiration:	November 5, 2009
Modified Expiration:	Unchanged

Vendor:	**Address**	**Principal**
•Bond Logistix LLC (Non-local vendor)	2711 N. Haskell Avenue, LB #35 Suite 2600 SW Dallas, TX 75204	Richard Chirls

Performance Data:	There are no performance issues with this firm.
Compliance Data:	There are no compliance issues with this firm.
Contract Measure:	Selection Factor
Review Committee Date:	July 12, 2006; Item #6-03
Local Preference:	Applied in accordance with the Local Preference Ordinance.
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.

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Contract Managers: Scott Voelker, Department of Procurement Management

Lidia Monzon-Aguirre, Finance Department

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

REASON FOR CHANGE

Authorization is requested for additional spending authority to allow the Finance Department to continue utilizing this contract. Approval of this modification will provide the County the ability to pursue the aforementioned refund claims which could potentially return more than $6 million to the County.

The County, along with the Miami-Dade Public School System, contracted with the vendor as a result of a joint competitive solicitation effort. This contract provides Finance with arbitrage rebate calculations and related services for existing and future bond issues that are subject to the Internal Revenue Service (IRS) Code of 1986 and applicable Treasury regulations. After contract award, consistent with the scope of work in the competed contract, the vendor identified ways for the County to save money by filing IRS refund claims for previously paid arbitrage rebates. These additional arbitrage related services were added to the contract via a non-competitive supplemental agreement.