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

Memorandum

MIAMI-DADE COUNTY

Date: July 21, 2009

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

Agenda Item No. 14(A)(49)

Resolution No. R-1057-09

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 5.03(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

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 departments' contract manager is reflected in the accompanying Bid Waiver 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 (OTR) 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 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 1.1: Safety Equipment and Supplies is for ratification of an emergency purchase of health care masks for the Miami-Dade Corrections and Rehabilitation Department. The amount being requested is **$139,500**.

Section 2 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 2.1: NICE Digital Video and Audio Recording Systems Maintenance and Support Services is for additional spending authority for the Miami-Dade Police Department, and to allow the Seaport Department access to the contract for required software maintenance support services, equipment maintenance, parts, consulting, and training for the Digital Video and Audio Recording Systems provided by NICE Systems, Inc. The Digital Video and Audio Recording Systems are utilized throughout the County to support the security operations of the using departments. The additional amount being requested is **$2,311,400**.

Item 2.2: Educational Brochures is for additional spending authority in the amount of $26,000, and to exercise the remaining Option-to-Renew periods in the amount of $378,000, for the Miami-Dade Department of Emergency Management to purchase brochures/pamphlets addressing emergency preparedness topics for residents of Miami-Dade County. The additional amount being requested is **$404,000**.

Item 2.3: Medical Transport Billing and Collection Services is for additional spending authority to allow the Miami-Dade Fire Rescue Department to pay for emergency medical transport billing and collection services conducted by Advanced Data Processing, Inc. The additional amount being requested is **$600,000**.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: July 21, 2009

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

SUBJECT: Agenda Item No. 14(A)(49)

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. 14(A)(49)
7-21-09

RESOLUTION NO. **R-1057-09**

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY 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 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 **Natacha Seijas**, who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** 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	**absent**
Barbara J. Jordan	**aye**	Joe A. Martinez	**absent**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**aye**		

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The Chairperson thereupon declared the resolution duly passed and adopted this **23rd day** of July, 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

SECTION #1
EMERGENCY PURCHASES

Item 1.1

Contract No.: E9037-CR

Contract Title: **Safety Equipment and Supplies**

Description: To waive formal bid procedures and ratify an emergency purchase for health care masks for the Miami-Dade Corrections (MDCR) and Rehabilitation Department.

Contract Term: May 1, 2009

Contract Amount: $139,500

Using/Managing Agency:

Department	Allocation	Funding Source
Corrections	$139,500	General Fund
Total:	$139,500	

Previous Contract Allocation: Not applicable

Method of Award: Emergency purchase awarded to the lowest responsive, responsible bidder.

Vendor:	Address	Principal
•W. W. Grainger, Inc. (Non-local vendor)	100 Grainger Pkwy. Lake Forest, IL 60045	James T. Ryan

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 13, 2009; Item #2-02

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

Living Wage: The Living Wage Ordinance does not apply.

User Access Program: This contract does not include the User Access Program provision as it was processed on an emergency basis by the Miami-Dade Corrections and Rehabilitation Department.

Contract Managers: Maria Hevia, Department of Procurement Management

Mohammed Haq, Miami-Dade Corrections and Rehabilitation Department

Contract Effective Date: Subject to retroactive approval by the Board unless vetoed by the Mayor.

JUSTIFICATION

Seeking ratification of an emergency contract established by the Miami-Dade Corrections and Rehabilitation Department on May 1, 2009 to W. W. Grainger, Inc. to purchase health care masks to protect staff and inmates housed at all Miami-Dade correctional facilities from communicable diseases.

There was no additional authority to modify the existing contract, ITB 4119-4/10-3 Safety Equipment and Supplies. An emergency contract was established to address the department's immediate need.

SECTION #2
NON-COMPETITIVE CONTRACT MODIFICATIONS

Item 2.1

Contract No: SS8554-2/20

Contract Title: **NICE Digital Video and Audio Recording Systems Maintenance and Support Services**

Description: To modify this contract for additional spending authority for Miami-Dade Police Department (MDPD), and to allow Seaport Department access to the contract for software maintenance support services, equipment maintenance, parts, professional services, and training for the Digital Video and Audio Recording Systems provided by NICE Systems, Inc.

Type of Change: Additional spending authority and to allow access to the contract.

Existing Allocation: $ 8,676,674 for the initial five year term (April 1, 2008 to March 31, 2013)

Increase By:

$ 1,500,000	for MDPD –	General Fund and State Grant
$ 811,400	for Seaport –	Homeland Security Grant and Operating Revenue
$ 2,311,400		

Modified Allocation: $10,988,074 for the remaining term

Using/Managing Agencies and Funding Sources:

Departments	Existing Allocation	Additional Allocation	Modified Allocation	Funding Sources
Aviation	$5,157,693	$ 0	$ 5,157,693	Proprietary Revenue
Police	$1,179,380	$1,500,000	$ 2,679,380	General Fund and State Grant
MDT	$1,339,601	$ 0	$ 1,339,601	Operating Revenue
MDFR	$1,000,000	$ 0	$ 1,000,000	Fire District
Seaport	$ 0	$ 811,400	$ 811,400	Homeland Security Grant/ Operating Revenue
Total:	$8,676,674	$2,311,400	$10,988,074	

Current Expiration: March 31, 2013

Modified Expiration:	Unchanged	
Vendor: •NICE Systems Inc. (Non-local vendor)	**Address** 301 RT. 17 North, 10th Floor Rutherford, NJ 07070	**Principal** 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.	
User Access Program:	The User Access Program provision will apply. The 2% program discount will be collected on all purchases where permitted by funding.	
Contract Managers:	Leida Altman Carrillo, Department of Procurement Management Ray Davalos, Miami-Dade Aviation Department Thomas Gross, Miami-Dade Police Department Marianela Betancourt, Miami-Dade Fire and Rescue Department Tametria Harris, Miami-Dade Transit Gyselle Saner, Seaport Department	
Contract Effective Date:	April 1, 2008	

REASON FOR CHANGE

Authorization is requested for additional spending authority for the Miami-Dade Police Department, and to allow the Seaport Department access to this contract. This contract provides software maintenance support services, equipment maintenance, parts, systems modification, software upgrades, professional services, training, consulting and repair services for the Digital Video and Audio Recording Systems (DVARS) provided by NICE Systems, Inc.).

On March 4, 2008, the Board of County Commissioners (Board) approved award of a sole source contract to provide the Miami-Dade Aviation Department maintenance and support services needed for the DVARS system utilized for security operations. The DVARS Security System supports the recording

of over 2,000 Close Circuit Television (CCTV) security cameras at Miami International Airport (MIA). The CCTV security cameras located throughout MIA feed into this system at 18 locations distributed throughout its terminals. In addition, DVARS is utilized throughout a number of County departments to support security operations. A contract modification was approved by the Board on November 20, 2008 for additional spending authority to allow the Miami-Dade Fire Rescue (MDFR), Miami-Dade Police (MDPD) and Miami-Dade Transit (MDT) Departments' access to the contract.

The current modification request will provide additional spending authority only for the Miami-Dade Police Department, and will allow the Seaport Department access to the contract. The departmental projects associated with this request are described below.

The **Miami-Dade Police Department** utilizes this contract to pay for the required maintenance support services, repairs, parts, system modifications, software upgrades, and training for the existing DVARS systems at the E911 Call Center. Approval of this modification will provide MDPD with additional spending authority to implement the DVARS System at the Integrated Command Facility. Consolidating the audio recording equipment and software to work on the same platform gives the County the ability to provide interoperability and quality assurance for the dispatch personnel, and for training to improve response to field personnel and citizens.

The **Seaport Department** requires access to this contract to complete a conversion project for the Closed Circuit Television (CCTV) security camera system at the Port of Miami to increase reliability, storage, improve video quality, and obtain support services. This project will convert 571 outdated analog CCTV cameras to digital video format at all cruise terminals and inspection points within the Port of Miami. Transitioning these CCTV cameras to digital video will provide the Seaport with higher quality video resolution, thus increasing the department's ability to effectively monitor and identify activities more clearly. Finally, this project will provide the Port of Miami more flexibility in identifying and archiving incidents by increasing the storage capacity to 30 days of total data retention. This project is being partially funded by a Homeland Security Grant which expires on September 30, 2009.

It is critical to the security of the authorized departments that the DVARS systems be fully operational at all times. Due to the proprietary nature of the DVARS System, NICE System, Inc. is the sole provider of software maintenance, parts, systems modification, software upgrades, training, and repair services.

Item 2.2

Contract No: SS8822-3/12

Contract Title: **Educational Brochures**

Description: To modify this contract for additional spending authority to allow the Department of Emergency Management (DEM) to purchase educational brochures/pamphlets and to authorize the County Mayor or County Mayor's designee, to exercise the three remaining Option-to-Renew (OTR) periods. The contract is in its initial term which expires on December 14, 2009. This modification, and the execution of the remaining three OTRs, will bring the cumulative value of the contract to $504,000.

Type of Change: Additional spending authority and authorization to exercise the remaining three, one year OTR periods.

Initial Contract Term and Estimated Usage:	December 15, 2008 to December 14, 2009 - $126,000
First OTR and Usage:	December 15, 2009 to December 14, 2010 - $126,000
Second OTR and Usage:	December 15, 2010 to December 14, 2011 - $126,000
Third OTR and Usage:	December 15, 2011 to December 14, 2012 - $126,000
Total Cumulative Value:	$504,000

Existing Allocation: $100,000 for one year (December 15, 2008 to December 14, 2009)

Increase By: $ 26,000 for DEM – Metropolitan Medical Response System (MMRS) Grant and Citizens Corps (CC) Grant
Total: $126,000

Using/Managing Agencies and Funding Sources:

Department	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source
DEM	$ 0	$26,000	$ 26,000	MMRS/CC Grant
MDPD	$ 100,000	$ 0	$ 100,000	General Fund
Total:	$ 100,000	$26,000	$ 126,000	

Current Expiration: December 14, 2009

Modified Expiration: December 14, 2012

Vendor:	Address	Principal
•Channing Bete Co., Inc. (Non-local vendor)	One Community Place South Deerfield, MA 01373	Michael Bete

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: December 23, 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% discount is being collected on all purchases where permitted by funding source.

Contract Managers: Lourdes Betancourt, Department of Procurement Management

Pamela Broaster-Doyle, Miami-Dade Department of Emergency Management

Contract Effective Date: December 15, 2008

REASON FOR CHANGE

Authorization is necessary for additional spending authority to allow the Department of Emergency Management (DEM) to purchase educational brochures/pamphlets. These pamphlets provide information on various preparedness topics to the residents of Miami-Dade County. The publications for DEM will be fully funded by grants.

Item 2.3

Contract No: TBW7863-1/06-1

Contract Title: **Medical Transport Billing and Collection Services**

Description: To modify this contract for additional spending authority and time for the Miami-Dade Fire Rescue (MDFR) Department to purchase emergency medical transport billing and collection services.

Type of Change: Additional time and spending authority

Existing Allocation: $2,880,000 for 48 months (September 22, 2005 to September 21, 2009)

Increase By/Managing Agency: $ 600,000 for six months – MDFR – Fire District

Total: $3,480,000 for 54 months (September 22, 2005 to March 21, 2010)

Using Managing Agency and Funding Source:

Department	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source
MDFR	$2,880,000	$600,000	$3,480,000	Fire District
Total:	$2,880,000	$600,000	$3,480,000	

Current Expiration: September 21, 2009

Modified Expiration: March 21, 2010

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: The User Access Program provision does not apply. This is a revenue generating contract.

Contract Managers: Adil Khan, Department of Procurement Management

Scott Mendelsberg, Miami-Dade Fire Rescue Department

Contract Effective Date: September 22, 2005

REASON FOR CHANGE

Authorization is requested for additional time and spending authority to provide the Miami-Dade Fire Rescue Department (MDFR) medical transport billing and collection services. This is a bridge contract that provides MDFR with continuity of services while negotiations for the successor contract are finalized. Transition to the replacement contract will require additional time for this agreement in order to ensure final collection payments are made.

On December 27, 2007, the County issued Request for Proposals for purchasing 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 negotiations with Advanced Data Processing Inc. (ADPI), the highest ranked proposer. Following several negotiations meetings and consultation with the County Attorney's Office, staff recommended that negotiations with ADPI be terminated. In addition, staff recommended that the County reject all proposals, waive competitive bidding and bid protest procedures, and authorize competitive negotiations with the two highest ranked firms. On March 3, 2009, the Board directed staff to conduct competitive negotiations among the top three ranked firms: ADPI, Apollo Health Street, and PerSe Technologies.

Competitive negotiations are currently being conducted with the three firms. Best price offers were requested from the three firms. Staff met with all firms to review their best price offers. All three firms requested that the MAG requirement be removed from the price evaluation criteria. Based upon this request, staff in consultation with the County Attorney's Office developed an alternative pricing methodology that provides the County the opportunity to secure a best value offer.

Staff is in the process of obtaining final offers based upon the alternative pricing methodology. It is anticipated that a recommendation for the successor contract will be submitted to the Budget, Planning and Sustainability Committee in September. Approval of this extension will provide MDFR with continuity of services and time for the transition until the replacement contract is awarded.