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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

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

Resolution No. R-1275-09

Date: November 3, 2009

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

From: George M. Burgess
County Manager

Subject: Resolution Requesting Authority to Exercise Option-to-Renew Periods Under Existing Competitively Bid Contracts that Would Bring the Cumulative Contract Value to More than $1 Million

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On October 20, 2009, the Board of County Commissioners approved a 30-day contract extension for Item 2, Financial Advisory Services General Segment, and Item 3, Financial Advisory Services Enterprise Segment. The Terms and Conditions of these contracts remain the same.

This substitute item differs from the original item as authorization is requested for one Option-to-Renew period for each of the contracts. The initial contract value of Item No. 2 increased from $850,000 to $941,000.

Recommendation

At the October 8, 2009 Board of County Commission meeting, Agenda Item No. 801B was bifurcated. Items 1, 3, 7, and 8 were adopted by the Board; items 2, 4, 5, and 6 were deferred. Following discussion by Board members, the Administration is offering an alternative recommendation that calls for the authorization to exercise the next Option-to-Renew term only for the four previously deferred items. The previously deferred items have been renumbered. The initial contract value of Item No. 2 has been modified. The amount was increased from $850,000 to $941,000.

Scope

The impact of the item in the accompanying OTR 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 past performance issues noted in Item 4, Towing Services. The departments' contract managers are reflected in the individual agenda items.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise OTRs in accordance with the terms and conditions of the contract listed in the accompanying package.

Background

The competitively bid contract listed in this item requires approval to exercise OTRs contained in the contract that would, if exercised, bring the cumulative value of the contract over $1 million.

This contract was awarded under the County Mayor or County Mayor's designee's delegated authority ($1 million for competitive procurements) pursuant to Section 2-8.1(b) of the County Code and the Master Procurement Administrative Order, A.O. 3-38.

On August 11, 2008, the Board was informed that, prospectively, Board approval would be sought when awarding contracts exceeding $1 million in value if the OTRs are exercised. The following contracts were awarded prior to August 11, 2008: Items 1, 2, 3, and 4.

Prior to exercising any Options-to-Renew (OTR) periods, market research is conducted to ensure that continuing to purchase from the awarded vendor is in the best interest of the County. Market research includes competitive factors such as pricing, quality, product features, technology, and lead time. It may also include commercial factors such as environmental issues, other governmental entity practices, industry trends, support and capabilities. The OTRs for each contract in this package will be executed if determined to be in the best interest of the County.

Item No. 1: Printed Case File Folders seeks authority to exercise the second OTR period to purchase printed case file folders for the Clerk of Courts. The amount being requested for this option term is **$344,000.**

Item No. 2: Financial Advisory Services General Segment seeks authority to exercise the first OTR period for financial advisory services for Miami-Dade County. The amount being requested for this option term is **$567,000**.

Item No. 3: Financial Advisory Services Enterprise Segment seeks authority to exercise the first OTR period for financial advisory services for Miami-Dade County. The amount being requested for this option term is **$567,000**.

Item No. 4: Towing Services (County Vehicles) seeks authority to exercise the first OTR period for several County departments. The amount being requested for this option term is **$1,467,000**.

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: November 3, 2009

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

SUBJECT: Substitute Agenda Item No. 8(O)(1)(B)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

√ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 8(O)(1)(B)
11-3-09

RESOLUTION NO. R-1275-09

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTION-TO-RENEW PERIODS FOR COMPETITIVE CONTRACTS AWARDED UNDER THE COUNTY MAYOR OR THE COUNTY MAYOR DESIGNEE'S DELEGATED AUTHORITY FOR THE PURCHASE OF GOODS AND SERVICES AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS FOR THE PURCHASE OF GOODS AND SERVICES

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 delegates to the County Mayor or County Mayor's designee the authority to exercise, in his discretion, the options-to-renew set forth in this item when in the best interest of Miami-Dade County; and the Board further authorizes the County Mayor or the County Mayor's designee to execute any and all documents necessary to give effect to those renewals.

The foregoing resolution was offered by Commissioner Rebeca Sosa, who moved its adoption. The motion was seconded by Commissioner Dorrin D. Rolle 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	absent	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	absent	Joe A. Martinez	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 3rd day of November, 2009. This resolution shall become effective as follows: (1) 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, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final.

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.

Bruce Libhaber

Item No. 1

Contract No.: **7177-4/12-1**

Contract Title: **Printed Case File Folders**

Description: It is recommended that the Board authorize the County Mayor or County Mayor's designee to exercise the second Option-to-Renew (OTR) period to purchase printed case file folders for the Clerk of Courts. The contract is in its first option-to-renew term which expires on November 27, 2009. Exercising the second OTR will bring the cumulative value of the contract over $1 million.

Initial Contract Term and Usage:	November 28, 2007 to November 27, 2008	$ 328,000*
First OTR and Usage:	November 28, 2008 to November 27, 2009	$ 344,000**
Second OTR and Estimated Usage:	November 28, 2009 to November 27, 2010	$ 344,000
Cumulative Value:		**$1,016,000**

*Includes a modification of $150,000 during the initial contract term due to increased demand.

**Includes a 4.9% Consumer Price Index (CPI) adjustment per the terms and conditions of the contract.

Future OTRs may include the appropriate CPI adjustment(s) as allowed in the terms and conditions of the contract.

Allocation, Managing Agency and Funding Source:

Allocation	Department	Funding Source
$344,000	Clerk of Courts	Clerk's Revenue

Contract Measure: Small Business Enterprise Bid Preference

Review Committee Date and Item No.: August 22, 2007; Item #6-02

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

Living Wage: The Living Wage Ordinance does not apply.

User Access Program: This contract includes the User Access Program provision. The 2% program discount is being collected on all purchases where permitted by funding source.

Vendor:	Address	Principal
•Advanced Filing System Inc. (Local vendor)	4350 Oakes Road Suite 525 Fort Lauderdale , FL 33314	Jan L. Stoutamire

Performance Data: There are no performance issues with this firm.

Compliance Data: There are no compliance issues with this firm.

Contract Managers: Caridad Calvo, Department of Procurement Management

Dee Harvard, Department of Clerk of Courts

JUSTIFICATION

This contract is being utilized to purchase printed case file folders for documents stored by the Clerk of Courts. The contract allocation was increased by 84% during the initial term due to demand resulting from a significant increase in the number of foreclosure filings. Current market prices are 8.7% higher than the County's current contract prices. The vendor has maintained current pricing for the next option to renew term. It is therefore in the best interest of the County to exercise the second option to renew period.

Item No. 2

Contract No.: RFQ 90

Contract Title: **Financial Advisory Services (General Segment)**

Description: It is recommended that the Board authorize the County Mayor or County Mayor's designee to exercise the first Option-to-Renew (OTR) period to provide financial advisory services for the Finance Department for those departments that are not covered in the Aviation and Enterprise Segment agreements. This contract is in its initial term which expires on November 1, 2009. Exercising the first OTR will bring the cumulative value of the contract over $1 million.

Initial Contract Term and Usage:	November 2, 2006 to December 1, 2009	$ 941,000*
First OTR and Estimated Usage:	December 2, 2009 to December 1, 2011	$ 567,000
Cumulative Value:		**$1,508,000**

*Initial contract value increased from $850,000 to $941,000 to accommodate increased usage. Also includes 30-day contract extension approved by the Board on October 20, 2009.

Allocation, Managing Agency and Funding Sources:

Allocation	Department	Funding Source
$567,000	Finance	Bond Proceeds and Bond Administration Funds

Total: $567,000 for two years

Contract Measure: Small Business Enterprise Selection Factor

Review Committee Date and Item No.: May 10, 2006; Item #6-02

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

Living Wage: The services provided are not covered under the Living Wage Ordinance.

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

Vendors:	Address	Principal
•Public Financial Management Inc. (Non-local vendor)	Two Logan Square, Suite 1600 18th & Arch Streets Philadelphia, PA 19103	John F. White

Performance Data: There are no performance issues with the awarded firm.

Compliance Data: There are no compliance issues with the awarded firm.

Contract Managers: Terry Rolle, Department of Procurement Management

Lilly Monzon-Aguirre, Miami-Dade Finance Department

JUSTIFICATION

This competitively awarded contract provides financial advisory services for the Finance Department. The County has separated all of its Financial Advisory Services into Aviation, General, and Enterprise segments. This contract is for the General Segment of the County. The General Segment includes financial advisory services other than financial advisory services for its Aviation (Aviation Department) and Enterprise (Seaport, Solid Waste, Transit, and Water & Sewer departments) segments.

The contract prices are firm and fixed for the initial term and the two remaining option-to-renew (OTR) periods. Exercising the first OTR will ensure continuity of financial advisory services to provide general and special obligation debt transactions and services related to the issuance of bonds, notes, certificates or other financing instruments. It is therefore in the best interest of the County to exercise the first OTR period.

Item No. 3

Contract No.: RFQ 91

Contract Title: **Financial Advisory Services (Enterprise Segment)**

Description: It is recommended that the Board authorize the County Mayor or County Mayor's designee to exercise the first Option-to-Renew (OTR) period to provide financial advisory services for the Finance Department for the Solid Waste, Seaport, Transit, and Water and Sewer departments that constitute the Enterprise Segment. This contract is in its initial term which expires on November 1, 2009. Exercising the first OTR will bring the cumulative value of the contract over $1 million.

Initial Contract Term and Usage:	November 2, 2006 to November 1, 2009	$ 850,000*
First OTR and Estimated Usage:	November 2, 2009 to November 1, 2011	$ 567,000
Cumulative Value:		**$1,417,000**

*Includes 30-day contract extension approved by the Board on October 20, 2009.

Allocation, Managing Agency and Funding Sources:

Allocation	Department	Funding Source
$567,000	Finance	Bond Proceeds and Bond Administration Funds

Total: $567,000 for two years

Contract Measure: Small Business Enterprise Selection Factor

Review Committee Date and Item No.: May 10, 2006; Item #6-02

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

Living Wage: The services provided are not covered under the Living Wage Ordinance.

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

Vendor:	Address	Principal
•Public Resource Advisory Group, Inc. (Non-local vendor)	475 Central Ave. Suite 201 St. Petersburg, FL 33701	Marianne Edmonds

Performance Data: There are no performance issues with the awarded firm.

Compliance Data: There are no compliance issues with the awarded firm.

Contract Managers: Terry Rolle, Department of Procurement Management

Lilly Monzon-Aguirre, Miami-Dade Finance Department

JUSTIFICATION

This competitively awarded contract provides financial advisory services for the Finance Department. The County has separated its Financial Advisory Services into Aviation, General, and Enterprise segments. This contract for the Enterprise Segment includes financial advisory services for the County's Seaport, Solid Waste, Transit, and Water and Sewer departments.

The contract prices are firm and fixed for the initial term and the two remaining option-to-renew (OTR) periods. Exercising the first OTR will ensure continuity of financial advisory services to provide general and special obligation debt transactions and services related to the issuance of bonds, notes, certificates or other financing instruments. It is therefore in the best interest of the County to exercise the first OTR period.

Item No. 4

Contract No.: 8736-5/14

Contract Title: **Towing Services (County Vehicles)**

Description: It is recommended that the Board authorize the County Mayor or County Mayor's designee to exercise the first Option-to-Renew (OTR) period to purchase towing services for several County departments. This contract is in its initial term which expires on November 30, 2009.

Initial Contract Term and Estimated Usage:	December 15, 2008 to November 30, 2009	$1,467,000
First OTR and Estimated Usage:	December 1, 2009 to November 30, 2010*	$1,467,000
Cumulative Value:		**$2,934,000**

*Starting date of OTR term was adjusted to December 1 to coincide with the beginning of the month.

Allocation, Managing Agencies and Funding Sources:

Allocation	Department	Funding Source
$ 5,000	Aviation	Proprietary Revenue
$ 26,000	Fire Rescue	Fire District Fund
$ 425,000	GSA	Internal Service Funds
$ 2,000	Housing	Federal Funds
$ 50,000	Police	General Fund
$ 14,000	Park and Recreation	General Fund
$ 740,000	Transit	MDT Operating Fund
$ 36,000	Water and Sewer	Proprietary Revenue
$ 169,000	Unallocated	

Total: $1,467,000 for one year

Contract Measure: Small Business Enterprise Bid Preference

Review Committee Date: June 11, 2008; Item# 6-05

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 will be collected on all purchases.

Vendors:	**Address**	**Principal**
•Westbrook Motors, Inc (Local vendor)	1759 Palm Avenue Hialeah, FL 33010	Raul Suarez

•Blanco Towing, Inc (Local vendor)	1301 SW 71st Street Miami, FL 33144	Zeida Blanco
•Banos Towing Service (Local vendor)	571 Mokena Drive Miami Springs, FL 33166	Domingo Banos
•Excalibur Towing Service (Local vendor)	14294 SW 142nd Avenue Miami, Florida 33186	Maria C. Crego
•Kauff's of Miami, Inc (Local vendor)	2435 Ali Baba Avenue Opa Locka, FL 33054	Francis G. Russell
•Midtown Towing of Miami (Local vendor)	551 NW 72nd Street Miami, FL 33150	Lauraine Lichtman
•A-1 Redland Economy Tow (Local vendor)	111 SW 2nd Street Homestead, FL 33030	Sandra L. Vanderford
•Southwest Transport, Inc (Local vendor)	3870 Shipping Avenue Miami, FL 33146	Peter F. Hernandez

Performance Data:

Several performance issues were identified on this contract and on Contract No. RFQ 97, Police Towing, with vendors who are also on this contract. The performance issues are noted below.

Excalibur Towing Service , Midtown Towing of Miami and Westbrook Motors, Inc.

During this contract's current term, difficulties were identified with invoicing procedures. These issues have been resolved following notifications to, and meetings with, the vendors.

Westbrook Motors, Inc.

On RFQ 97, while conducting a site inspection due to the sale of the company, Miami Dade Police Department staff discovered that this firm did not have sufficient inside storage space. This issue was resolved and the proper storage space is now available.

Kauff's of Miami, Inc.

On RFQ 97, this firm was overcharging citizens for towing services and failed to send letters notifying owners of tows via certified mail, and in a timely manner. These issues were resolved and the company provided refunds to those that were overcharged.

A-1 Redland Economy Towing

On RFQ 97, this firm was overcharging citizens for towing services. These issues were resolved and the company provided refunds to those that were overcharged.

Compliance Data: There are no compliance issues with the awarded vendors.

Contract Managers: Km! Ra, Department of Procurement Management

Neivy Garcia, Miami-Dade Aviation Department

Marianela Betancourt, Miami-Dade Fire Rescue Department

Martin Dareff, General Services Administration Department

Laura Romano, Miami-Dade Police Department

Kevin Kirwin, Park and Recreation Department

Carlos Balbis, Miami-Dade Transit Department

Gregory Hicks, Miami-Dade Water and Sewer Department

JUSTIFICATION

This contract is for purchase of towing services for County owned vehicles and equipment. The contract includes unallocated funds totaling $168,751 that are administered by the Department of Procurement Management. These funds may be used to supplement department allocations in order to satisfy service requirements.

Market research has shown that that the County's pricing is lower than the base prices being paid by other jurisdictions in the South Florida area, for the most frequently used types of tows. It is therefore in the best interest of the County to exercise the first option to renew period.