

Date: March 2, 2010

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

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

From: Carlos Alvarez
Mayor

Resolution No. R-222-10

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 accompany Bid Waiver Package. Each department's 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 BID WAIVERS

A bid wavier 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 2 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 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 Temporary Nursing Personnel is to waive formal bid procedures and ratify an emergency contract award for purchase of temporary nursing personnel services for the Miami-Dade Public Housing Agency and the Human Services Department. The amount being requested is **\$500,000**.

Section 4 NON-COMPETITIVE CONTRACT MODIFICATIONS

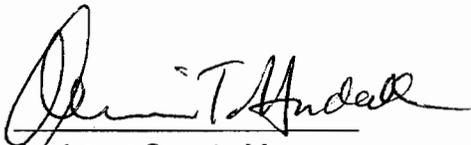
A non-competitive contract modification is a supplemental allocation for goods or services that exceed the scope of the original contract allocation, or a modification of an established non-competitive contract, representing a waiver of the competitive bidding process under Administrative Order 3-38.

Item 4.1: Breeze Hoists Overhaul, Parts and Repair is for additional spending authority to allow the Miami-Dade Fire Rescue Department to purchase parts, repair and overhaul services for Breeze-Eastern hoists installed in air rescue helicopters. It is also recommended that the Board of County Commissioners authorize the County Mayor or County Mayor's designee to exercise the first Option-to-Renew (OTR) period. The additional amount requested for the current term is \$110,000, and \$210,000 for the first OTR period. The total amount being requested is **\$320,000**.

Section 5 CONFIRMATION (UNAUTHORIZED) PURCHASES

A confirmation purchase is a ratification action approving an unauthorized purchase in accordance with Administrative Order 3-38.

Item 5.1: Aerial Spring for Mosquito Control is to ratify a confirmation purchase for aerial spraying for mosquito control services for the Public Works Department provided by Clarke Environmental Mosquito Management Inc. The amount being requested is **\$125,311.31**.



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: March 2, 2010

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

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

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 _____

Agenda Item No. 8(O)(1)(C)
3-2-10

RESOLUTION NO. R-222-10

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 **Sally A. Heyman**, 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	absent	
Carlos A. Gimenez	aye	
Barbara J. Jordan	aye	
Dorin D. Rolle	aye	
Katy Sorenson	aye	
Sen. Javier D. Souto	aye	
	Audrey M. Edmonson	aye
	Sally A. Heyman	aye
	Joe A. Martinez	aye
	Natacha Seijas	aye
	Rebeca Sosa	aye

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of March, 2010. 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.

A handwritten signature in black ink, appearing to read "Hugo Benitez", is written over a horizontal line.

Hugo Benitez

A handwritten mark, possibly a stylized letter or symbol, is located at the bottom center of the page.

SECTION 3
EMERGENCY PURCHASES

Item 3.1

Contract No.: E9204-0/10

Contract Title: Temporary Nursing Personnel

Description: To waive formal bid procedures and ratify an emergency contract award for purchase of temporary nursing personnel for the Miami-Dade Public Housing Agency and the Human Services Department.

Contract Term: November 6, 2009 to March 31, 2010

Contract Value: \$500,000

Using/Managing Departments and Funding Sources:

Departments	Allocation	Funding Sources	Contract Managers
Public Housing Agency	\$400,000	Federal Funds	Mari Saydal-Hamilton
Human Services	<u>\$100,000</u>	General Fund/ State Funds/ Federal Funds	Gale Aldrich
Total:	\$500,000		

Vendors:	Address	Principal
Albion Staffing Solutions, Inc. (Local vendor)	2520 NW 97 Avenue Suite 110 Miami, FL 33172	Peter J. Santangelo
First Alert Staffing Team LLC (Local vendor)	1150 NW 72 Avenue Suite 410 Miami, FL 33126	Javier A. Martinez
Maxim Healthcare Services Inc. (Non-local vendor)	7227 Lee Deforest Drive Columbia, MD 21046	Brian Wynne
Qualified Homecare Services Inc. (Local vendor)	2500 N. University Drive Suite 2 Sunrise, FL 33322	Audreya K. Mclean

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

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

Contract Measure: The Small Business Enterprise Bid Preference was applied in accordance with the Ordinance where permitted by funding source.

Review Committee Date: November 10, 2009; Item #6-09

Local Preference: Local preference does not apply because contract is federally funded. Application of the local preference would have yielded the identical result.

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

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

DPM Contract Manager: Melinda Henderson

JUSTIFICATION

Seeking ratification of an emergency contract awarded on November 6, 2009 for continuity of temporary nursing personnel services for the Miami-Dade Public Housing Agency and the Human Services Department. The previously awarded vendor that provided nursing personnel services was terminated due to breach of contract. This contract is needed to provide continuity of essential services while a successor contract is advertised and awarded.

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SECTION 4
NON-COMPETITIVE CONTRACT MODIFICATIONS

Item 4.1

Contract No.: SS9005-3/13

Contract Title: **Breeze Hoists Overhaul, Parts and Repair**

Description: To modify this contract for additional spending authority for the Miami-Dade Fire Rescue Department (MDFR) to purchase parts, repair and overhaul services for Breeze-Eastern hoists installed in air rescue helicopters. This contract is in its initial term which expires on May 18, 2010. Modifying this contract will bring the cumulative value over \$100,000. It is also recommended that the Board of County Commissioners authorize the County Mayor or County Mayor's designee to exercise the first Option-to-Renew (OTR) period.

Type of Change: Additional spending authority

Existing Allocation: \$100,000 for one year

Increase By: \$110,000

Modification Allocation: \$210,000

Current Expiration: May 18, 2010

Using/Managing Departments and Funding Sources:

Department	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source	Contract Manager
MDFR	<u>\$100,000</u>	<u>\$110,000</u>	<u>\$210,000</u>	Fire District	Marianela Betancourt
Total:	\$100,000	\$110,000	\$210,000		

Initial Contract Term and Usage:

May 19, 2009 to May 18, 2010

\$210,000*

First OTR and

Estimated Usage:

May 19, 2010 to May 18, 2011

\$210,000

Cumulative Value:

\$420,000

*Includes requested modification of \$110,000 to overhaul two of four Breeze-Eastern hoists.

Vendor:
Breeze-Eastern Corp

Address
700 Liberty Avenue

Principal
Robert L. G. White

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(Non-local vendor)

Union, NJ 07083

- Performance Data:** There are no performance issues with the awarded firm.
- Compliance Data:** There are no compliance issues with the awarded firm.
- Contract Measure:** No measure – Sole source
- Review Committee Date:** April 15, 2009; Item 2-04
- Local Preference:** Applied in accordance with the Local Preference Ordinance and did not affect outcome.
- Living Wage:** The services being provided are not covered under the Living Wage Ordinance.
- User Access Program:** This contract includes the User Access Program provision. The 2% program discount is being collected on all purchases where permitted by the funding source.
- DPM Contract Manager:** Lourdes Betancourt

REASON FOR CHANGE

Authorization is requested for additional spending authority to allow the Miami-Dade Fire Rescue Department (MDFR) to overhaul two of the four Breeze-Eastern hoists installed in the air rescue helicopters. The hoists require repair to maintain equipment integrity and functionality. Breeze-Eastern Corporation, the manufacturer and sole provider of parts, repair and overhaul services, provided price quotations for repair and complete overhaul of the hoists. Overhauling the hoists will increase the usable life of the equipment by ten years. Price comparison indicates that overhauling is the most cost effective solution. Approval of the first option-to-renew will ensure continuity of services and allow for overhaul of the two remaining hoists.

SECTION 5
CONFIRMATION (UNAUTHORIZED) PURCHASES

Item 5.1

Contract No.: CP9229-PW

Contract Title: **Aerial Spraying for Mosquito Control**

Description: Ratification of a confirmation purchase for aerial spraying for mosquito control services for the Public Works Department.

Term: September 1, 2008 – August 31, 2009

Contract Amount: \$125,311.31

Using/Managing Departments and Funding Sources:

Department:	Purchase Amount	Funding Source	Contract Manager
Public Works	<u>\$125,311.31</u>	General Fund	Sandra Fisher
Total:	\$125,311.31		

Vendor:	Address	Principal
Clarke Environmental Mosquito Management Inc (Non-local vendor)	159 N. Garden Avenue Roselle, IL 60172	Mary K. Clarke

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

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

Contract Measure: Not applicable

Review Committee Date: Not applicable

Local Preference: Applied in accordance with the Ordinance where permitted by funding source. The Local Preference Ordinance is not applicable due to funding source.

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

User Access Program: This contract includes the User Access Program provision.

DPM Contract Manager: Lourdes Farley

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JUSTIFICATION

The Public Works Department (PWD) requests approval to pay prior fiscal year invoices from Clarke Environmental Mosquito Management, Inc. for the unauthorized purchase of aerial spraying services for mosquito control. PWD's Mosquito Control Division utilized an additional \$125,311.31 in aerial sprayings during the initial contract term. Due to unforeseen mosquito activity, citizen requests for mosquito sprayings was higher than expected. Clarke Environmental, the awarded vendor on the County's competitively established contract, rendered additional mosquito control spraying services on July 6, 2009, July 18, 2009 and August 13, 2009. Vendor invoices were approved and submitted for processing in October 2009. Due to staff reductions and other urgent projects, the bid waiver information needed to increase the contract amount was not submitted to the Department of Procurement Management until December 3, 2009.

In this fiscal year, the department has \$160,000 budgeted for mosquito spraying. By paying last year's invoice, the department will be left with a balance of \$35,000 for the remainder of this fiscal year. If the department exceeds the current budget, the department will make the necessary adjustments in other line item expenses to ensure compliance with budget expenditure authority.