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

Memorandum

MIAMI-DADE COUNTY

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

Resolution No. R-730-10

Date: July 8, 2010

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

From: Carlos Alvarez
Mayor

George M. Burgess
County Manager

Subject: Resolution Waiving Formal Bid Procedures

This substitute item differs from the original in that the total amount requested for Item 4.1 on the third page of the memorandum is now $1,636,000. The Compliance Data section for Items 3.1 and 3.2 have been revised to reflect the correct historical information. This substitute also includes Item 4.1, which was inadvertently omitted from the preliminary agenda package.

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. There is no additional fiscal impact beyond what is stated on the individual items in this package. Allocations have been rounded consistent with standard auditing practices.

Track Record/Monitor

There are past performance issues noted in items 3.1 and 3.2. 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: Relocation of 20" Force Main is to waive formal bid procedures and ratify an emergency contract award for purchase and installation of a new 20" force main to replace a damaged unit near Miami International Airport for the Miami-Dade Water and Sewer Department. The amount being requested is **$400,000.**

Item 3.2: Emergency Repair of 54" Water Main in Hialeah is to waive formal bid procedures and ratify an emergency contract award for purchase of repairs for a 54" water transmission line, including restoration of damaged roadways and adjacent canal banks for the Water and Sewer Department. The amount being requested is **$733,560.92**

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: Technical Support Services, Licenses, and Maintenance Services is to modify this contract for additional time and spending authority to allow the Procurement Management and Finance Departments to continue to purchase maintenance and support services for the for the

Advanced Purchasing and Inventory Control and the Financial Accounting Management Information Systems. The additional amount requested is **$1,636,000.**

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: July 8, 2010

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

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

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)(D)
7-8-10

RESOLUTION NO. R-730-10

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 Katy Sorenson who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz 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	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of July, 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.

Hugo Benitez

SECTION 3
EMERGENCY PURCHASES

Item 3.1

Contract No.: E9286-WS

Contract Title: **Relocation of 20" Force Main**

Description: To waive formal bid procedures and ratify an emergency contract award for purchase and installation of a new 20" force main to replace a damaged unit near Miami International Airport for the Water and Sewer Department.

Contract Term: Upon completion

Contract Value: $400,000

Using/Managing Departments and Funding Sources:

Departments	Allocation	Funding Sources	Contract Managers
Water and Sewer	$400,000	Proprietary Funds	Gregory Hicks
Total:	**$400,000**		

Vendors:	Address	Principal
Ric-Man International, Inc. (Local vendor)	2601 Wiles Road Pompano Beach, FL 33073	David Mancini

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

Compliance Data: The vendor was cited on December 31, 1999 for a Responsible Wage violation. On August 28, 2003 the vendor was cited for submitting inaccurate payrolls. These cases have since been closed, and the vendor is now in compliance.

Contract Measure: No Measure – Emergency Purchase

Local Preference: The Local Preference Ordinance was not applied as this is an emergency purchase.

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.

DPM Contract Manager: Albert Touriz

JUSTIFICATION

Seeking ratification of an emergency contract awarded on January 25, 2010 for replacement and installation of a new 20" force main for the Miami-Dade Water and Sewer Department (WASD). A leak at the base of a retaining wall in one of the new ramps connecting Miami International Airport (MIA) to the Miami Intermodal Center was detected. The Leak Detection Unit of WASD's Water Distribution Division discovered that the leak was directly under one of the newly constructed retaining walls, and in close proximity to the NW 21st Street airport ramp support column.

This force main serves Miami International Airport (MIA). Immediate action was required to stop leakage of raw sewage, prevent a public health threat, and ensure wastewater service to MIA would not be disrupted. Various repair options, including excavation, were considered. It was determined that excavation was not a viable solution since it would have resulted in the destruction of the newly built ramps. The most appropriate method of repair for this emergency situation was horizontal directional drilling and installation of a replacement pipeline.

WASD contacted Ric-Man International, already performing another drilling project for WASD, to ascertain if they had the necessary equipment and manpower required for immediate response. Ric-Man International agreed to immediately redirect their existing resources to address this emergency. The WASD Director declared an emergency situation, authorizing Ric-Man International to mobilize and begin work immediately. The project was successfully completed in 15 days.

The Department of Procurement Management is working with WASD to establish a competitive contract for this type of emergency repair services. An established contract will allow for quick mobilization and response for these types of emergency to ensure continuity of operations and public safety.

Item 3.2

Contract No.: E-9332-WS

Contract Title: **Emergency Repair of 54" Water Main in Hialeah**

Description: To waive formal bid procedures and ratify an emergency contract award for purchase of urgent repairs for a 54" water transmission line, including restoration of damaged roadways and affected portions of adjacent canal banks, at the intersection of West 4th Avenue (Red Road) and West 40th Place in Hialeah for the Water and Sewer Department.

Contract Term: Upon completion

Contract Value: $733,560.92

Using/Managing Departments and Funding Sources:

Departments	Allocation	Funding Sources	Contract Managers
Water and Sewer	$733,560.92	Proprietary Funds	Gregory Hicks
Total:	**$733,560.92**		

Vendors:	Address	Principal
Lanzo Construction Co. (Local vendor)	125 S.E. 5th Court Deerfield Beach, Fl 33441	Giuseppe D'Alessandro

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

Compliance Data: The vendor had eight Responsible Wage violations between July 2, 1998 and January 21, 2000. On January 17, 2003, the vendor was cited for failing to meet CSBE subcontractor goals. These cases have since been resolved, and the vendor is now in compliance.

Contract Measure: No Measure – Emergency Purchase

Review Committee Date: May 12, 2010; Item # 2-03

Local Preference: The Local Preference was not applied as this is an emergency purchase.

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.

DPM Contract Manager: Albert Touriz

JUSTIFICATION

Seeking ratification of an emergency contract awarded on March 2, 2010 for purchase of repairs for a 54" water transmission line, including the complete restoration of damaged roadways and portions of adjacent canal banks, for the Miami-Dade Water and Sewer Department (WASD).

WASD's Water Transmission and Distribution Division (WTDD) responded to an emergency call on March 2, 2010 at 2:15 am regarding a 54" water main transmission line that supplies water to the north end of Miami-Dade County. The WTDD emergency crew discovered that a 54" Pre-stressed Concrete Cylinder Pipe (PCCP) had ruptured at the intersection of West 4th Avenue (Red Road) and West 40th Place in Hialeah. The rupture generated a surging torrent of water that eroded the canal banks to the west of the rupture, flooding homes and rendering the affected paved intersection unsuitable for mobile or foot traffic.

Because the 54" PCCP is one of the major water distribution arteries serving the northern sections of Miami-Dade County, the rupture caused a significant reduction in water pressure to residents in the geographical areas of Hialeah, Hialeah Gardens, Miami Lakes, and Aventura. If there would have been any additional mechanical or system failures during the critical hours following the water main rupture, the County-wide fire suppression system would have been compromised. This would have resulted in a serious safety and liability issue for the County.

As a result of the significant damage caused by the 54" water main transmission line rupture, WTDD crews did not have the equipment necessary to make repairs of this magnitude which prompted the WASD Director to declare an emergency.

Three firms known to have the capability to respond immediately were contacted and summoned to the jobsite on March 2, 2010 to discuss the scope of work needed to repair and restore the affected area. Vendors were instructed to respond with proposals the same day by 2:00 pm, with the successful lowest bidder required to start mobilization and work by 3:00 pm. Vendors responded with the following proposals: Metro Equipment Service $695,000; Ric-Man International $765,000; and Lanzo Construction $584,060.92. Lanzo Construction submitted the lowest priced proposal and began repair work at approximately 3:00 pm that same day. The work was completed on March 8, 2010.

Following the initial damage assessment on March 2, 2010, the priority was to repair and restore the water main and affected roadway as soon as possible. The next effort was assessment of the damage and restoration work to the canal bank west of the rupture. Miami-Dade County Department of Environmental Resource Management, City of Hialeah, and the Florida Department of Transportation evaluated the damage and submitted their findings to WASD.

Lanzo Construction Company, already working on the other repairs, submitted a proposal in the negotiated amount of $149,500 for the canal bank rehabilitation and restoration project. The repairs of the 54" water transmission and the canal bank rehabilitation and restoration project brought Lanzo's Construction total invoice to $733.560.92.

The Department of Procurement Management is working with WASD to establish a competitive contract for this type of emergency repair services. An established contract will allow for quick mobilization and response for these types of emergency to ensure continuity of operations and public safety.

SECTION 4
NON-COMPETITIVE CONTRACT MODIFICATIONS

Item 4.1

Contract No.: 234A-3

Contract Title: **Technical Support Services, Licenses, and Maintenance Services**

Description: To modify this contract for additional time and spending authority for the Procurement Management and Finance Departments to continue to receive professional services, maintenance, and technical support services for the licensed Advanced Purchasing and Inventory Control System (ADPICS) and Financial Accounting Management Information System (FAMIS) software products. The ADPICS and FAMIS Systems are integral to the County and are used to manage countywide accounting and purchasing transactions.

Type of Change: Additional time and spending authority

Existing Allocation: $ 849,000 for one year
Increase By: $1,636,000 for five years
Modification Allocation: $2,485,000

Current Expiration: September 30, 2010

Modified Expiration: September 30, 2015

Using/Managing Departments and Funding Sources:

Department	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source	Contract Manager
Procurement Management	$249,000	$ 218,000	$ 467,000	Proprietary	Adil Khan
Finance	$505,000	$1,418,000	$1,923,000	Operating Fund / Funding Model	Connie White
Unallocated	$ 95,000	$ 0	$ 95,000		
Total:	$849,000	$1,636,000	$2,485,000		

Vendor:	Address	Principal
Cogsdale Holdings LTD (Non-local)	14 MacAleer Drive, Suite 5 Charlottetown, PE Canada, C1E 2A1	Duncan Shaw

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 – Bid Waiver

Local Preference: The Local Preference Ordinance does not apply.

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.

DPM Contract Manager: Julian Manduley

JUSTIFICATION

The Procurement Management (DPM) and Finance (FIN) departments are requesting additional time and spending authority to modify a contract with Cogsdale Holdings LTD (formerly Tier Technologies) for professional services, maintenance, and technical support services for the Advanced Purchasing and Inventory Control System (ADPICS) and the Financial Accounting Management Information System (FAMIS).

The ADPICS and FAMIS Systems support the purchasing and financial operations of the County. The FAMIS System is a legacy software product in use for over twenty years throughout the County capturing all financial data. FAMIS is managed by FIN and is used by County departments to perform on-line financial processing, inquiry functions, reporting, and management for County financials, general ledger, accounting, grants, labor distribution, cost allocation, accounts payable, manage vendor information, contracts, and associated purchasing information. The County processes over 600,000 vendor invoices annually using FAMIS.

In August 1999, ADPICS was implemented on a countywide basis. It is administered by DPM and used to fulfill the County's day-to-day purchasing needs. DPM manages approximately 1,100 contracts valued at approximately $5 billion. All purchasing documents generated in ADPICS are linked to FAMIS creating integration of the County's purchasing and financial systems. This provides a range of automated procurement activity from the time an action is initiated through its completion. The software provides County departments the ability to directly view information pertaining to each contract, including small purchase orders, vendor payments, change orders, and vendor information. The systems also the capability to run reports detailing procurement and payment history.

Renewal of the maintenance and support services for ADPICS and FAMIS provides the County with a stable purchasing and financial environment. Through the use of these systems, the County purchases and pays for the products and services needed by the citizens of Miami-Dade County. These Systems integrate seamlessly with one another. The systems are perpetually licensed, therefore the County is obligated to pay maintenance and support services as long as the software is in use. Cogsdale is the sole proprietor and developer of the ADPICS and FAMIS software products. No other vendor is capable of providing the required maintenance and support services. The County's long term replacement plan is to implement the Oracle Oracle/PeopleSoft Enterprise Resource Planning (ERP) suite of products. Completion of a countywide ERP implementation project, however, is estimated to take at least three years from the project start date.

Approval of this modification will extend the current agreement for five years. Staff negotiated decreased maintenance and support service fees that will reduce the total contract value by $89,557 over the five year term. The additional allocation will cover licensing, maintenance support, and technical services. Approval of this modification will ensure continuity of services and is recommended in the best interest of the County.