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

Memorandum

MIAMI-DADE COUNTY

Date: July 20, 2010

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

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

From: Carlos Alvarez
Mayor

Resolution No. R-811-10

George M. Burgess
County Manager

Subject: Recommendation for Waiver of Competitive Bidding Procedures

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This item is amended to remove sub items 5.1 ERP & AOIS Propworks Software Integration Services and 5.2 Copier Lease Agreements, as the Budget, Planning and Sustainability Committee made a motion to bifurcate these items to allow staff to prepare reports addressing concerns raised during the Committee meeting. Items 5.1 and 5.2 have been removed from this 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 the 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 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: Traffic Barrier Systems (Barricades) is to waive formal bid procedures and ratify an emergency contract award for purchase of 128 barricades to restrict vehicular traffic in the Dadeland Metrorail Station parking lot for the Miami-Dade Transit Department. The amount being requested is **$26,000**.

Item 3.2: Uniforms and Accessories for Miami-Dade Transit is to waive formal bid procedures and ratify an emergency contract award for purchase of uniforms for the Miami-Dade Transit Department. The amount being requested is **$112,000**.

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: Medical Transport Billing and Collection Services is to modify this contract for additional time and spending authority for the Miami-Dade Fire Rescue Department to pay for emergency medical transport billing and collection services. The additional amount being requested is **$750,000**.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: July 20, 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)
7-20-10

RESOLUTION NO. R-811-10

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, AND AUTHORIZES THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS

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, and authorizes the use of Charter County Transit System Surtax Funds.

The foregoing resolution was offered by Commissioner Barbara J. Jordan, 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	absent		
Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of July, 2010. 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

SECTION 3
EMERGENCY PURCHASES

Item 3.1

Contract No.: E9341-MT

Contract Title: **Traffic Barrier Systems (Barricades)**

Description: To waive formal bid procedures and ratify an emergency contract award for purchase of 128 barricades to restrict vehicular traffic in the Dadeland Metrorail Station parking lot for the Miami Dade Transit Department.

Contract Term: Upon completion

Contract Value: $26,000

Using/Managing Departments and Funding Sources:

Department	Allocation	Funding Sources	Contract Manager
Transit	$26,000	MDT Operating	Daryl Hurston
Total:	**$26,000**		

Vendor:	Address	Principal
All American Barricades Corp (Local Vendor)	3355 NW 154 Terrace Miami Gardens, FL 33054	Ruben Santos

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 – 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: Ana M. Rioseco

JUSTIFICATION

The Miami-Dade Transit Department (Transit) is seeking ratification of an emergency contract awarded on May 27, 2010 for the purchase of 128 barricades.

On February 26, 2010, the Dadeland Metrorail station parking facility was cited with a code violation by the Miami-Dade County Building Department. The citation was due to broken cables that serve as vehicle barriers as required by the County Code. The notice mandated installation of temporary barriers within five days. In order to meet this mandate, Transit rented barricades to ensure immediate compliance as a short term solution. The barricades will be required until the deteriorated cables at Dadeland Metrorail Station parking lot are replaced, which is estimated to take up to nine months. An analysis of renting versus purchasing new barricades indicates it is more cost effective to purchase the 128 barricades at $197.88 each than to rent them for $5.16 each per day. After this project, the barricades may be used at other renovation projects (i.e., parking lot expansions, station upgrades, etc.).

Item 3.2

Contract No.: E9287-1/11

Contract Title: **Uniforms and Accessories for Miami-Dade Transit**

Description: To waive formal bid procedures and ratify an emergency contract award for purchase of uniforms for the Miami-Dade Transit (Transit) Department.

Contract Term: Six months with one, six-month option to renew

Contract Value: $112,000

Using/Managing Departments and Funding Sources:

Department	Allocation	Funding Sources	Contract Manager
Transit	$112,000	MDT Operating	Daryl Hurston
Total:	**$112,000**		

Vendor:	Address	Principal
Monica Manufacturing, Corp. (Local Vendor)	2605 West 8th Avenue Hialeah, FL 33010	Nelly De Paz

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

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

Contract Measure: Small Business Enterprise Set Aside

Review Committee Date: March 2, 2010; Item #2-01

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

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: Abelin Rodriguez

JUSTIFICATION

The Miami-Dade Transit Department (MDT) is seeking ratification of an emergency contract awarded on April 26, 2010 for the purchase of uniforms. On August 23, 2007, a contract was awarded to RDH Quest Inc. to provide uniforms for MDT bus and train operators, mechanics, and maintenance workers as required under the collective bargaining agreement with the Transport Workers Union.

RDH Quest Inc. experienced difficulty meeting the high demand for uniforms, and could no longer meet its contractual obligations. The contract was terminated for default in April 2010. This emergency contract will ensure uniforms are available until a permanent, long-term contract is awarded in November 2010.

Item 4.1

Contract No.: TBW7863-1/06-1

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

Description: To modify this contract for additional time and spending authority for the Miami-Dade Fire Rescue (MDFR) Department to pay for emergency medical transport billing and collection services. This contract is a bridge contract providing continuity of services while the successor contract is established. This modification will extend the current contract for six months.

Type of Change: Additional time and spending authority

Existing Allocation: $4,230,000 for 60 months
Increase By: $ 750,000* for six months
Modification Allocation: $4,980,000

*Prorated at $125,000 per month commensurate with 2009 collections.

Current Expiration: September 21, 2010

Modified Expiration: March 21, 2011

Using/Managing Department and Funding Source:

Department	Existing Allocation	Additional Allocation	Modified Allocation	Funding Sources	Contract Manager
Fire Rescue	$4,230,000	$750,000	$4,980,000	Fire District	Scott Mendelsberg
Total:	**$4,230,000**	**$750,000**	**$4,980,000**		

Vendor:	Address	Principal
Advanced Data Processing, Inc. (Local Vvendor)	520 NW 165th Street, Suite 201 Miami, FL 33169	Doug Shamon

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.

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 Agent/Officer: Adil Khan, Department of Procurement Management

REASON FOR CHANGE

Authorization is requested for additional time and spending authority to provide the Miami-Dade Fire Rescue Department (MDFR) the ability to pay for the medical transport billing and collection services provided by Advanced Data Processing Inc. (ADPI). This is a bridge contract providing continuity of emergency services billing and collections during transition to a new long-term contract.

On December 27, 2007, the County issued RFP No. 600-2/22 – 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, the Negotiations Team 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: Advanced Data Processing, Inc. (ADPI), Apollo Health Street, and PerSe McKesson (PerSe).

Based upon the Board's direction, staff engaged in competitive negotiations with the three vendors to achieve the highest possible revenue for the County. During the first round of negotiation meetings with the vendors, all three vendors requested that the requirement of MAG be removed. All the three vendors were invited by the Negotiation Team to discuss and develop an alternate price proposal format that would be acceptable to the three firms and the County. During a meeting with the three vendors on July 7, 2009, the vendors and the County agreed on the format of the Alternate Price Form. As a result of the negotiations and based on the feedback and concurrence of the three vendors, the MAG requirement was eliminated from the Alternate Price Form. The Alternate Price Form includes four categories: 1) Liquidated Returns – Amount payable to County if vendor fails to meet the average collections 2) Bonus - Amount payable to vendor if vendor exceeds collections average 3) Flat Fee – Amount payable to vendor for Medicaid collections) and 4) Percentage Fee - Amount payable to vendor for non-Medicaid collections. The three firms agreed that this price format and the associated terms were acceptable and provided a level playing field. The Alternate Price Form was issued to the three vendors on July 17, 2009. The three vendors submitted price offers on July 20, 2009. PerSe's price offered the best value for the County, resulting in a contract award recommendation to PerSe dated June 1, 2010. This award recommendation has been protested by the incumbent vendor (ADPI). Staff is currently reviewing the protest with the County Attorney's Office. The current contract expires on September 21, 2010. Approval of this extension will provide MDFR with continuity of services until the replacement contract is awarded.