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

Memorandum

MIAMI-DADE COUNTY

Date: September 1, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

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

Resolution No. R-678-11

Subject: Waiver of Formal Bids and Modification of Contract for Paratransit Transportation Services

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RECOMMENDATION

It is recommended that the Board of County Commissioners approve the waiver of formal bid procedures and bid protest procedures pursuant to Section 5.03(D) of the Home Rule Charter and Sections 2-8.1 and 2-8.4 of the County Code by two-thirds vote of the Board members present in order to modify the contract for Paratransit Transportation Services for additional time and spending authority at the reduced rates approved by the Board on March 1, 2011 for the Miami-Dade Transit Department (MDT) to continue to purchase demand response paratransit transportation services for people with disabilities in compliance with American with Disabilities Act regulations.

CONTRACT NUMBER: TR04-TSB

CONTRACT TITLE: Paratransit Transportation Services

TYPE OF CHANGE: This change is for additional time and spending authority and to allow use of Charter County Transit System Surtax fund as a component of MDT Operating funds.

USING/MANAGING AGENCIES AND FUNDING SOURCES:

Departments	Existing Allocation	Additional Allocation	Modified Allocation	Funding Source
MDT	$280,380,000	$19,980,000	$300,360,000	MDT Operating (Non-federal)

CURRENT EXPIRATION: September 30, 2011

MODIFIED EXPIRATION: March 31, 2012

This approval will allow for the contract to be extended initially for six months, with an option-to-renew (OTR) for up to six additional months, on a month-by-month basis at the County's discretion. If the County chooses to exercise the six, one-month OTRs, the cumulative value of this contract will be $320,340,000.

Vendor	Address	Principal
Advanced Transportation Solutions, LLC (ATS) (Local vendor)	815 N.W. 57th Avenue, Suite 130 Miami, FL 33126	David Naiditch

PERFORMANCE/ COMPLIANCE DATA:

In January 2010, an investigation by the Miami-Dade Police Department (MDPD) resulted in the arrest of 16 individuals employed by ATS service providers for alleged criminal activities related to fraudulent trips billed from March 3, 2004 to July 14, 2007. According to MDPD officials the investigation has been closed.

In connection therewith, the County and ATS settled all claims related to liquidated damages, from March 23, 2005, the effective date of the respective contracts through March 22, 2010, in the amount of $300,000, pursuant to an Agreement and Mutual Release, executed on July 17, 2010. The County deducted $75,000 per month from ATS invoices during the months of June, July, August, and September 2010 to resolve this claim.

Unrelated to the criminal investigation, in December 2010, Audit and Management Services (AMS) advised Miami-Dade Transit (MDT) that a review of the MDT Special Transportation Services Division (STS) client database disclosed ATS billed MDT for 759 trips taken by 100 deceased clients after their death between March 1, 2004 and September 30, 2009. Most of these trips were invoiced in fiscal years 2006 and 2007 as the clients remained active in the STS client database for varying time periods through September 30, 2009. As of September 30, 2009, MDT had deactivated the deceased clients. Nine of the 135 drivers associated with the invalid trips identified by AMS were arrested following the MDPD investigation. On January 20, 2011, the vendor reimbursed the County $22,544 for these unauthorized billings. The client database screening was part of an AMS audit of the STS Division that was recently completed.

CONTRACT MEASURE: 30% Disadvantaged Business Enterprise Goal

REVIEW COMMITTEE DATE: July 23, 2003; Item #5-01

LIVING WAGE: The Living Wage Ordinance does apply.

USER ACCESS PROGRAM: The contract does not include the User Access Program provision as this contract was originally established with federal contract provisions.

CONTRACT MANAGERS: Hugh Chen, Miami-Dade Transit Department

Namita Uppal, Department of Procurement Management

REASON FOR CHANGE

Authorization is requested to modify this contract for additional time and spending authority to continue to purchase demand response paratransit transportation services. The services are provided in compliance with Americans with Disabilities Act regulations. The modification requires a waiver of bids because the original contract was FTA funded, and all modifications under FTA guidelines are treated as a sole source.

This modification will provide continuity of services until the replacement contract is awarded by the County. On March 1, 2011, negotiations for the successor contract were suspended by the Board of County Commissioners (Board). Staff was directed to initiate a pilot program to test Radio Frequency Identification (RFID) technology in this service for riders with certain cognitive and motor disabilities. The pilot testing period concluded on June 30, 2011 and staff is in the process of analyzing the information. Once I have had an opportunity to review the conclusions, I will provide a full report on the results of the pilot program to the Board.

Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: September 1, 2011

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

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

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)(H)
9-1-11

RESOLUTION NO. R-678-11

RESOLUTION AUTHORIZING MODIFICATION FOR CONTRACT NO. TR04-TSB FOR ADDITIONAL TIME AND SPENDING AUTHORITY IN THE AMOUNT OF $19,980,000 FOR THE MIAMI-DADE TRANSIT DEPARTMENT TO CONTINUE TO PURCHASE DEMAND RESPONSE PARATRANSIT TRANSPORTATION SERVICES; WAIVING THE REQUIREMENTS OF SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTIONS 2-8.1 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE PERTAINING TO COMPETITIVE BID PROCEDURES AND THE BID PROTEST PROCESS, BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN

WHEREAS, this Board finds it to be in the best interest of Miami-Dade County to waive formal bid procedures in this instance; and

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:

Section 1. This Board approves the modification of Contract No. TR04-TSB in substantially the form attached hereto and made a part hereof, for additional time and spending authority in the amount of $19,980,000 for the Miami-Dade Transit Department to continue to purchase demand response public paratransit transportation services.

Section 2. This Board authorizes approval of this modification as a Bid Waiver.

Section 3. This Board authorizes the waiver of formal bid procedures and bid protest procedures pursuant to Section 5.03(D) of the Home Rule Charter and Sections 2-8.1 and 2-8.4 of the County Code by two-third (2/3s) vote of the Board members present.

Section 4. This Board authorizes the use of the County Transit System Surtax Funds, and any other rights contained therein.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman			**aye**
Audrey M. Edmonson, Vice Chairwoman			**nay**
Bruno A. Barreiro	**aye**	Lynda Bell	**aye**
Esteban L. Bovo, Jr.	**aye**	Jose "Pepe" Diaz	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**nay**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**aye**
Xavier L. Suarez	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of September, 2011. 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber

SUPPLEMENTAL AGREEMENT NO. 4

Contract Number: **TR04-TSB-approved by Resolution No. R-1099-04 adopted September 09, 2004**

Contract Title: **Paratransit Transportation Services**

Contractor: **Advanced Transportation Solutions, LLC**
815 NW 57th Avenue, Suite 130
Miami, FL 33126

In accordance with the above referenced Contract, this supplement when properly executed, becomes a part of the Contract and shall provide for the following:

1. Provision for the Contract to be extended for six months (October 1, 2011 through March 30, 2012) with an option to renew for up to six additional months on a month-by-month basis at the County's discretion.

All terms, covenants and conditions of the original Contract and any supplemental agreements issued thereto shall remain in full force and effect, except to the extent herein amended.

IN WITNESS WHEREOF, the parties have executed this Supplemental Agreement to County Contract No. TR04-TSB.

Contractor	County
By:	By:
Name: Ray Gonzalez	Name:
Title: Pres & CEO	Title:
Date: 6/28/11	Date:
Attest: Corporate Secretary/Notary Public	Attest: Clerk of the Board

Corporate Seal/Notary Seal

Notary Public State of Florida
George Luna
My Commission DD820543
Expires 09/07/2012

Bruce Zibbaber
Approved as to form and legal sufficiency.

Memorandum

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director

Date: July 20, 2011

Re: RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE A MODIFICATION FOR CONTRACT NO. TR04-TSB FOR ADDITIONAL TIME AND SPENDING AUTHORITY IN THE AMOUNT OF $19,980,000.00 FOR THE MIAMI-DADE TRANSIT DEPARTMENT TO CONTINUE TO PURCHASE DEMAND RESPONSE PARATRANSIT TRANSPORTATION SERVICES; WAIVING THE REQUIREMENTS OF SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTIONS 2-8.1 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE PERTAINING TO COMPETITIVE BID PROCEDURES AND THE BID PROTEST PROCESS, BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN **(MDT- BCC Legislative File No. 111511)**

On July 20, 2011, the CITT voted (11-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 11-052. The vote was as follows:

Hon. Linda Zilber, Chairperson – Aye
Paul J. Schwiep, Esq., 1st Vice Chairperson – Aye
Hon. Anna E. Ward, Ph.D., 2nd Vice Chairperson – Aye

Christopher Benjamin, Esq. – Absent
David Concepcion – Absent
Glenn J. Downing, CFP® – Aye
Alfred J. Holzman – Aye
Hon. James A. Reeder – Aye
Harold Braynon, Jr. – Aye
Joseph Curbelo – Aye
Peter L. Forrest – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Aye

The Trust would note that there was considerable discussion and concern regarding the contract extension. The Trust urges the County to proceed as quickly as possible with the completion of the analysis of the pilot program and the selection of the STS contractor.

cc: Honorable Carlos Gimenez, Mayor
Ysela Llort, Office of the Mayor
Bruce Libhaber, Assistant County Attorney