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

Memorandum

MIAMI-DADE COUNTY

Date: October 4, 2011

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

From: Carlos A. Gimenez
Mayor

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

Resolution No. R-789-11

Subject: Resolution Waiving Formal Bid Procedures and Use of Charter County Transportation Surtax Funds

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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. 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 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 1.1: Copier/Multifunctional Equipment Lease Payments is to waive formal bid procedures and ratify an emergency contract award to provide the Miami-Dade Transit Department with the ability to process lease payments for existing copier equipment. The amount being requested is **$217,512**.

Section 2 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 2.1: Elevator Maintenance Services is to modify this contract for additional spending authority to allow the Miami-Dade Transit (Transit) Department to purchase elevator and escalator maintenance and repair services. Transit has requested transfer of previously approved unallocated funds in the amount of $2,801,000. No additional amount is being requested.

Assistant County Manager

SECTION 1
EMERGENCY PURCHASES

Item 1.1

Contract No.: E-9471-0/11

Contract Title: **Copier/Multifunctional Equipment Lease Payments**

Description: To waive formal bid procedures and ratify an emergency contract awarded in March 2011 to provide the Miami-Dade Transit Department with the ability to process lease payments for existing copier equipment.

Contract Term: 6 Months

Contract Value: $217,512

Using/Managing Department and Funding Source:

Departments	Allocation	Funding Sources	Contract Managers
Transit	$217,512	MDT Operating (non-federal)	Daryl Hurston
Total:	**$217,512**		

Vendors:	Address	Principal
Toshiba Business Solutions (USA) (Non-local Vendor)	6401 Nob Hill Road Tamarac, FL 33321	Matt Barnes
IKON Office Solutions (Non-local Vendor)	70 Valley Stream Parkway Malvern, PA 19355	Kevin J. Togashi

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

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

Contract Measure: No Measure – Emergency Purchase

Review Committee Date: March 16, 2011; Item #2-03

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

Living Wage: The services being provided are covered under the Living Wage Ordinance

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

DPM Contract Manager: Margaret Brown

JUSTIFICATION

The Miami-Dade Transit Department (MDT) is seeking ratification of an emergency contract to process lease payments for existing copier equipment. The MDT Director certified an emergency on March 11, 2011, for an allocation to cover a six-month term for lease payments due from April through September 2011 for existing copier equipment. MDT underestimated the need for this service and exhausted its original allocation, requiring additional funding to make ongoing lease payments. The Transit Director certified the emergency to continue maintenance services and pay the required lease invoices until replacement contract was approved by the Board (Contract 9301-0/20 was awarded on July 7, 2011). MDT has confirmed that federal funds will not be used.

SECTION 2
NON-COMPETITIVE CONTRACT MODIFICATIONS

Item 2.1

Contract No.: SS1245-3/27

Contract Title: **Elevator and Escalator Maintenance and Repair Services**

Description: To modify this contract for additional spending authority for Miami-Dade Transit Department to continue purchase of routine elevator and escalator maintenance and repair services.

Type of Change: Transfer of unallocated funds that were previously approved and authorization to allow use of Charter County Transportation Surtax funds as a component of MDT Operating funds.

Existing Allocation:	$36,492,000
Unallocated Amount	($ 2,801,000)
Transfer to MDT:	$ 2,801,000
Modification Allocation:	$36,492,000

Current Expiration: September 30, 2012

Modified Expiration: Unchanged

Using/Managing Departments and Funding Sources:

Department	Allocation	Additional Allocation	Modified Allocation	Funding Source	Contract Manager
Aviation	$8,156,000	$0	$8,156,000	Proprietary Funds	Neivy Garcia
Corrections and Rehabilitation	$933,000	$0	$933,000	General Fund	Mohammed Haq
General Services Administration	$4,192,000	$0	$4,192,000	Internal Service Funds	Michael Chavez
Public Housing Agency	$5,000	$0	$5,000	Federal Funds	Mari Saydal-Hamilton
Transit	$9,567,000	$2,801,000	$12,368,000	MDT Operating (Non-Federal)	Juan Garcia
Park and Recreation	$ 100,000	$0	$ 100,000	General Fund / Proprietary Funds	William Solomon
Seaport	$1,688,000	$0	$1,688,000	Proprietary Funds	Gyselle Pino

Unallocated funds	$11,851,000	($2,801,000)	$9,050,000
Total:	**$36,492,000**	**$0**	**$36,492,000**

Vendor:	**Address**	**Principal**
Schindler Elevator Corporation (Non-Local vendor)	20 Whippany Rd. Morristown, NJ 07960 US	Jakob Zueger

Performance Data: This contract became effective on October 1, 2007 for a five year term. During this term, the County discovered that the user departments were making payments to the vendor for elevators that had been taken out of service or demolished. The County met with the vendor and conducted an audit of all payments in relation to each elevator and escalator that was serviced. Upon completion of the audit, the County recovered $2.08 million from the vendor in overpayments by County agencies. In addition to this recovery, the County collected an additional sum of $484,000, as a voluntary payment by the vendor, to compensate the County as the vendor failed to provide the County with time tickets for some maintenance and repair services provided during this period. Since the beginning of the audit process, General Services Administration and Department of Procurement Management have conducted training classes with each of the impacted County agencies on how the contract works, and how to use the award sheet to review and pay invoices for services.

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

Contract Measure: Small Business Enterprise Bid Preference does not apply to this contract.

Review Committee Date: March 21, 2007; Item # 2-07

Local Preference: The Local Preference Ordinance does not apply to this contract.

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 funding source.

DPM Contracting Officer: Lourdes Betancourt

REASON FOR CHANGE

Authorization for approval of this contract modification is required to continue to purchase routine elevator and escalator services for the Miami-Dade Transit Department (MDT). Due to excessive usage, vandalism, and breakdowns of its aging equipment, MDT has depleted its allocation on this contract. This request for transfer of previously approved unallocated funds to MDT will allow the department to continue

to pay for routine maintenance and emergency services. These funds will also be used to replace components that are damaged beyond normal wear and tear, and are not covered by routine maintenance. MDT has confirmed federal funds will not be used on this contract.

MEMORANDUM

(Revised)

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

DATE: October 4, 2011

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

SUBJECT: 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 _____

Agenda Item No. 8(O)(1)(B)
10-4-11

RESOLUTION NO. R-789-11

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 AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION 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 Transportation Surtax Funds.

The foregoing resolution was offered by Commissioner **Jean Monestime** ,

who moved its adoption. The motion was seconded by Commissioner **Audrey Edmonson**

and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of October, 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. HB/

Hugo Benitez

MIAMI-DADE COUNTY

Memorandum

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

From: Charles Scurr, Executive Director

Date: September 13, 2011

Re: RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE NON-COMPETITIVE CONTRACT AWARDS AND MODIFICATIONS WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER, FOR THE PURCHASE OF GOODS AND SERVICES, PROCESSED BY THE DEPARTMENT OF PROCUREMENT MANAGEMENT (DPM) ON BEHALF OF MIAMI-DADE TRANSIT (MDT), AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS IN THE AMOUNT OF **$3,018,512.00 (MDT – BCC Legislative File No. 111825)**

On September 13, 2011, the CITT voted (7-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 11-060. The vote was as follows:

Hon. Linda Zilber, Chairperson – Absent
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 – Absent
Hon. James A. Reeder – Aye

Harold Braynon, Jr. – Absent
Joseph Curbelo – Absent
Peter L. Forrest – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Aye

cc: Alina Hudak, Deputy Mayor/County Manager
Bruce Libhaber, Assistant County Attorney
Alexander Bokor, Assistant County Attorney

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