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

Memorandum

MIAMI-DADE COUNTY

Date: September 4, 2012

Agenda Item No. 8(F)(5)

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

From: Carlos A. Gimenez
Mayor

Resolution No. R-679-12

Subject: Resolution Waiving Formal Bid Procedures and Authorizing Contract Awards and Modifications

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Recommendation

It is recommended that the Board of County Commissioners (Board) waive competitive bidding procedures for purchase of 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, and approve the attached non-competitive emergency award and contract modification with authority to exercise options-to-renew (OTR). Specifically, the items being considered by the Board are described briefly below and in more detail in the accompanying attachments:

- **Item 1 - Janitorial Services for the Downtown Government Complex** - Waives formal bid procedures to ratify an emergency contract award in the amount of $6,608,144 to Vista Building Management Services, Inc. (Vista) for janitorial services for the downtown government complex. As previously reported to the Board, this emergency contract is required due to the termination of TCB Systems, Inc. (TCB) following an Office of Inspector General investigation that concluded the firm provided the County fraudulent bid bonds and performance bonds.

- **Item 2 - Elevator Maintenance Services** – Modifies an existing contract for an additional $917,000 in spending authority for the Public Housing and Community Development and Seaport Departments to purchase elevator modernization services.

- **Item 3 - Elections Department Relia-Vote Upgrade** - Waives formal bid procedures to ratify an emergency contract award in the amount of $950,000 to Pitney Bowes, Inc. for a component upgrade to the existing Relia-Vote System (System). The upgrade is required due to the existing System's ballot limitation of five pages. The upgrade will increase the System's limited capacity to print, scan, and manage the large number of federal, state, county, and municipal races and issues scheduled for the November 6, 2012 General Election ballot.

Scope

The impact of these items is countywide in nature.

Fiscal Impact/Funding Source

The allocations and funding sources for the departments are listed in the attached Bid Waiver Package.

The contract amounts and departmental allocations represent the maximum spending authority based on past utilization. This action does not guarantee that the total contract amount/value will be expended by the department. Funding will be expended only if the department's budget can support the expenditures approved in its annual budget adopted by the Board.

Track Record/Monitor
There are no known performance/compliance issues with the vendors recommended for award in the attached Bid Waiver Package. The departments' contract managers are reflected in the agenda item.

Delegated Authority
If this item is approved, the County Mayor or County Mayor's designee will have the authority to extend the contracts for purchase of goods and services in accordance with the terms and conditions of the contracts listed in the attached Bid Waiver Package.

Due Diligence
Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and review of performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Background
Additional background information for the emergency purchases and noncompetitive contract modification are attached.

Edward Marquez
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: September 4, 2012

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

SUBJECT: Agenda Item No. 8(F)(5)

Resolution No. R-679-12

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(F)(5)
9-4-12

RESOLUTION NO. R-679-12

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES 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 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 **Barbara J. Jordan** who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman			**aye**
Audrey M. Edmonson, Vice Chairwoman			**aye**
Bruno A. Barreiro	**aye**	Lynda Bell	**aye**
Esteban L. Bovo, Jr.	**absent**	Jose "Pepe" Diaz	**absent**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**absent**	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 6 day of September, 2012. 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.

Hugo Benitez

Item 1

Contract No. and Title: E8026-0/13 Janitorial Services for the Downtown Government Complex.

Description: Recommendation to waive formal bid procedures and ratify an emergency award for purchase of janitorial services for the downtown government complex. The buildings and garages covered by this emergency purchase are: Central Support Facility, Don A. Hickman Building, Courthouse, Miami Art Museum, Cultural Center Plaza, Historical Museum, Library, Stephen P. Clark Center, Courthouse Center, Overtown Transit Village Building, OTVS-Overtown Transit Village South, Courthouse Center Garage, Garage #5 (Hickman Garage), Cultural Center Garage, Overtown Transit Village Garage, and Miami-Dade West Lot Garage.

Contract Term: May 1, 2012 to October 31, 2013 (18 months)

Contract Value: $6,608,144

JUSTIFICATION

As previously reported to the Board on May 4, 2012 and at the May 8, 2012 Internal Management and Fiscal Responsibility Committee meeting, the Office of Inspector General (OIG) investigated TCB Systems Inc. (TCB) in regard to the submission of fraudulent bid and performance bonds, as a result of an Internal Services Department review. The OIG investigation concluded TCB provided the County one fraudulent bid bond and six fraudulent performance bonds. The OIG recommended the County terminate contractual relationships with TCB and debar this vendor. The County has initiated debarment proceedings against this vendor.

Upon learning of the OIG's investigation, Internal Services Department staff developed a plan to identify a vendor with capacity to immediately assume responsibility for the required services. VISTA was selected for negotiations due to its familiarity with the majority of the buildings and garages in the downtown government complex, the County's positive working experience with this firm, and its ability to quickly transition and provide the services.

The negotiated contract with VISTA has a net decrease (from the previous contract with TCB) of $49,270 over the eighteen-month period. It includes a separate payment mechanism for services required for the Miami-Dade West Lot garage once that site receives a temporary certificate of occupancy which is expected in May 2012. VISTA was provided a Notice to Proceed on April 12, 2012 and transitioned on May 1, 2012. This is a significant accomplishment as the recruitment, hiring, and background checks on personnel, as well as procurement of equipment and supplies were accomplished within a two-week period. VISTA also hired a large portion of TCB's staff for this emergency contract.

The 18-month contract term factored in the time required to roll out the countywide janitorial service contract recently approved by the Board, at which time these services for the downtown government complex will be subject to spot market bids.

Using/Managing Departments and Funding Sources:

Departments	Allocation	Funding Sources	Contract Manager
Internal Services Department	$6,608,144.19	Internal Service Funds	Thomas Plummer
Total:	**$6,608,144.19**		

Vendor:	Address	Principal
Vista Building Maintenance Services Inc.	8200 Coral Way Miami, FL	James M. Haley

Due Diligence: Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. (This information is being provided pursuant to Resolution No. R-187-12).

Applicable Ordinances and Contract Measures:
This contract does not have measures or the Local Preference Ordinance as it is an emergency purchase. The services provided under this contract are covered under the Living Wage Ordinance. This contract includes the two percent User Access Program provision which will be collected on all purchases.

Procurement Contracting Officer: Susan H. Pascul

Non-Competitive

Item 2

Contract No. and Title: SS1243-3/24-1 Elevator Maintenance Services

Type of Modification: Additional spending authority

Existing Allocation: $ 3,325,000 for five years (for various County departments)
Increase By: $ 917,000 (for Public Housing and Community Development and Seaport departments only)

Modification Allocation: $ 4,242,000

Current Expiration: April 30, 2014

Modified Expiration: Unchanged

REASON FOR CHANGE

Authorization is requested for additional spending authority to allow the Miami-Dade Public Housing and Community Development (PHCD) and Seaport Departments to purchase elevator modernization services. Modernization of equipment at PHCD and Seaport will include an upgrade to the latest microprocessor technology and code compliance.

The requested modification will allow PHCD and Seaport to modernize critical elevators at PHCD's Ward Towers High Rise Building and Seaport's Port 1007 Administrative Building, respectively. The modernization is necessary in order to replace components that are damaged beyond normal wear and tear and are not covered by routine maintenance. PHCD has experienced shutdowns and entrapments in the elevators at the Ward Towers facility. The elevators are equipped with direct current (DC) motors and generators that require periodic re-building. These elevators are out of service for weeks at a time during re-building of motors and generators causing residents to be left with only one elevator for the duration of the repair. Seaport is experiencing numerous elevator failures at Port 1007 Administrative Building causing inconvenience to visitors and staff. The new equipment will have alternating current (AC) motors that do not require re-building as often. Approval of the contract modification will ensure the elevators receive the necessary repairs to continue to operate in a safe manner.

There is a separate modification in the competitive package for similar services for PHCD. That modification differs from this non-competitive modification in that it is for modernization services to non-critical Thyssenkrupp elevator units.

Using/Managing Departments and Funding Sources:

Departments	Existing Allocation	Additional Allocation	Modified Allocation	Funding Sources	Contract Managers
Various Departments	$3,025,000				
Public Housing and Community Development	$250,000	$ 430,000	$680,000	Federal Funds	Mari Saydal-Hamilton
Seaport	$50,000	$487,000	$537,000	Proprietary Funds	Gyselle Pino
Total	**$3,325,000**	**$917,000**	**$4,242,000**		

Non-Competitive

Current Vendor:	Address	Principal
Thyssenkrupp Elevator Corp	2500 Northwinds Parkway Suite 375 Alpharetta, GA	Richard T. Hussey

Due Diligence: Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. (This information is being provided pursuant to Resolution No. R-187-12).

Applicable Ordinances and Contract Measures:
The Small Business Enterprise Bid Preference and Local Preference do not apply. The services provided under this contract are covered under the Living Wage Ordinance. This contract includes the two percent User Access Program provision which will be collected on all purchases where permitted by funding source.

Procurement Contracting Officer: Lourdes Betancourt

Item 3

Contract No.: E9648-0/16

Contract Title: **Elections Department Relia Vote Upgrade**

Description: To waive formal bid procedures and ratify an emergency contract award for the upgrade of the existing Relia Vote System at the Miami-Dade Elections Department.

Contract Term: Fifty-five months

Contract Value: $950,000

JUSTIFICATION

It is recommended that the Board of County Commissioners (Board) waive competitive bidding procedures for purchase of 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, and ratify a non-competitive emergency contract award to Pitney Bowes Inc for a component upgrade to the existing Relia-Vote System (System). The upgrade is required due to the existing System's ballot limitation of five pages. With the large number of federal, state, county, and municipal races and issues scheduled for the General Election ballot, many of the ballot styles will exceed five pages. Therefore, the upgrade will increase the System's capacity to print, scan, and manage the increased number of ballot pages.

It was necessary to purchase this upgrade prior to formal approval by the Board to ensure there was adequate time to install and test it in advance of the November 6, 2012 General Election. Additionally, given that Pitney Bowes, Inc is the manufacturer of the existing Relia-Vote System, it is in the County's best interest to waive formal bid procedures. Through this item the Department is requesting a modification to Contract No. SS8541-0/12.

The Relia-Vote System has been used by the County since 2006. It is used for printing, sorting, assembling, mailing, and tracking absentee ballots for all countywide and municipal elections and is mission-critical in the department's ability to process absentee ballots accurately and timely. The continuous functionality of the System is an operational necessity for the Elections Department to ensure accuracy, integrity and accountability in providing absentee ballot voting to registered voters. It was therefore in the best interest of the County to proceed with this emergency contract award.

Using/Managing Department and Funding Sources:

Department	Allocation	Funding Sources	Contract Manager
Elections	$950,000	General Fund	John Mendez
Total:	$950,000		

Vendor:	Address	Principal
Pitney Bowes, Inc.	2200 Western Court, Suite 100 Lisle, IL	Murray Martin, CEO

Due Diligence: Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were

referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. (This information is being provided pursuant to Resolution No. R-187-12).

Applicable Ordinances and Contract Measures:
This contract does not have measures or the Local Preference Ordinance as it is an emergency purchase. The services provided under this contract are not covered under the Living Wage Ordinance. This contract includes the two percent User Access Program provision which will be collected on all purchases.

Procurement Officer: Leida Altman Carrillo