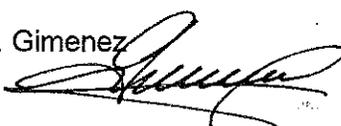


**Date:** March 5, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Waiving Formal Bid Procedures to Ratify an Emergency Contract Award

Agenda Item No. 8(F)(6)

Resolution No. R-157-13

## Recommendation

It is recommended that the Board of County Commissioners (Board) waive competitive bidding procedures for the 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 and ratify the attached emergency contract award. The item is described briefly below and in more detail in the accompanying attachment.

**Item 1 – Emergency Grounds Maintenance** - Waives formal bid procedures to ratify an emergency contract award in the amount of up to \$482,960 to Ginley Lawn Service and Landscaping, Inc. for landscaping and maintenance services to 42 sites at Miami International Airport. This contract award is to replace a vendor that was previously terminated for default.

## Scope

The impact of the item in the attached Bid Waiver Package is countywide in nature.

## Fiscal Impact/Funding Source

The allocation and funding source for the department is listed in the attached Bid Waiver Package.

The contract amount and departmental allocation represents 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 vendor recommended for award in the attached Bid Waiver Package. The department's contract manager is reflected in the agenda item.

## Delegated Authority

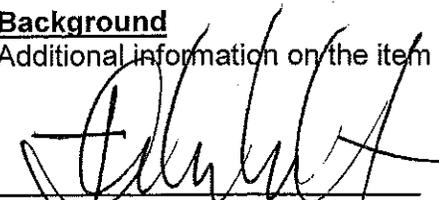
If this item is approved, the County Mayor or County Mayor's designee will have the authority to extend the contract for purchase of goods and services in accordance with the terms and conditions of the contract listed in the attached Bid Waiver Package.

## 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 information on the item is attached.

  
\_\_\_\_\_  
Jack Osterholt, Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** March 5, 2013

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

**SUBJECT:** Agenda Item No. 8(F)(6)

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 Mayor'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)(6)  
3-5-13

RESOLUTION NO. R-157-13

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES BY A TWO-THIRDS (2/3S) VOTE OF THE BOARD MEMBERS PRESENT TO RATIFY AN EMERGENCY CONTRACT IN AN AMOUNT UP TO \$482,960 FOR THE PURCHASE OF GOODS AND SERVICES

**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:

**Section 1.** This Board waives 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 members present for Item 1 of the incorporated memorandum.

**Section 2.** This Board ratifies emergency contracts as set forth in Item 1 of the incorporated memorandum in a total amount of up to \$482,960.

**Section 3.** This Board authorizes the County Mayor or County Mayor's designee to execute a contract for the item approved herein and exercise contract modifications, options-to-renew, any cancellation provisions, and any other rights contained therein in accordance with the terms and conditions of such contract.

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

	Rebeca Sosa, Chairwoman		<b>aye</b>
	Lynda Bell, Vice Chair		<b>aye</b>
Bruno A. Barreiro	<b>absent</b>	Esteban L. Bovo, Jr.	<b>nay</b>
Jose "Pepe" Diaz	<b>absent</b>	Audrey M. Edmonson	<b>aye</b>
Sally A. Heyman	<b>absent</b>	Barbara J. Jordan	<b>aye</b>
Jean Monestime	<b>aye</b>	Dennis C. Moss	<b>aye</b>
Sen. Javier D. Souto	<b>absent</b>	Xavier L. Suarez	<b>absent</b>
Juan C. Zapata	<b>nay</b>		

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of March, 2013. 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.

Oren Rosenthal

**Item 1 - Emergency Purchase**

<b>Contract No.:</b> E9705-0/13	<b>Title:</b> Emergency Grounds Maintenance
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**Type of Non-competitive Action:**  Bid Waiver  Sole Source  Ratification of Emergency Award

**Justification:**  
 The Aviation Department declared an emergency in August 2012 to solicit proposals for vendors to provide landscape and maintenance services to 42 areas of Miami International Airport's (MIA) "east side". These areas were being serviced under Contract 6929-4/14-4. However, the incumbent vendor under this contract was failing to perform in accordance with the terms and conditions of the contract with ample opportunities given to improve its performance and continue to service these areas. The vendor's lack of performance was causing overgrown grass and weeds, promoting a favorable environment for insects and rodents. MIA also requires proper grounds maintenance to be free of hazardous materials while ensuring a safe and aesthetically appealing environment. This situation created health concerns to the public, tenants and employees. Although an emergency was declared, a competitive Invitation to Bid was issued for the ground maintenance of these 42 areas. Bids were received from ten vendors, and the award was made to the lowest responsive, responsible vendor on December 28, 2012. This item requests ratification of that award.

<b>Contract Start Date:</b>		<b>Contract End Date</b>	
January 3, 2013		January 2, 2014	
<b>Department</b>	<b>Emergency Contract Value</b>	<b>Funding Source</b>	<b>Contract Manager</b>
Aviation	\$482,960	Proprietary Funds	Neivy Garcia
<b>TOTAL</b>	<b>\$482,960</b>		

**Contract Measures:**  Small Business Enterprise  Set-Aside  Bid Preference  
 Selection Factor  Other No Measure – Emergency Award

**Local Preference Ordinance:**  Applies  Does not apply

**Living Wage Ordinance:**  Applies  Does not apply

**User Access Program:**  Applies where permitted by funding source  Does not apply

**Procurement Contracting Officer:** Lina Bonilla

<b>Vendor</b>	<b>Address</b>	<b>Principal</b>
Ginley Lawn Service and Landscaping, Inc. (Micro/SBE)	12140 SW 188 Terrace, Miami, FL	Ginley L. Sardinas