

Memorandum



Date: February 3, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Agenda Item No. 8(F)(7)

Subject: Recommendation for Approval to Award a Sole Source Contract: Brown Bear Sludge Drying Tractor

Resolution No. R-92-15

Recommendation

It is recommended that the Board of County Commissioners (Board) waive competitive bidding procedures under Section 2-8.1 of the County Code and Section 5.03(D) of the Home Rule Charter and approve award of *Contract SS9822-WS* to Brown Bear Corporation for the purchase of a Brown Bear tractor (Model Number 500C with Caterpillar C9 Tier III diesel engine) that will be utilized by the Water and Sewer Department. It is in the County's best interest to award this sole source contract to Brown Bear Corporation as this is the only vendor capable of furnishing a tractor that meets the Water and Sewer Department's specific operational needs.

The tractor will be used at the Black Point Sewage Treatment Plant and will replace an existing Brown Bear tractor, which has been in service beyond its useful life. The tractor is a critical component of the sludge drying process for mixing and aerating bio-solids. Market research indicates that Brown Bear Corporation is the only firm manufacturing this type of tractor, which is equipped with a self-powered rotary paddle aerator that mixes, aerates and displaces sludge down to the surface of the drying bed.

Scope

The impact of this item is countywide in nature.

Fiscal Impact and Funding Source

The fiscal impact for this one-time purchase is \$555,487.

Department	Allocation	Funding Source	Contract Manager
Water and Sewer	\$555,487	Proprietary Funds	Roddy Gomez
Total	\$555,487		

Track Record/Monitor

Lourdes Farley of the Internal Services Department is the Procurement Contracting Associate.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise, at their discretion, the cancellation provision in accordance with the terms and conditions of the agreement.

Vendor Recommended for Award

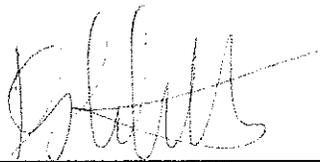
Awardee	Address	Principal
Brown Bear Corporation	2248 Avenue of Industries Corning, IA	Stanley Brown

Due Diligence

Pursuant to R-187-12, 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.

Applicable Ordinances and Contract Measures

- The Small Business Enterprise Bid Preference and Local Preference do not apply as this is a sole source contract.
- The Living Wage Ordinance does not apply.
- The two percent User Access Program provision applies.



Jack Osterholt
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 3, 2015

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

SUBJECT: Agenda Item No. 8(F)(7)

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)(7)
2-3-15

RESOLUTION NO. R-92-15

RESOLUTION AUTHORIZING WAIVER OF BID PROCEDURES BY A TWO-THIRD VOTE OF THE MEMBERS PRESENT PURSUANT TO SECTION 5.03(D) OF THE MIAMI-DADE COUNTY CHARTER AND SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY AND APPROVING AWARD OF A CONTRACT FOR PURCHASE OF BROWN BEAR TRACTOR IN A TOTAL AMOUNT NOT TO EXCEED \$555,487.00, AND AUTHORIZING THE MAYOR OR MAYOR'S DEIGNEE TO EXECUTE SUCH CONTRACT AND EXERCISE THE CANCELLATION PROVISIONS SET FORTH THEREIN

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 this Board finds it is in the best interest of Miami-Dade County to waive formal bid procedures by a two-third vote of the Board members present pursuant to Section 5.03(D) of the Miami-Dade County Charter and Section 2-8.1 of the Code of Miami Dade County to approve the award of a contract for purchase of a Brown Bear Tractor in a total amount not to exceed \$555,487. This Board authorizes the Mayor or Mayor's designee to execute such contact and exercise the cancellation provisions contained therein.

The foregoing resolution was offered by Commissioner **Barbara J. Jordan** who moved its adoption. The motion was seconded by Commissioner **Jean Monestime** and upon being put to a vote, the vote was as follows:

	Jean Monestime, Chairman	aye
	Esteban L. Bovo, Jr., Vice Chairman	aye
Bruno A. Barreiro	aye	Daniella Levine Cava aye
Jose "Pepe" Diaz	absent	Audrey M. Edmonson aye
Sally A. Heyman	aye	Barbara J. Jordan aye
Dennis C. Moss	absent	Rebeca Sosa aye
Sen. Javier D. Souto	aye	Xavier L. Suarez absent
Juan C. Zapata	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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