



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Public Safety and Rehabilitation
Committee (PSR) Meeting

March 12, 2019
9:30 A.M.
Commission Chambers

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Commission Auditor
Office of the Commission Auditor (OCA)
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Miami, FL 33128
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Research Notes**

**Item No. 3A
File No. 190395**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING AWARD OF A LEGACY CONTRACT FOR INTEGRATED SECURITY CONTROL SYSTEM SUPPORT FOR THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT, CONTRACT NO. L769, TO BLACK CREEK INTEGRATED SYSTEMS CORP. FOR A FIVE-YEAR TERM IN A TOTAL AMOUNT NOT TO EXCEED \$760,000.00 AND APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve the award of *Legacy Contract No. L769, Integrated Control System Support*, to Black Creek Integrated Systems Corp. for \$760,000 for a five-year term for the Corrections and Rehabilitation Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1(b)(2) of the County Code applies to legacy awards and provides that a legacy purchase shall mean the purchase of goods and services where competition is unavailable, impractical or constrained as a result of the need to continue to operate an existing County system which may not be replaced without substantial expenditure. The County Mayor shall include, in any legacy purchase award recommendation, a statement as to the need for such purchase and the provisions taken to reduce or eliminate the future need for legacy purchases for the particular good or service. Legacy purchases may be awarded by the Board of County Commissioners upon a majority vote of the Board members present.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Resolution No. R-477-18, adopted by the Board on May 1, 2018, directed the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

Resolution No. R-187-12, adopted by the Board on February 21 2012, directed the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&fileAnalysis=false&yearFolder=Y2012>

Resolution No. R-1011-15, adopted by the Board on November 3, 2015, directed the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ in memoranda to the Board pertaining to vendors being recommended for contract award.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution No. R-966-11, adopted by the Board on November 15, 2011, authorized execution of an agreement in the amount of \$1,500,000 for a term of three years plus two, two-year options to renew to Black Creek Integrated Systems to obtain a turnkey integrated security control system for the Corrections and Rehabilitation Department to replace the existing legacy security system currently in use at the Turner Guilford Knight Correctional Center.

<http://intra/gia/matter.asp?matter=112044&file=true&yearFolder=Y2011>

Implementing Order 3-38 sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for

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access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources. 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 any of the other purchasing methods described in the Implementing Order.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item has no procedural history.

ANALYSIS

This item is requesting that the Board award a legacy contract to Black Creek Integrated Systems Corp. (Black Creek) for up to \$760,000 for a five-year term for maintenance and support of the existing security system at the Metro West Detention Center, Turner Guilford Knight Correctional Center and Pre-Trial Detention Center.

The existing system was implemented by Black Creek pursuant to Resolution No. R-966-11, which on November 15, 2011 awarded Black Creek a contract (*RFP769*) for \$1,500,000 to implement a turnkey security control system for the Corrections and Rehabilitation Department for an initial term of three years plus two, two-year options to renew. That contract award was the result of a competitive procurement wherein Stanley Security, Norment Security Group, Pinnacle Integrated Systems, Inc., and SimplexGrinnell submitted proposals.

The current contract (*RFP769*) is valued at \$3,848,667.33 for a term of seven years and six months, expiring May 31, 2019. The expiration date reflects a four-month administration extension, from the original expiration date of January 31, 2019 to May 31, 2019. The proposed replacement contract is valued at \$760,000 for a five-year term. The annual allocation under the replacement contract is significantly lower than the current contract as the replacement award covers only maintenance and support services while the current contract included the cost of system implementation.

The mayoral memorandum indicates that due to the proprietary nature of the existing Black Creek integrated security control system, Black Creek is the only vendor capable of performing the required system maintenance and support services. Alternatively, the County could compete these services which would necessitate transitioning to a new system. Such a transition would be more expensive than the recommended legacy contract.

The Black Creek security system provides centralized control of the following Corrections and Rehabilitation Department sub-systems:

- Security alarm;
- Closed Circuit Television;
- Intercom and Paging;
- Duress;
- Door Control; and
- Watch Tour/Shift Log.

Under the proposed legacy contract, Black Creek shall provide non-emergency and emergency support for the security system. More specifically, Black Creek shall provide: unlimited non-emergency telephone support; emergency telephone support; response time to all inquiries within an hour; parts depot service; discounts on labor; documents maintenance surcharge waiver; and

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warranty. These services constitute the Level One Service Plan. Black Creek shall also deliver services under the Watch Tour and Shift Log Support Plan, which entails unlimited non-emergency telephone support; response time to all inquiries within an hour; software updates; email notification; remote software support; and emergency telephone support. The contract requires the County to deliver broadband internet connection and designate a primary service contact.

The commodity code for this procurement is 92045 (Software Maintenance and Support Services). A March 11, 2019 search for registered certified local small business enterprises under that code on the Business Management Workforce System, yielded the following seven vendors:

- Amiritech Group, LLC
- Computer Based Associates, Inc.
- Insinet Group, LLC
- Meridian Partners, LLC
- The Ashvins Group, Inc.
- Trust Technology Solutions, Inc.
- Visual Data Solutions, Inc.

ADDITIONAL INFORMATION

The Bloomberg company overview of Black Creek Integrated Systems Corp. states that the company offers design and installation services for security control systems. The company provides touch screen based security control systems and security management software. Black Creek Integrated Systems Corp. was incorporated in 2001 and is based in Irondale, Alabama.

<https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapid=111950153>

An article dated December 21, 2016 in the Courier suggests that the security system installed by Black Creek Integrated Systems Corp. for Black Hawk County Jail in Waterloo, Iowa is failing.

https://wfcourier.com/news/local/govt-and-politics/new-jail-security-system-bids-still-over-budget/article_e7035155-ec4d-517b-acfc-a40167df8b62.html

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**Item No. 3B
File No. 190412**

Researcher: TD Reviewer: YM

RESOLUTION AUTHORIZING WAIVER OF BID PROCEDURES BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT PURSUANT TO SECTION 5.03(D) OF THE COUNTY CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE AND APPROVING AWARD OF CONTRACT NO. SS10001 TO AXON ENTERPRISE, INC. FOR THE PURCHASE OF ELECTRONIC CONTROL WEAPONS FOR THE MIAMI-DADE POLICE DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$6,598,619.00 FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE MIAMI-DADE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve the waiver of competitive bidding by two-thirds vote of the members present pursuant to section 5.03(D) of the Home Rule Charter and section 2-8.1 of the County Code and approve a sole source contract to Axon Enterprises Inc for Electronic Control Weapons for the Miami-Dade Police Department.

APPLICABLE LEGISLATION/POLICY

TASER INTERNATIONAL, INC., Plaintiff, v. PHAZZER ELECTRONICS, INC. Defendant. Case Number Case No: 6:16-cv-366-Orl-40KRS. Axon Enterprises Inc. (Formerly Taser International, Inc) successfully brought suit against PhaZZer Electronics, Inc for trademark and copyright infringement of Axon's electronic control weapon (ECW). PhaZZer Electronics is enjoined from nationwide sale and distribution of its ECW.

Home Rule Charter section 5.03(D) states that contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. The Chairperson of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.

<http://www.miamidade.gov/charter/library/charter.pdf>

Code of Miami-Dade County section 2-8.1 (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Resolution No. R-477-18, adopted by the Board on May 1, 2018, directs the County Mayor to disclose to the Board the reasons why goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

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Resolution No. R-1011-15, adopted by the Board on November 3, 2015, Directs the Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ, and directs the Mayor to include such information in the memorandum to Board pertaining to vendor being recommended for contract award.

<http://www.miamidade.gov/govaction/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

Implementing Order No. 3-38, sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department (ISD); the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Internal Services Department

This item has no procedural history.

ANALYSIS

This item seeks Board approval to waive competitive bidding by two-thirds vote of the members present pursuant to section 5.03(D) of the Home Rule Charter and section 2-8.1 of the County Code and approve a sole source contract to Axon Enterprises Inc. for Electronic Control Weapons (ECW) for the Miami-Dade Police Department.

Tasers are an integral part of Miami-Dade Police training and execution of non-lethal force. Tasers and the effective police training with them is credited with significantly reduced injuries to civilian and officers.

The Administration seeks Axon Enterprises accepted as sole source provider as the sole manufacturer and distributor of this product. In 2010 Axon brought suit against PhaZZer electronics, a Florida corporation, for willful infringement on Axon patented and trademark rights associated with PhaZZer's conducted electrical weapon. PhaZZer, a prior supplier of ECWs, was ultimately enjoined from selling their Phazzer Enforcer CEW and probe cartridges product nationwide.

The award follows the court's judgment and permanent injunction issued in July 2017 prohibiting PhaZZer from making, using, offering for sale, selling, donating, distributing, importing, or exporting the Enforcer CEW and associated cartridges. The court's ruling makes clear that all Enforcer CEWs are covered by the ban, whether or not they have dataports in question.

PhaZZer's pending appeal in the Federal Circuit focuses primarily on the scope of the trademark injunction relating to CEW cartridges. PhaZZer lost its bid in both the district court and the Federal Circuit to suspend the injunction during the appeal, despite its claims of insolvency. The injunction remains in full force and effect.

Axon additionally obtained CEW patent infringement injunctions against Stinger Systems in 2010 and Karbon Arms in 2014.

The Mayoral Memo states the fiscal impact is \$6,598,619 over the five year term of the contract. This contract establishes the Electronic Control Weapons Taser 7 Program allowing officer to use the devices throughout their useful life, acquire unlimited replacement cartridges and receive trade-in credit for older Tasers. The Taser Program also includes standardized certification and

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recertification throughout the force as well as and state mandated courses. Training and fielding of the ECW T7 will take place during the 2019 calendar year training cycle.

Prior Contract (Taser International is predecessor to Axon Enterprise)

L8769-0/18 (Advanced Air Tasers) for \$5,474,000.00 5year term	
1.Taser International Inc.,	06/13/2014 through 06/30/2019
2. Axon Enterprise, Inc.	06/13/2014 through 06/30/2019

The Office of the Commission Auditor conducted a Commodity Code check through the Business Management Workforce System (BMWS) of the following codes: 68050 (**Guns, Nonlethal, Including Stun, Taser Weapons**) finding **0** firms and **0** certifications found

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RESOLUTION AUTHORIZING ACCESS OF NATIONAL JOINT POWERS ALLIANCE CONTRACT NO. 121416-WWG, PUBLIC SAFETY AND EMERGENCY MANAGEMENT RELATED EQUIPMENT, SUPPLIES, AND SERVICES WITH W.W. GRAINGER, INC. FOR VARIOUS COUNTY DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$8,986,200.00 FOR AN INITIAL TERM EXPIRING FEBRUARY 1, 2021 AND ONE ONE-YEAR OPTION TO RENEW TERM AND U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE CONTRACT NO. 4400008468 PUBLIC SAFETY AND EMERGENCY PREPAREDNESS EQUIPMENT AND RELATED SERVICES WITH SAFEWARE, INC. FOR VARIOUS COUNTY DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$12,300,000.00 EXPIRING ON SEPTEMBER 30, 2023; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE DOCUMENTS NECESSARY TO ACCESS SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize access of the National Joint Powers Alliance (NJPA) Contract No. 121416-WWG through February 1, 2022 (including a one-year option to renew) in a total amount of \$8,986,200 and W.W. Grainger (Grainger) Contract No. 4400008468 through September 30, 2023 in a total amount of \$12,300,000 for a grand total of \$21,286,200 including \$600,000 unallocated reserve for emergencies and unforeseen events for the purchase of public safety and emergency preparedness equipment and related services to Safeware, Inc. (Safeware) for Various County Departments.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code of Miami-Dade County (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

<https://library.municode.com/fl/miami> -

[_dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 2-8.2.6(3)(a)(v) of the County Code (unsolicited proposals) governs the procedure on unsolicited proposals, if the County Mayor elects to evaluate an unsolicited proposal that has been submitted with the application fee and all of the information and materials required pursuant to this section, the County Mayor shall have 90 days to evaluate the unsolicited proposal. In the event that 90 days is insufficient to complete an evaluation, the County Mayor may request an extension of this time from the Board.

<https://library.municode.com/fl/miami> -

[_dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.6PUIVPAUNPR](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.6PUIVPAUNPR)

Resolution No. R-477-18, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons why goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

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<http://www.miamidade.gov/govaction/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution No. R-187-12, adopted February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

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<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

Implementing Order No. 3-38, sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department (ISD); the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

There is no procedural history for this item at this time.

ANALYSIS

This item requests Board authorization accessing the of National Joint Powers Alliance Contract No. 121416-WWG through February 1, 2022 (including a one-year option to renew) in a total amount of \$8,986,200 to WW. Grainger Inc., and Contract No. 4400008468 through September 30, 2023 in a total amount of \$12,300,000 for a grand total of \$21,286,200 including \$600,000 unallocated reserve for emergencies and unforeseen events for the purchase of public safety and emergency preparedness equipment and related services to Safeware, Inc. (Safeware) for Various County Departments.

The fiscal impact for Contract No. 121416-WWG is \$5,990,800 through February 1, 2021. Should NJPA elect to exercise the one-year option to renew term, and should the County choose to exercise the same, the estimated cumulative value would be \$8,986,200 and the contract would expire on February 1, 2022. The fiscal impact for Contract No. 4400008468 is \$12,300,000, through September 30, 2023.

The previous contract for facilities maintenance, repair and operating supplies was 091214-WWG and expired on October 21, 2018. It had a value of \$913,000 according to the Bid Tracking System (BTS). The allocation for the proposed contract is \$8,986,200.00, the released amount is \$4,607,448.12 and the remaining balance is \$1,447,174.88 according to the Bid Tracking System as of January 10, 2019.

County departments will use *Contract No. 121416-WWG*, awarded to Grainger, who operates a local location within Miami-Dade County, whenever possible. However, there are specific products and needs that Grainger cannot meet, and for which use of *Contract No. 4400008468* will be necessary. These include mosquito control products, as well as specialized goods and associated maintenance for law enforcement and first responders. Additionally, *Contract No. 4400008468* will provide an alternative source of supply outside the impacted area in the event that an emergency occurs which affects the South Florida region, and the local vendor is unable to provide the supplies and services needed.

According to the mayoral memo the reason we are attaching to the NJPA and Grainger contracts is because accessing these contracts offers the County favorable pricing for supplies and services, allows the County to consolidate purchases, and reduces administrative costs. These contracts will provide the County with a readily available, vast inventory of supplies and services supported by Grainger and Safeware, two nation-wide suppliers.

ISD conducted a market study and found that only the NJPA Contract provided the breadth of products and services required by Miami-Dade. Additionally, Miami-Dade Police, Miami-Dade Fire Rescue, Miami-Dade Water and Sewer and the Department of Solid Waste indicated that specific public safety and emergency preparedness equipment products and related services needed to fulfill their operational needs are only available under the NJPA contract. Accessing this contract provides the County a substantial

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41% discount off the manufacturer pricing, eCommerce rebates and other rebates on orders exceeding certain thresholds. This contract will also allow for negotiation of lower rates/pricing for services.

OCA performed a search for commodity code 345: (First Aid and Safety Equipment and Supplies) on the Business Management Workforce System's Certified Vendor Directory on March 11, 2019. Twelve (12) local SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned code they are listed below:

The Table below is a list of SBE Certified vendors under commodity code 345.

SBE Vendor	Location	Certification
A&B Hardware, Inc., DBA A & B Hardware - Lumber, Inc.	Miami, FL	SBE-G&S
Carily of Miami Uniforms Inc	Miami, FL	SBE-G&S
Dan enterprises team LLC	Miami, FL	SBE-G&S
District Healthcare & Janitorial Supply, Incorporated, DBA District Healthcare	Medley, MD	SBE-G&S
Genard & Associates, LLC	Miami, FL	SBE-G&S
Green-Energy-Products.Com, LLC	Pinecrest, FL	SBE-G&S
Miami Partners, LLC.	Miami Shores, FL	SBE-G&S
Palmetto Uniforms INC	Miami, FL	SBE-G&S
Pancar Industrial Supply Corp.	Miami, FL	SBE-G&S
Safety Source International, INC.	Hialeah, FL	SBE-G&S
The Tool Place Corp.	Miami, FL	SBE-G&S
The Tools Man, Inc., DBA The Tools Man Industry Supply	Miami, FL	SBE-G&S

ADDITIONAL INFORMATION:

OCA conducted research and found that another jurisdiction also contracted with W.W. Inc for industrial & Commercial Supplies and Equipment

<http://finance.brevardschools.org/purchase-warehouse/Documents/SC-18-SC-043-SH%20-%20Grainger%20web%20packet.pdf>

OCA conducted research and found that another jurisdiction also contracted with Safeware, Inc for Public Safety and Emergency Preparedness Equipment and Related Services (page 7)

<https://www.coralgables.com/media/Procurement/Awarded%20Contracts/Piggyback%20Active%20Contracts%20%20List.pdf>

DEPARTMENTAL INPUT:

The following question was posed to the department on March 11, 2019:

- Has there been a contract in place for these services from October 2018 through the present date?