

# MEMORANDUM

Agenda Item No. 8(N)(8)

---

**TO:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

**DATE:** October 6, 2022

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution waiving competitive bidding 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 vote of the Board members present and approving a three-year extension with two, one-year options to renew of the Paratransit Special Transportation Services Contract, RFP No. 800, between Miami-Dade County and Super Nice STS, Inc. d/b/a Transportation America to provide Paratransit Special Transportation Services in Miami-Dade County for such extension period(s) for a total amount not to exceed \$205,434,100.00; authorizing the County Mayor to execute the extension agreement and to effectuate the same and exercise all provisions contained therein

---

**This item was amended from the original version as stated in the County Mayor’s memorandum.**

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



---

Geri Bonzon-Keenan  
County Attorney


GBK/uw

# Memorandum



**Date:** October 6, 2022

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County  
Commissioners

**From:** Daniella Levine Cava   
Mayor

**Subject:** Bid Waiver Approving a Two-Year Extension Plus Two, One-Year Options  
to Renew under the Paratransit Special Transportation Services Contract,  
RFP No. 800, with Super Nice STS, Inc. for up to \$205,434,100

---

**This item was amended at the September 13, 2022 meeting of the Transportation, Mobility and Planning Committee to extend the initial contract term by one year, resulting in a three-year initial term plus two, one-year options to renew.**

## **Executive Summary**

The Department of Transportation and Public Works (DTPW) is currently developing the future state of the paratransit program, known today as Special Transportation Services (STS). Over the past decade, we have seen how technology and new business models have improved the quality of life of Miami-Dade County residents, including transit riders, through advances in real time vehicle tracking, estimated time of arrival through SMS, fare collection systems and the introduction of on-demand transit services. Our goal is to leverage all these new technologies and business models to then apply them as appropriate to our paratransit program.

The department will continue to work vigorously with the community, and the industry at large, to develop the appropriate path for the introduction of this new program. This includes additional community engagement, market sounding efforts such as Request for Information (RFI), introducing pilots and a robust re-procurement effort.

The purpose of this item is to gain approval by the Board of County Commissioners (Board) for a bid waiver award to Super Nice STS, Inc., d/b/a Transportation America for continued delivery of paratransit services for people with disabilities for a two-year term plus two, one-year options to renew for a total value of up to \$205,434,100. Under the contract, Transportation America is responsible for the operation of the program, including the reservation process and the provision of the vehicle fleet. The current contract expires on March 31, 2023. This item will function as a bridge contract, providing DTPW sufficient time to gauge the market, finalize and administer a competitive re-procurement, and award a new long-term contract for the revamped program upon expiration of the bid waiver.

## **Recommendation**

It is recommended that the Board waive competitive bidding by a two-thirds vote of the members present pursuant to Section 2-8.1 of the County Code as doing so is in the County’s best interest and approve a contract extension to Transportation America for

an initial term of two-years plus two, one-year options to renew (OTR) for a maximum value of \$205,434,100.

This item is placed for Board review pursuant to Miami-Dade County Code Section 29-124(f)(ii). Since this is a transit-related procurement, with a value of more than \$1 million, even though no Charter County Transportation Surtax Funds will be used to pay the costs, the Board may only consider this item if the Citizens’ Independent Transportation Trust (CITT) has forwarded a recommendation to the Board. If CITT has not forwarded a recommendation and 45 days have not elapsed since the issuance of this recommendation, a withdrawal of this item will be requested.

**Delegated Authority**

If the item is approved, the Mayor or Mayor’s designee will have the authority to execute the extension agreement and exercise all the provisions contained therein.

**Scope**

The impact of this item is countywide in nature.

**Fiscal Impact/Funding Source**

The value of the two-year extension term, from April 1, 2023 to March 31, 2025, is estimated to be \$98,690,500. The fiscal impact in the first year, which includes a 15% rate increase, equates to approximately \$48,377,700. The fiscal impact in the second year, which includes an additional 4% rate increase, equates to approximately \$50,312,800. With the approval of the two-year extension, the contract’s total cumulative value is \$515,377,800.

If the County exercises the two, one-year OTRs, the total fiscal impact for the extension term is anticipated to be approximately \$205,434,100 as the OTRs have a value of \$52,325,300 for the first OTR and \$54,418,300 for the second. With the approval of the OTRs, the contract’s cumulative value is \$622,121,380 for a term of April 1, 2013 through March 31, 2027.

<b>Department</b>	<b>Existing Cumulative Allocation</b>	<b>Per-Trip Change Request</b>	<b>Additional Allocation Requested</b>	<b>Modified Cumulative Allocation</b>	<b>Funding Source</b>
DTPW	\$416,687,280 (April 1, 2013 to March 31, 2023)	Ambulatory \$29.25 to \$34.98  Non-Ambulatory \$41.75 to \$49.93	\$205,434,100	\$622,121,380	DTPW Operating

**Track Record/Monitor**

Transportation America has been the paratransit contractor since April 1, 2013. Ruben Legra, Chief Paratransit Administrator, is responsible for monitoring this contract.

**Background**

The current paratransit services contract was established by the Board pursuant to Resolution No. R-903-12 on November 8, 2012 for an initial five-year term plus an optional five-year renewal term. The contract is currently in the renewal term, expiring March 31, 2023. The contract provides a public demand response paratransit service for people with disabilities, complying with federal and state law. Paratransit vehicles are available to eligible customers on demand by reservation or subscription and on a shared-ride basis. The contractor, Transportation America, has satisfactorily met all performance requirements (i.e., vehicle, chauffeur and timeliness) under the existing contract.

Like all transit services, the paratransit market has been severely impacted by the COVID-19 health crisis. While ridership across the nation has decreased, the cost of operating this service has increased and the programs have become unstable due to driver shortages, uncertainty of the market, fluctuating ridership, supply chain issues, fuel spikes, and other challenging circumstances.

An extension of the current contract will provide sufficient time for the market to level off and show indication of a more stable and sustainable future for the paratransit service program. This extension would also provide DTPW with the appropriate time to evaluate changes in trip demand and local and national service cost trends, thus being better positioned to plan for future long-term service delivery. During the extension term, DTPW will research and explore alternative scheduling software solutions that would enhance the rider experience. DTPW will leverage this contract extension to implement changes that will improve the overall rider experience while ensuring all STS participants continue to receive consistent service.

The proposed changes to the existing program under this bid waiver are as follows:

1. Increasing the On-Time Performance (OTP) requirement from 85% to 87%;
2. Adding *stand-by or non-dedicated vehicles* for service correction;
3. Extending call center hours to 6:00 a.m. until 6:00 p.m.;
4. Allowing a “will call” option for confirming with dialysis B leg pick-up times;
5. Allowing call center to negotiate pick-up;
6. Introducing in-house route dispatchers to monitor service and utilize non-dedicated service vehicles to correct route deficiencies;

7. Adjusting the per trip rate; and
8. Increasing vehicle age requirement from six to eight model years.



---

Jimmy Morales  
Chief Operations Officer



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** October 6, 2022

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 8(N)(8)

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
- Statement of social equity 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 present , 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_) 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(N)(8)  
10-6-22

RESOLUTION NO. \_\_\_\_\_

RESOLUTION WAIVING COMPETITIVE BIDDING 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 VOTE OF THE BOARD MEMBERS PRESENT AND APPROVING A THREE-YEAR EXTENSION WITH TWO, ONE-YEAR OPTIONS TO RENEW OF THE PARATRANSIT SPECIAL TRANSPORTATION SERVICES CONTRACT, RFP NO. 800, BETWEEN MIAMI-DADE COUNTY AND SUPER NICE STS, INC. D/B/A TRANSPORTATION AMERICA TO PROVIDE PARATRANSIT SPECIAL TRANSPORTATION SERVICES IN MIAMI-DADE COUNTY FOR SUCH EXTENSION PERIOD(S) FOR A TOTAL AMOUNT NOT TO EXCEED \$205,434,100.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE EXTENSION AGREEMENT AND TO EFFECTUATE THE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, the Board finds it in the best interest of the County to waive competitive bidding requirements of section 2-8.1(b)(1) of the Code of Miami-Dade County, Florida, and section 5.03(D) of the Home Rule Charter by a two-thirds vote of the Board members present,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Finds it in the best interest of the County to waive competitive bidding requirements of section 2-8.1(b)(1) of the Code of Miami-Dade County, Florida, and section 5.03(D) of the Home Rule Charter by a two-thirds vote of the Board members present, and

approves a ~~[[two]]~~<sup>1</sup> >>three<<year extension, with two, one-year options to renew of the Paratransit Special Transportation Services Contract, RFP No. 800, between Miami-Dade County and Super Nice STS, Inc. d/b/a Transportation America to provide paratransit special transportation services in Miami-Dade County for a total contract amount not to exceed \$205,434,100.00.

**Section 2.** Authorizes the County Mayor or the County Mayor’s designee to execute the extension agreement in substantially the form attached hereto and to effectuate the same and exercise all provisions contained therein.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Kionne L. McGhee
Jean Monestime	Raquel A. Regalado
Rebeca Sosa	Sen. Javier D. Souto

---

<sup>1</sup> Committee amendments are indicated as follows: words stricken through and/or ~~[[double bracketed]]~~ are deleted, words underscored and/or >>double arrowed<< are added.

The Chairperson thereupon declared this resolution duly passed and adopted this 6<sup>th</sup> day of October, 2022. 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: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

D.P.C

Dale P. Clarke



miamidade.gov

**TRANSPORTATION & PUBLIC WORKS**

Office of the Director  
701 N.W. 1<sup>st</sup> Court • Suite 1700  
Miami, FL 33136-3922

September 16, 2022  
Mr. Ray Gonzalez  
Super Nice STS, Inc, dba Transportation America  
2766 NW 62<sup>nd</sup> Street  
Miami, FL 33147

**Re: Extend Paratransit Contract RFP-800 between Miami-Dade County and Super Nice STS, Inc. dba Transportation America.**

Dear Mr. Gonzalez:

Contingent upon approval, Miami-Dade County has elected to extend the term of the Original Contract RFP-800 for three (3) years with two (2) one-year option to renew. The Original Contract will expire on March 31, 2023. The following provisions are amended or added as described herein:

- 1. On-Time Performance (OTP):** Increase the OTP from **85% to 87%**. Should the County decide to exercise the additional one (1) year options, the OTP shall further increase by 1% for each option year.
- 2. Stand-by or non-dedicated vehicles:** Maintain non-dedicated vehicles for service correction. Minimum of 2 vehicles in south region and 2 dedicated vehicles in the north region during peak hours to be defined by the department. Stand-by or non-dedicated vehicles provided at an hourly rate of \$50.00 per hour, minimum 8-hour shift Monday – Friday only.
- 3. Extend call center hours:** Expand the trip reservation service hours to 6:00 a.m. until 6:00 p.m. (Hours and days of operation in current agreement will remain in effect).
- 4. Pricing and Price Adjustments:** In consideration for the Contract extension improvements, and service enhancements, and an assessment of current market conditions and competing rates, the parties mutually agree to an initial increase of current base rates, then in effect on March 31, 2023, by 15 percent. In addition, given that the current CPI adjustment methodology has proven to be ineffective and unreliable in appropriately adjusting the related costs for service (i.e. increases in fuel cost and supply chain issues), the parties further mutually agree to an annual increase of 4 percent.


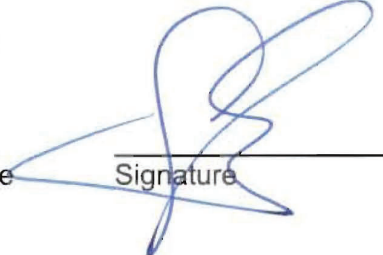
**5. Allow "will call" option:** Confirming with dialysis B leg pick-up times and if client is running late change pick-up time to a "will call" (facility will call when client is ready). Pick-up time must be within one hour from "will call" activation.

**6. Allow call center to negotiate pick-up times:** Reservations call center staff will be authorized to negotiate pick-up times under the following condition only. One (1) hour before or one (1) hour after the requested pick-up time.

**7. Provide in-house route dispatchers** – Provide two (2) in-house dispatchers to monitor service and utilize non-dedicated service vehicles to correct route deficiencies. **Dedicated In-House Dispatchers provided at an hourly rate of \$25.00 per hour** (Dispatchers schedules are set under the County's discretion).

**8. Vehicle Age:** Increase vehicle age requirement to eight (8) model years.

**For: Transportation America:**

 _____ President / President's Designee	 _____ Signature	<u>9/19/22</u> _____ Date
--	--	---------------------------------

**For: Miami-Dade County:**

_____ Mayor / Mayor's Designee	_____ Signature	_____ Date
-----------------------------------	--------------------	---------------


\_\_\_\_\_  
Approved for **Legal Sufficiency**



## Memorandum



**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

**From:** Javier A. Betancourt, Executive Director 

**Date:** September 23, 2022

**Re: CITT AGENDA ITEM 7B:**  
RESOLUTION BY THE CITIZENS’ INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS **DENY** WAIVING COMPETITIVE BIDDING 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 (2/3) VOTE OF THE BOARD MEMBERS PRESENT AND APPROVING A **THREE-YEAR** EXTENSION WITH TWO, ONE-YEAR OPTIONS TO RENEW OF THE PARATRANSIT SPECIAL TRANSPORTATION SERVICES CONTRACT, RFP NO. 800, BETWEEN MIAMI-DADE COUNTY AND SUPER NICE STS, INC. D/B/A TRANSPORTATION AMERICA TO PROVIDE PARATRANSIT SPECIAL TRANSPORTATION SERVICES IN MIAMI-DADE COUNTY FOR SUCH EXTENSION PERIOD(S) FOR A TOTAL AMOUNT NOT TO EXCEED **\$262,029,100.00**; AUTHORIZE THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE THE EXTENSION AGREEMENT AND TO EFFECTUATE THE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN (**DTPW/ISD – BCC LEGISLATIVE FILE NO. 222121- AMENDED VERSION TO 221886**) **NO SURTAX FUNDS REQUESTED**

On September 22, 2022, the CITT voted (5-2) to recommend denial of the above referenced item to the Board of County Commissioners (BCC). The vote was as follows:

Oscar J. Braynon, Chairperson – Absent  
Alfred J. Holzman, 1<sup>st</sup> Vice-Chairperson – Nay  
Robert Wolfarth, 2<sup>nd</sup> Vice-Chairperson – Nay

Hon. Peggy Bell – Aye  
Meg Daly – Absent  
Paul J. Schwiep, Esq. – Aye  
Mary Street, Esq. – Aye

Joseph Curbelo – Aye  
Qjuezari Harvey – Absent  
L. Elijah Stiers, Esq. – Absent  
Ernest Thomas – Aye

While the CITT recommends denial of BCC legislative item 222121, the CITT believes STS to be a vital service, and urges the BCC to limit the contract period to two years, with one, one-year option to renew, which would be more appropriate for a no-bid contract, while still allowing continuity of service and sufficient time for the County to conduct a proper competitive solicitation for STS services. See attached CITT resolution.

c: Jimmy Morales, Chief Operations Officer  
Bruce Libhaber, Assistant County Attorney

RESOLUTION NO. 22-036

RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) URGING THE BOARD OF COUNTY COMMISSIONERS LIMIT THE LENGTH OF NON-COMPETITIVE BID CONTRACT, RFP NO. 800, BETWEEN MIAMI-DADE COUNTY AND SUPER NICE STS, INC. D/B/A TRANSPORTATION AMERICA AND APPROVE A **TWO-YEAR** EXTENSION WITH **ONE, ONE-YEAR OPTION TO RENEW** OF THE PARATRANSIT SPECIAL TRANSPORTATION SERVICES TO PROVIDE PARATRANSIT SPECIAL TRANSPORTATION SERVICES IN MIAMI-DADE COUNTY FOR SUCH EXTENSION PERIOD(S); AND AUTHORIZE THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE EXTENSION AGREEMENT AND TO EFFECTUATE THE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

**WHEREAS**, at the meeting of the Citizens' Independent Transportation Trust ("CITT") on September 22, 2022, the CITT considered an item submitted by the County Mayor's Office requesting approval of a no-bid contract to Super Nice STS, Inc. D/B/A Transportation America to continue providing Special Transportation Services ("STS") on behalf of the County; and

**Whereas**, the terms of the no-bid contract include a potential cost of up to \$262,029,100, and a contract term of three years plus two, one-year options to renew, for a potential total of 5 years (BCC Legislative File No. 222121- Amended version to 221886); and

**Whereas**, concerned with the 5-year term of the no-bid contract, the CITT voted to recommend denial of that item; and

**Whereas**, the CITT believes that a shorter contract period would be more appropriate for a no-bid contract, while still allowing continuity of service and sufficient time for the County to conduct a proper competitive solicitation for STS services.,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITT**, the CITT urges the Board of County Commissioners ("BCC") and County Mayor to limit the length of the contract period for the STS contract to two years plus one, one-year option to renew, for a total potential contract period of three years.

The foregoing resolution was offered by Joseph Curbelo, who moved its adoption. The motion was seconded by Ernie Thomas and upon being put to vote, the vote was as follows:

Oscar J. Braynon, Chairperson – Absent  
Alfred J. Holzman, 1<sup>st</sup> Vice Chairperson – Aye  
Robert Wolfarth, 2<sup>nd</sup> Vice Chairperson – Aye

Hon. Peggy Bell – Aye  
Meg Daly – Absent  
Paul J. Schwiep, Esq. – Aye  
Mary Street, Esq. – Aye

Joseph Curbelo – Aye  
Qjuezari Harvey – Absent  
L. Elijah Stiers, Esq. – Absent  
Ernie Thomas – Aye

The Chairman thereupon declared the resolution duly passed and adopted this 22<sup>nd</sup> day of September 2022.

Approved by the County Attorney as  
to form and legal sufficiency *Ernie Zilhaber*

By: *J. E. Curbelo*  
Executive Director