OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: November 6, 2007

Agenda Item No. 8(O)(1)(C)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution Waiving Formal Bid Procedures

R-1229-07

Per the direction of the Budget and Finance Committee at its October 9, 2007 meeting, Item 1.1: Building Management Systems Maintenance Services in Agenda Item 3B, was bifurcated from the original bid waiver package for placement on the November 6, 2007 Board of County Commissioners' agenda as a stand alone item.

Recommendation

It is recommended that the Board of County Commissioners waive competitive bidding procedures for the attached contracts to purchase goods and services pursuant to Section 2-8.1 of the County Code and Section 4.03(D) of the Home Rule Charter, in the best interest of Miami-Dade County.

Scope

The impact of the items in the accompanying Bid Waiver Package is countywide in nature.

Fiscal Impact/Funding Source

The accompanying Bid Waiver Package states the funding source for each department utilizing a contract. It should be noted that no funds are to be expended on any contract if the department's budget cannot support such expenditures.

Track Record/Monitor

There are no known performance issues with the vendors recommended for award in the accompanying Bid Waiver Package. Each department's contract manager is reflected in the accompanying Bid Waiver Package.

Background

Section 1 SOLE SOURCES

A sole source purchase is the procurement of a good or service under Administrative Order 3-38 for which there is no other vendor who can compete to provide the good or service, and an equal product or service is not available from any other supplier.

Item 1.1: Building Management Systems Maintenance Services is approval of a sole source contract to provide preventive maintenance services, component replacement, software revisions and diagnostic testing to the Siemens Building Maintenance Systems installed in several County facilities. The amount being requested is **$4,350,000**.

Section 2 BID WAIVERS

A bid waiver is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is determined to be in the best interest of the County.

There are no items for this section.

Section 3 EMERGENCY PURCHASES

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 other purchasing methods described in Administrative Order 3-38.

There are no items for this section.

Section 4 NON-COMPETITIVE CONTRACT MODIFICATIONS

A non-competitive contract modification is a supplemental allocation for goods or services that exceeds the scope of the original contract allocation, or a modification of an established non-competitive contract representing, a waiver of the competitive bidding process under Administrative Order 3-38.

There are no items for this section.

Section 5 CONFIRMATION (UNAUTHORIZED) PURCHASES

A confirmation purchase is a ratification action approving an unauthorized purchase in accordance with Administrative Order 3-38.

There are no items for this section.

Assistant County Manager

MEMORANDUM

(Revised)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	November 6, 2007
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Agenda Item No. 8(O)(1)(C)

Please note any items checked.

_____	**"4-Day Rule" ("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**
✓	**Bid waiver requiring County Manager's written recommendation**
_____	**Ordinance creating a new board requires detailed County Manager's report for public hearing**
_____	**Housekeeping item (no policy decision required)**
_____	**No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(O)(1)(C)
11-06-07

RESOLUTION NO. R-1229-07

RESOLUTION WAIVING FORMAL BID PROCEDURES AUTHORIZING AWARD OF A SOLE SOURCE CONTRACT NO. SS2605-3/15 TO SIEMENS BUILDING TECHNOLOGIES, INC. FOR PREVENTIVE MAINTENANCE SERVICES, AND AUTHORIZING THE COUNTY MAYOR OR HIS 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 finds it is in the best interest of Miami-Dade County to waive formal bid procedures and authorize award of a sole source contract to Siemens Building Technologies, Inc. for Preventive Maintenance Services, and to authorize the County Mayor or his designee to same, with authority to exercise options-to-renew established thereunder pursuant to Section 4.03(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 **Dennis C. Moss** who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	absent		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	nay	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of November, 2007. 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: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

It is recommended that the Board of County Commissioners waive the use of the formal bidding process for the items listed in this package pursuant to Section 4.03 (D) of the Home Rule Charter in the best interest of Miami-Dade County.

SECTION #1
SOLE SOURCE

Item 1.1

RECOMMENDATION

It is recommended that the Board of County Commissioners waive formal bid procedures and approve the award of a contract to Siemens Building Technologies, Inc. to provide preventive maintenance services, component replacement, software revisions and diagnostic testing to the Siemens Building Maintenance Systems installed in several County facilities.

Contract No: SS2605-3/15

Contract Title: **Building Management Systems Maintenance Services**

Description: This contract will provide preventive maintenance services, on-call technical support services, parts and components, software revisions, diagnostic testing, training, and emergency services for the building management systems installed in several County facilities.

Term: Five years, with three, one-year options-to-renew

Contract Amount: $4,350,000 for the initial five-year term

Using/Managing Agencies and Funding Sources:

Departments	Allocation	Funding Source
Fire Rescue	$ 450,000	Fire District Funds
GSA	$3,500,000	Internal Service Charges
Seaport	$ 400,000	Operating Revenue
Total:	**$4,350,000 for five years**	

Previous Contract Allocation: $1,702,406 for a two-year term

Method of Award: Sole Source

Vendor:	Address	Principal
•Siemens Building Technologies, Inc. (Non-local vendor)	170 Wood Ave. South Iselin, NJ 08830	Daryl Dulaney

Contract Measure: None

Review Committee Date: July 25, 2007; Item #2-09

Local Preference: Not applicable

6

Living Wage:	The Living Wage Ordinance does not apply.
User Access Program (UAP):	This contract includes the User Access Program (UAP) provision. The 2% program discount will be collected on all purchases.
Performance Data:	There are no performance issues.
Compliance Data:	There are no past or current compliance issues for Siemens Building Technologies, Inc.
Contract Managers:	Namita Uppal, Department of Procurement Management David Garcia, Miami-Dade General Services Administration Arturo Abreu, Miami-Dade Fire Rescue Jesus Valido, Miami-Dade Seaport Department
Contract Effective Date:	Upon approval by the Board of County Commissioners and expiration of the mayoral veto period.

JUSTIFICATION

The Siemens Building Maintenance Systems installed in several County facilities were maintained and repaired under an existing sole source contract. Miami-Dade Fire Rescue (MDFR) and General Service Administration (GSA) require continued original equipment manufacturer (OEM) services provided by Siemens Building Technologies, Inc. Seaport will use this contract for repairs and system part upgrades.

The contract will provide preventive and corrective maintenance, component replacement and software upgrades and diagnostic testing to the Siemens System 600/Apogee System building maintenance system installed in several County facilities.

Siemens Building Technologies, Inc. is the only authorized source of proprietary products of the Siemens System including hardware, software, maintenance and service. There are several building management system manufacturers and service providers; however, they are not qualified to work on other manufacturer's systems due to proprietary hardware and software of the original equipment manufacturer.