

Memorandum



Date: March 16, 2021

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

From: Daniella Levine Cava
Mayor

Subject: Recommendation for Approval to Award a Designated Purchase Contract: Emergency Response Equipment Management

Agenda Item No. 14(A)(2)

Resolution No. R-195-21

Recommendation

It is recommended that the Board of County Commissioners (Board) approve this request for designated purchase, *Contract No. BW-10125, Emergency Response Equipment Management*, to Stryker Sales Corporation (Stryker) for the Miami-Dade Fire Rescue Department (Fire Rescue). Approval of a designated purchase is being requested pursuant to Section 2-8.1(b)(3), by two-thirds vote of the Board members present, to authorize the purchase of emergency response equipment and maintenance services. Stryker is the sole distributor and authorized provider for the maintenance of the equipment covered by this contract, such as the LifePak automated external defibrillators, which are used to monitor, diagnose, and treat cardiac arrest victims.

The current *Contract No. OK-SW-300(s)* was accessed through the National Association of State Procurement Officers cooperative for a nine-month term, with a one-year option-to-renew term, under delegated authority. This contract covers purchases of different manufacturers, however the County accessed the contract for Stryker defibrillators, hardware, disposables and related consumables, and associated services. Additionally, *Contract No. BW-10107* for the maintenance and support for Fire Rescue ambulance stretchers, was awarded under delegated authority and will expire in January 2022.

The new contract provides for the purchase of emergency response equipment manufactured by Stryker, including, defibrillators, stretchers, and other related equipment, accessories, consumables, parts and disposables, as well as annual preventive maintenance, inspections, and repair services. At the present time, Fire Rescue estimates there are 82 Lifepak defibrillators, previously purchased by the department, that are near end-of-life and require immediate replacement. The negotiations for the purchase of these defibrillators resulted in Stryker offering special pricing to the County which cannot be utilized under the accessed contract.

Stryker offered a time-sensitive promotional discounted price to replace the 82 LifePak defibrillators and buy-out of old units that will result in an overall cost savings of \$972,000 to the County. The negotiated contract with Stryker will provide necessary maintenance and service for the 82 LifePak defibrillators once the manufacturer's warranty expires. Establishing this direct maintenance and support service with Stryker, provides Fire Rescue with the ability to address operational needs in a more efficient way and allows the department to take advantage of discounts above and beyond the accessed contract.

In order to meet the needs of other County departments and avoid service interruptions, *Contract No. OK-SW-300(s)* will remain active, while *Contract No. BW-10107* for stretcher maintenance services, will be consolidated under this new contract, upon expiration, to provide flexibility and efficiency.

Competition for the purchase of 82 Lifepak defibrillators is not practicable at this time as Stryker is the sole manufacturer and has exclusive rights to certain proprietary tools (software) for diagnostics and repairs which ensures the highest level of product performance to the department. In order to maintain the original equipment manufacturer's warranty, Stryker must perform inspections and certify the equipment. Additionally, Stryker has offered the County a promotional discounted price for the defibrillator equipment that is lower than the price offered under the accessed contract *OK-SW-300(s)*.

Accordingly, it is in the County's best interest to award this designated purchase contract pursuant to Section 2-8.1(b)(3) of the County Code to maintain manufacturer's warranty, and for future maintenance, support and certification of this equipment.

Scope

The scope of this item is countywide in nature.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise all provisions of the contract, including any cancellation, renewal or extension provisions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Fiscal Impact/Funding Source

The fiscal impact for the five-year term is \$3,753,000. Of the requested allocation, \$1,155,000 will be used to immediately replace 82 LifePak defibrillators, and the remaining \$2,598,000 to maintain and service new and existing defibrillators and other emergency response equipment already acquired by Fire Rescue. The allocation under *Contract No. BW-10125* is lower than the previous contract due to favorable market conditions, discounts negotiated and is being used primarily by Fire Rescue.

Contract No. OK-SW-300(s) allocation is \$1,000,000 for a nine-month term and expires on October 4, 2021 with a one-year option to renew remaining. *Contract No. BW-10107* allocation is \$163,000 for a one-year term and expires on January 5, 2022. The previous contract, *BW9262-1/20*, was approved by the Board for a five-year term with one, five-year renewal via R-201-10, and expired on November 30, 2020. This prior contract is comparable to the new contract and was valued at \$12,894,000 for a ten-year term.

Department	Allocation	Funding Source	Contract Manager
Fire Rescue	\$3,753,000	Fire District/Federal Funds	Marianela Betancourt
Total:	\$3,753,000		

Track Record/Monitor

Pearl Bethel of the Internal Services Department is the Procurement Contracting Manager.

Vendor Recommended for Award

Pursuant to Resolution No. R-477-18, the recommended proposer is a non-local vendor. There were no local vendors identified during market research that were able to provide such a significant cost savings for purchasing AEDs.

Vendor	Principal Address	Local Address*	Number of Employee Residents	Principal
			1) Miami-Dade 2) Percentage*	
Stryker Sales Corporation	2825 Airview Boulevard Kalamazoo, MI	None	0 0%	Andrew J. Pierce


*Provided pursuant to Resolution No. R-1011-15. Percentage of employee residents is the percentage of vendor's employees who reside in Miami-Dade County as compared to the vendor's total workforce.

Due Diligence

Pursuant to Resolution No. 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 included 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 two percent User Access Program provision applies where permitted by the funding source.
- The Small Business Enterprise measures and Local Preference do not apply.
- The Living Wage does not apply.



JD Patterson
Chief Public Safety Officer



MEMORANDUM
(Revised)

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

DATE: March 16, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 14(A)(2)

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 *Danielle Levine* Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(2)
3-16-21

RESOLUTION NO. R-195-21

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF CONTRACT NO. BW-10125 FOR THE PURCHASE OF EMERGENCY RESPONSE EQUIPMENT MANAGEMENT TO STRYKER SALES CORPORATION IN AN AMOUNT NOT TO EXCEED \$3,753,000.00 FOR A FIVE-YEAR TERM FOR THE MIAMI-DADE FIRE RESCUE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL, OR EXTENSION, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

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:

Section 1. This Board finds it is in the best interest of Miami-Dade County to award Contract No. BW-10125, in substantially the form attached and made a part hereof, for purchase of emergency response equipment management to Stryker Sales Corporation in an amount not to exceed \$3,753,000.00 for a five-year term for the Miami-Dade Fire Rescue Department, pursuant to section 2-8.1(b)(3) of the Code of Miami-Dade County, by a two-thirds vote of the Board members present.

Section 2. This Board authorizes the County Mayor or County Mayor’s designee to execute the contract and exercise all provisions of the contract, including any cancellation, renewal, or extension provisions, pursuant to section 2-8.1 of the County Code and Implementing Order 3-38.

The foregoing resolution was offered by Commissioner **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 16th day of March, 2021. 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Eduardo W. Gonzalez

A handwritten signature in black ink, appearing to read "Eduardo W. Gonzalez", written over a horizontal line.