

Date: February 7, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

Agenda Item No. 8(P)(17)

From: Daniella Levine Cava
Mayor



Resolution No. R-89-23

Subject: Recommendation to Ratify Emergency Purchase: Conveyance Equipment Maintenance
and Repair Services

This item was amended at the January 10, 2023 PortMiami and Environmental Resilience Committee meeting, removing the one year option to renew term. There were conforming changes made to the title and body of the accompanying resolution.

Summary

This item is requesting the retroactive approval of a designated purchase, and the waiver of the competitive bidding requirements of Section 5.03(d) of the Miami Dade County Home Rule Charter and Section 2-8.1 of the Code of Miami-Dade County by a two-thirds vote of the Board of County Commissioners (Board), of a contract for maintenance and repair services of conveyance equipment located across numerous locations for multiple County departments. This purchase was necessary to ensure continuity of services for maintenance and repair of elevators and escalators in various County buildings and facilities and to ensure compliance with the requirements of the Americans with Disabilities Act requirements.

Recommendation

It is recommended that the Board approve this retroactive approval of a designated purchase pursuant to Section 2-8.1(b)(3) of the Miami-Dade County Code, and waive the competitive bidding requirements of Section 5.03(d) of the Miami Dade County Home Rule Charter and Section 2-8.1 of the Code of Miami-Dade County, by a two-thirds vote of the Board members present, to ratify *Contract No. E-10230, Conveyance Equipment Maintenance and Repair Services*. Approval of a designated purchase is being requested by multiple County Departments, for a period of one year with \$15,752,352 in expenditure authority. Competition for this short-term contract is not practicable prior to the issuance and award of a competitive solicitation for the long-term provision of these services, and a waiver of Section 5.03(d) and Section 2-8.1 is in the best interests of the County in order to provide for continuation of critical services which impact customers of Miami International Airport and Port Miami.

The Miami-Dade Aviation Department (MDAD), PortMiami, and Department of Transportation and Public Works (DTPW) requested an emergency contract to purchase maintenance services in order to prevent service interruptions as the contract with the previous vendor was terminated for convenience effective June 10, 2022. Prior to the termination for convenience the previous vendor's contract was modified to reduce the number of units under service at PortMiami after the County's receipt of complaints regarding the vendor's performance. There were several performance complaints at Miami International Airport in 2020. Additionally, the Office of Inspector General is conducting an investigation of these issues and concerns. Given the difficulties administering the prior contract, contract No. ITQ-687-1, awarded under RTQ-00687, was terminated for convenience and a short-term contract was awarded to Schindler Elevator Corporation for the continuation of services while the County prepares to issue a competitive solicitation. Prior to this award Schindler Elevator was maintaining over 130 units at Miami International Airport and as such had the second largest presence at the airport. Based on this, the County determined that Schindler was best equipped to quickly address the short-term repair and maintenance needs.

The County intends to issue a request for proposals in July of 2022 and expects to award a long-term contract for conveyance equipment maintenance and repair services in 2023. The County will terminate this contract for convenience upon award of the long-term replacement contract.

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.

Scope

The scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the one-year term is \$15,752,352, inclusive of monthly service fees totaling \$10,647,912. The remaining \$5,104,440 will be used to cover major repairs and additional services that are not included in the monthly service fee.

Department	Ratification Amount	Funding Source	Contract Manager
Aviation	\$13,112,352	Proprietary Funds	Sylvia Novela
PortMiami	\$1,265,000	Proprietary Funds	Gyselle Pino
Transportation and Public Works	\$1,375,000	DTPW Operating	Ana Rioseco
Total:	\$15,752,352		

Track Record/Monitor

Vanessa Stroman of the Internal Services Department is the Strategic Procurement Manager

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 or extension provisions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Vendor Recommended for Award

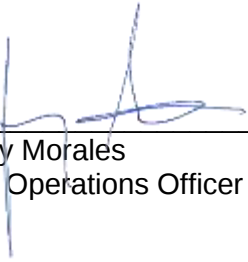
Vendor	Principal Address	Local Address*	Principal
Schindler Elevator Corporation	20 Whippany Road Morristown, NJ	None	Greg Ergenbright

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 vendor responsibility, including verifying corporate status and that there are no performance and 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 vendor responsibility.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies.
- There are no contract measures as this was an emergency purchase.
- The Local Preference does not apply as this was an emergency purchase.
- The Living Wage does not apply.

A handwritten signature in blue ink, appearing to read 'Jimmy Morales', is written over a horizontal line.

Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(P)(17)

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(P)(17)
2-7-23

RESOLUTION NO. _____ R-89-23

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE OF MIAMI DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RETROACTIVELY APPROVING A DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT OF A CONTRACT TO SCHINDLER ELEVATOR CORPORATION IN AN AMOUNT NOT TO EXCEED \$15,752,352.00 FOR A ONE-YEAR TERM FOR CONVEYANCE EQUIPMENT MAINTENANCE AND REPAIR SERVICES AT VARIOUS COUNTY DEPARTMENTS, EMERGENCY CONTRACT NO. E- 10230: AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, TERMINATION, OR EXTENSION PROVISIONS, PURSUANT TO COUNTY CODE SECTION 2-8.1 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, for the reasons articulated in the attached Mayor's Memorandum and as may be discussed by this Board, that it is in the best interest of Miami-Dade County to waive formal bid procedures pursuant to section 5.03(D) of the Home Rule Charter and section 2-8.1 of the County Code of Miami-Dade County, by two-thirds vote of the Board members present.

Section 2. This Board finds it is in the best interest of Miami-Dade County to retroactively approve a designated purchase pursuant to section 2-8.1(b)(3) of the County Code of Miami-Dade County, by a two-thirds vote of the Board members present.

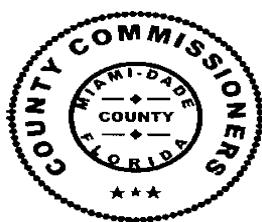
Section 3. This Board retroactively approves, Emergency Contract No. E-10230 for conveyance equipment maintenance and repair services between the County and Schindler Elevator Company for a term of one-year ~~[[with a one-year option to renew, and]]~~¹ in a total amount of ~~[[\$31,504,704.00]]~~ >>\$15,752,352.00<< ~~[[for the initial one-year term and one-year option to renew]]~~. The Board authorizes the County Mayor or County Mayor's designee to exercise all provisions of the contract, including any cancellation~~[[, renewal]]~~, extension provisions, or termination provision pursuant to section 2-8.1 of the County Code and Implementing Order 3-38. Copies of the contract documents are on file with and available upon request from the Internal Services Department, Strategic Procurement Division.

The foregoing resolution was offered by Commissioner **Eileen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

¹ 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 7th day of February, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

By: **Basia Pruna** _____

Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "DMM", is written over a horizontal line.

David M. Murray



Memorandum



To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Javier A. Betancourt, Executive Director

Date: June 24, 2022

Re: CITT AGENDA ITEM 7G:

RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS AUTHORIZE WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE OF MIAMI DADE COUNTY BY A TWO-THIRDS OF THE BOARD MEMBERS PRESENT; RETROACTIVELY APPROVE A DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS OF THE BOARD MEMBERS PRESENT OF A CONTRACT TO SCHINDLER ELEVATOR CORPORATION IN AN ALLOCATION AMOUNT NOT TO EXCEED \$1,375,000.00 FOR THE INITIAL ONE-YEAR TERM AND ONE-YEAR OPTION TO RENEW FOR CONVEYANCE EQUIPMENT MAINTENANCE AND REPAIR SERVICES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, EMERGENCY CONTRACT NO. E-10230; AND AUTHORIZE THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWALS, TERMINATION, OR EXTENSION PROVISIONS, PURSUANT TO COUNTY CODE SECTION 2-8.1 AND IMPLEMENTING ORDER 3-38 **(DTPW/ISD – LEGISLATIVE FILE NO. 221398) NO SURTAX FUNDS REQUESTED**

On June 23, 2022, the CITT voted (6-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 22-018. The vote was as follows:

Oscar J. Braynon, Chairperson – Aye
Alfred J. Holzman, 1st Vice-Chairperson – Absent
Robert Wolfarth, 2nd Vice-Chairperson – Aye

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

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

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

MDC008