

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

Memorandum



Date: July 6, 2023

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Agenda Item No. 8(P)(28)

Resolution No. R-644-23

Subject: Request for Additional Time and Expenditure Authority for Transit Performance Analysis Software

Summary

This item is recommending approval of additional time and expenditure authority to allow the Department of Transportation and Public Works (DTPW) to continue to purchase the annual subscription license for the Transit Performance Analysis Software (Software) required to meet DTPW's operational needs. Swiftly, Inc. is the proprietary provider of the Software, which provides a web-based application that can read, analyze, and generate data seamlessly for all transit modes, including bus service directly operated by DTPW, contracted transit services, Metrorail and Metromover, as well as municipal circulators or trolleys.

DTPW is in the process of drafting specifications for the replacement of its Computer Aided Dispatch/Automated Vehicle Locator (CAD/AVL) System. As part of the comprehensive replacement, DTPW expects to incorporate features provided by the Software into the larger, integrated technology solution that will modernize and replace the CAD/AVL System with a single platform to eliminate redundancies, standardize reporting, and simplify administration.

Additionally, its staff use the Software for real-time positioning, bus stop information, expected time of arrival at all bus stops for all buses, and location of bus operator and vehicle assignments to promptly address patron inquiries. The Software includes analytical tools to better plan run time spent traveling between stops and stations and "dwell time" (time spent stopped at locations to allow passengers to board and disembark). The Software allows DTPW to take advantage of data sharing for transit information, schedules, and performance predictions in real-time that can be sent to any endpoint, including Google Maps, Apple Maps, Miami-Dade Transit Tracker, text messages, and interactive voice response systems. Further, the Software allows DTPW to identify and manage operational issues during service hours, resulting in fewer passenger calls and complaints.

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize additional time and expenditure authority to *Contract No. BW-10026, Transit Performance Analysis Software*, for DTPW. The department is requesting approval to extend the contract for three additional years with \$2,453,290 in expenditure authority.

The proposed three-year extension would provide the County with continuity of services until a replacement contract can be prepared, solicited, awarded, and the replacement solution can be implemented. It is anticipated that this replacement will be advertised in 2023.

Background

The County awarded this non-competitively established contract through Resolution No. R-38-20 on February 13, 2020, for a three-year term. Since inception, the contract has been modified under delegated authority for additional time of six months to allow DTPW to complete re-procurement preparation activities, including extensive market research efforts to confirm potential sources for this

technology and identify the best contracting method for meeting the operational needs, ultimately resulting in the consolidation of the functionality provided by the Software into a future competitive solicitation for a Computer Aided Dispatch / Automated Vehicle Locator (CAD/AVL) System. This comprehensive effort and analysis took longer than anticipated, but was necessary to determine next steps.

DTPW is in the process of drafting specifications for the replacement of its CAD/AVL System, originally awarded under *Contract No. RFP808*, which expires on November 30, 2025. The features provided by the Software will be incorporated into the larger, integrated technology solution that will modernize and replace the CAD/AVL System with a single platform to eliminate redundancies, standardize reporting, and simplify administration.

Technology in the CAD/AVL industry has continued to evolve and innovate at a rapid pace. Accordingly, many features and functions that are available in new systems were not available when the current CAD/AVL system was implemented, which resulted in DTPW entering into separate agreements with various software providers to obtain all needed functionality, including the subject contract.

Competition for this Software is not feasible because Swiftly, Inc. is the proprietary provider of the subscription license. Due to the expected replacement of this Software with the comprehensive CAD/AVL system, procuring and implementing a new product at this time is not practicable as it would require substantial time and resources, as well as cost associated with configuration, implementation, and training. Pursuant to Resolution R-391-17, while competition is not feasible, the contract contains all current Board mandated terms.

Following completion of the procurement process for the CAD/AVL system, which is expected to be lengthy due to the complex and comprehensive nature of the system, implementation of a new solution could take up to a year before the new system is approved by DTPW to go live. Thus, this three-year extension is needed to not only reprocur, but also to allow sufficient time for the implementation to be completed before expiration of the current contract's term. Therefore, to ensure continuity of services, it is in the County's best interest to extend the current contract.

Scope

The impact of this item is countywide in nature.

Delegated Authority

The County Mayor or the County Mayor's designee will have the authority to execute Supplemental Agreement No. 2 and 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.

Fiscal Impact/Funding Source

The contract term expires on August 31, 2023, and has a current cumulative allocation of \$1,980,000. If this request is approved, the contract will have a modified cumulative allocation of \$4,433,290 and will expire on August 31, 2026. The requested increase in expenditure authority is based on costs associated with software licensing.

Department	Current Cumulative Allocation	Additional Expenditure Authority	Modified Cumulative Allocation	Funding Source	Contract Manager
DTPW	\$1,980,000	\$2,453,290	\$4,433,290	DTPW Operating	Linda Morris
		Total:	\$4,433,290		

Track Record/Monitor

Vanessa Stroman of the Strategic Procurement Department (SPD) is the Procurement Contracting Manager.

Awarded Vendor

Vendor	Principal Address	Local Address	Principal
Swiftly, Inc.	49 Stevenson Street Suite 700 San Francisco, CA	None	Jonathan Simkin

Due Diligence

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with SPD's Procurement Guidelines to determine contractor responsibility, including verifying corporate status and review of performance and compliance issues through various vendor responsibility lists and a keyword internet search. The lists referenced include 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.
- The Small Business Enterprise measures and Local Preference did not apply.
- The Living Wage does not apply as the services are not covered under the Ordinance.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: July 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(P)(28)

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)(28)
7-6-23

RESOLUTION NO. _____ R-644-23

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY FOR CONTRACT NO. BW-10026 FOR TRANSIT PERFORMANCE ANALYSIS SOFTWARE IN AN AMOUNT UP TO \$2,453,290.00 FOR A MODIFIED CUMULATIVE AMOUNT OF \$4,433,290.00 AND EXTENDING THE TERM FOR THREE YEARS FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND 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

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 authorizes additional expenditure authority for Contract No. BW-10026 for transit performance analysis software in an amount up to \$2,453,290.00 for a modified cumulative amount of \$4,433,290.00 and extending the term for three years for the Department of Transportation and Public Works.

Section 2. The Board authorizes the County Mayor or County Mayor's designee to execute Supplemental Agreement No. 2, in substantially the form attached and made a part hereof, and 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.

The foregoing resolution was offered by Commissioner **Danielle Cohen Higgins** ,
 who moved its adoption. The motion was seconded by Commissioner **Juan Carlos Bermudez**
 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	absent
Roberto J. Gonzalez	aye	Keon Hardemon	absent
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	absent
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of July, 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
 Deputy Clerk

Approved by County Attorney as
 to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "B. Libhaber".

Bruce Libhaber

SUPPLEMENTAL AGREEMENT NO. 2

Contract Number: **BW-10026**Contract Title: **TRANSIT PERFORMANCE ANALYSIS SOFTWARE**

Contractor: **Swiftly, Inc,
49 Stevenson St., Ste. 700
San Francisco, CA 94105**

In accordance with Article 4, *Nature of the Agreement*, of the above referenced Contract, this Supplemental Agreement, when properly executed, shall become part of the Contract, and amend the Contract as follows:

- The parties hereby agree to extend the term of the Contract by three (3) years, amending the Contract expiration date from August 31, 2023 to August 31, 2026.
- Table 5, *Products and Payments*, is hereby replaced with the following products and payments schedule as compensation for the extended term:

Table 5 – Products and Payments

Product	Fleet Size	Annual List Price	Annual Unit Cost	Annual Cost
Real-time Passenger Predictions	950	\$730	\$440	\$418,000
Live Operations	950	Included	\$0	Included
GPS Playback	950	\$365	\$77	\$73,150
On-Time Performance	950	\$365	\$77	\$73,150
Run-times	950	\$365	\$77	\$73,150
Speed Map	950	\$365	\$77	\$73,150
Additional SMS & Voice Data Charges	3m	-	\$0.0125 / text	\$37,500
Short-Code Vanity Number	1	-	\$15,000 /number	\$15,000
Total Estimated Year 1 Cost				\$763,100
Total Estimated Year 2 Cost				\$816,517
Total Estimated Year 3 Cost				\$873,673

The pricing provided assumes a 950-vehicle fleet. Annual prices for the contract extended term increased by 7%.

Pricing stipulated above shall remain firm and fixed for the extended term of the Contract. The total amount obligated equals the not-to-exceed amount of \$2,453,290.00.

3. Swiftly agrees to offer the following Contract Options during the extended term of the Contract, which the County may elect at its sole discretion, in accordance Table 5.1, *Products and Payments (Options)*, below:

Table 5.1 – Products and Payments (Options)

a. Connect with Staff and Passengers (requires a full fleet deployment)

Product	List Unit Cost	Annual Unit Cost	Total Annual Cost (950 Vehicles)
Operator Reports	\$365	\$120	\$114,000
Rider Alerts	\$700	\$80	\$76,000
Service Adjustments	\$290	\$186	\$176,700
One-Time Implementation fee for 1 CwS or CwP product	-	\$50 / vehicle	\$47,500
One-Time Implementation fee for 2 CwS or CwP products	-	\$75	\$71,250
One-Time Implementation fee for 3 CwS or CwP products	-	\$100	\$95,000
	Percent increase on offered pricing after Year 1	10%	
	Percent increase on offered pricing after Year 2	15%	

Annual prices for the Optional Additional modules increase by 10% if the Option is elected in Year 2, and 15% if the option is elected in Year 3.

b. Connect with Vehicles Suite (available for partial fleet deployment)

Product	List Unit Cost	Annual Unit Cost
Onboard App*	\$600	\$409
APC Connector**	\$700	\$435
Headsign Connector***	\$290	\$173
One-Time Implementation fee for 1 CwV product	-	\$1,000 / vehicle
One-Time Implementation fee for 2 CwV products	-	\$1,500 / vehicle
One-Time Implementation fee for 3 CwV products	-	\$2,000 / vehicle
	Percent increase on offered pricing after Year 1	10%
	Percent increase on offered pricing after Year 2	15%

*Requires the County to have a compatible tablet with an internet connection (could be via SIM card)

**Requires the County to have a compatible onboard router and compatible APC hardware

*** Requires the County to have a compatible onboard router and compatible headsigns

Annual prices for the Optional Additional modules increase by 10% if the Option is elected in Year 2, and 15% if the option is elected in Year 3.

The parties acknowledge the costs represented above are not inclusive of Swiftly's professional services required to implement the optional service. In the event the County elects an option, at its sole discretion, the full scope and costs will be identified at the time of election and mutually accepted via a Supplemental Agreement executed by the parties.

These changes are subject to approval by the Board of County Commissioners.

All other terms, covenants and conditions of the original Contract and prior Supplemental Agreements issued thereto shall remain in full force and effect, except to the extent herein amended.

IN WITNESS WHEREOF, the parties have executed this Supplemental Agreement No. 2 to County Contract No. BW-10026, *Transit Performance Analysis Software*.

Swiftly, Inc.

Miami-Dade County

By: Rob Gaffney

By: _____
for

Name: Rob Gaffney

Name: Daniella Levine Cava

Title: CFO

Title: Mayor

Date: 04/21/2023

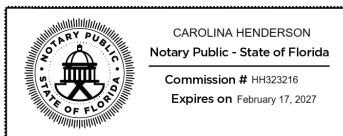
Date: _____

Attest: Carolina Henderson
Corporate Secretary/Notary

Attest: _____
Clerk of the Board

Notarized online using audio-video communication

Corporate Seal/Notary



Approved as to form
and legal sufficiency

Assistant County Attorney