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

MEMORANDUM

Amended
Agenda Item No. 8(P)(12)

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

DATE: April 2, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing a non-competitive 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 additional expenditure authority in an amount not to exceed \$207,497.29 retroactively for a period starting on March 1, 2021 through July 1, 2023, an additional economic price adjustment of the base hourly rate from \$84.29 to \$87.63 effective retroactively to July 2, 2023 through October 31, 2024, and an amendment to Contract No. 9791-1/24 to allow for both the consumer price index adjustment and any living wage rate adjustment retroactively effective to July 2023 until the end of the contract term, in a total amount not to exceed \$667,562.40 to be funded from Department of Transportation and Public Works Operating Fund, for a total modified contract amount of \$26,684,342.69 for these one-time economic price adjustments for Contract No. 9791-1/24 for the purchase of fixed bus routes for the Department of Transportation and Public Works; and authorizing the County Mayor to exercise all provisions of the contract, including any cancellation or extensions, pursuant to section 2-8.1 of the County Code and Implementing Order 3-38

Resolution No. R-278-24

The accompanying resolution was prepared by the Strategic Procurement Department and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC0001

Memorandum



Date: April 2, 2024

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

From: Daniella Levine Cava
Mayor 

Subject: Recommendation for Approval of a Non-Competitive Designated Purchase for Additional Expenditure Authority for a One-Time Economic Price Adjustment to Contract for Fixed Bus Routes for Miami-Dade Transit

Summary

This item is for approval of additional expenditure authority in the form of a one-time economic price adjustment to Safeguard America, Inc., dba Americas Transportation (Safeguard), the awarded vendor for the Monroe Express and Card Sound Express bus service contract between Florida City's City Hall and the Ocean Reef Club for the Department of Transportation and Public Works (DTPW). The contract included firm and fixed hourly rate prices for each bus route with an annual economic price adjustment not to exceed three percent per year, in lieu of Living Wage adjustments. However, recent unforeseeable global and local market changes have impacted the awarded vendor significantly. In an effort to mitigate this economic impact, at the request of the vendor, the prices for the period roughly coinciding with the COVID-19 pandemic – approximately twenty-eight months (from March 1, 2021 through July 1, 2023) – have been calculated in the total amount of \$207,497.29 and now allows the previously contractually excluded Living Wage annual adjustment. This is an adjustment to the contract for that period of time; therefore, this request for additional expenditure authority is in the form of a designated purchase. In addition, this item will allow for an additional economic price adjustment of the base hourly rate from \$84.29 to \$87.63 effective retroactive to July 2, 2023 through October 31, 2024, and allow for both the consumer price index adjustment and any living wage rate adjustment to be applied retroactively effective to July 2023 until the end of the contract term, in a total amount not to exceed \$667,562.40.

Recommendation

It is recommended that the Board approve this request for a non-competitive designated purchase pursuant to Section 2-8.1(b)(3) of the Miami-Dade County Code, by a two-thirds vote of the Board members present and authorize up to \$875,059.69 in additional expenditure authority for a one-time economic price adjustment to *Contract No. 9791-1/24, Fixed Bus Routes for Miami-Dade Transit*, for DTPW.

Background

The County awarded this competitively established contract on May 6, 2014, for an initial five-year term with one, five-year option to renew through Resolution No. R-417-14. The contract is currently in the option term. DTPW uses this contract to purchase fixed bus route transportation services between Florida City and Monroe County via two routes: Dade-Monroe Express (Route 301), which runs between Florida City and Marathon, and Card Sound Express (Route 302), which runs between Florida City and the Ocean Reef Club. Card Sound Express is available seven days a week, with two trips in the morning and afternoon, traveling from Florida City's City Hall to Ocean Reef Club (only employees are admitted beyond the entrance point to the club) in North Key Largo along W. Palm Dr, US-1, and Card Sound Road. The Dade-Monroe Express serves John Pennekamp Coral Reef State Park on Key Largo, hotels, restaurants, and other businesses in the Florida Keys from Key Largo to Marathon (Mile Marker 50 on US-1). In Florida City, the route serves the Busway Park and Ride lot located on SW 344th Street and City Hall, and on US-1 from SW 328th Street south to the Keys providing service to the businesses along US-1, including the Florida City Super Walmart. The service connects with Metrobus routes 34, 35, 38,

and 344 at the SW 344th Street Busway Park and Ride lot. These Metrobus routes provide service to points further north including the “South Dade Transitway” and Metrorail.

On August 2, 2023, Safeguard contacted the County requesting the above-mentioned price adjustment. Staff reviewed the request, backup documentation, and the contract provisions and determined a price adjustment is warranted and in line with recent economic price adjustments granted by the Board for other contracts. Competition is not practicable at this time, as this is a one-time payment that was negotiated with the vendor. Accordingly, it is in the County’s best interest to approve this designated purchase pursuant to Section 2-8.1(b)(3) of the Miami-Dade County Code to authorize this one-time economic price adjustment.

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 exercise all provisions of the contract, including any cancellation or extensions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38. The County Mayor or County Mayor’s designee is directed and authorized to take all actions necessary, including finalizing and executing an amendment to Contract No. 9791-1/24 subject to review for legal sufficiency by the County Attorney’s Office, to effectuate the economic price adjustment.

Fiscal Impact/Funding Source

The contract term expires on October 31, 2024, and has a current cumulative allocation of \$25,809,283. If this request is approved, the contract will have a modified cumulative allocation up to \$26,684,342.69. The requested increase in expenditure authority is based on allowing the previously contractually excluded Living Wage annual price adjustments and other retroactive adjustments.

Department	Existing Cumulative Allocation	Additional Allocation Requested	Modified Cumulative Allocation	Funding Source	Contract Manager
DTPW	\$25,809,283.00	\$875,059.69	\$26,684,342.69	DTPW Operating/State Reimbursements	Joel Perez
Total	\$25,809,283.00	\$875,059.69	\$26,684,342.69		

Track Record/Monitor

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

Awarded Vendor

Vendor	Principal Address	Local Address	Principal
Safeguard America, Inc. dba Americas Transportation	3201 NW 24 Street Miami, FL	Same	Steven Masdeu

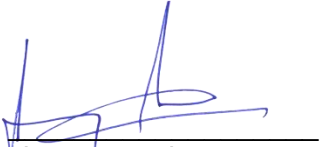
Due Diligence

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.

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
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Applicability of Ordinances and Contract Measures

- The two percent User Access Program applies.
- The Small Business Enterprise Bid Preference and Local Preference applied.
- The Living Wage Ordinance applies.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: April 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 8(P)(12)

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 _____

Amended
Agenda Item No. 8(P)(12)
4-2-24

RESOLUTION NO. **R-278-24**

RESOLUTION AUTHORIZING A NON-COMPETITIVE 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 ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT NOT TO EXCEED \$207,497.29 RETROACTIVELY FOR A PERIOD STARTING ON MARCH 1, 2021 THROUGH JULY 1, 2023, AN ADDITIONAL ECONOMIC PRICE ADJUSTMENT OF THE BASE HOURLY RATE FROM \$84.29 TO \$87.63 EFFECTIVE RETROACTIVELY TO JULY 2, 2023 THROUGH OCTOBER 31, 2024, AND AN AMENDMENT TO CONTRACT NO. 9791-1/24 TO ALLOW FOR BOTH THE CONSUMER PRICE INDEX ADJUSTMENT AND ANY LIVING WAGE RATE ADJUSTMENT RETROACTIVELY EFFECTIVE TO JULY 2023 UNTIL THE END OF THE CONTRACT TERM, IN A TOTAL AMOUNT NOT TO EXCEED \$667,562.40 TO BE FUNDED FROM DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS OPERATING FUND, FOR A TOTAL MODIFIED CONTRACT AMOUNT OF \$26,684,342.69 FOR THESE ONE-TIME ECONOMIC PRICE ADJUSTMENTS FOR CONTRACT NO. 9791-1/24 FOR THE PURCHASE OF FIXED BUS ROUTES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSIONS, 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 a non-competitive designated purchase and additional expenditure authority under Contract No. 9791-1/24 for a one-time economic price adjustment for the purchase of fixed bus routes for the Department of Transportation and Public Works retroactively for a period starting on March 1, 2021 through July 1, 2023 in an amount not to exceed \$207,497.29, an additional economic price adjustment of the base hourly rate from \$84.29 to \$87.63 effective retroactively to July 2, 2023 through October 31, 2024, and to amend Contract No. 9791-1/24 to allow for both the consumer price index adjustment and any living wage rate adjustment retroactively effective to July 2023 until the end of the contract term, in a total amount not to exceed \$667,562.40 to be funded from Department of Transportation and Public Works Operating Fund, for a total modified contract amount of \$26,684,342.69, 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. The County Mayor or County Mayor's designee is directed and authorized to take all actions necessary, including finalizing and executing an amendment to Contract No. 9791-1/24 subject to review for legal sufficiency by the County Attorney's Office, to effectuate the economic price adjustment in accordance with this section.

Section 2. This Board authorizes the County Mayor or County Mayor's designee to exercise all provisions of the contract, including any cancellation or extensions, pursuant to section 2-8.1 of the County Code and Implementing Order 3-38. A copy of the contract documents is on file with and available upon request from the Strategic Procurement Department.

The foregoing resolution was offered by Commissioner **Sen. René García** , 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		

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of April, 2024. 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 black ink, appearing to be "B. Libhaber", written over a horizontal line.

Bruce Libhaber