

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

Meeting Date: November 4, 2020

Presenter's Name and Title: Randy Cross, Human Resources Director

Prepared By: Randy Cross, Human Resources Director

Temp. Reso. Number: R7304

Item Description: Temp. Reso. #R7304 AUTHORIZING THE PURCHASE OF COVID-19 TESTING KITS AND RELATED MEDICAL SUPPLIES IN AN AMOUNT NOT-TO-EXCEED \$250,000 FROM THE CITY'S MEDICAL DIRECTOR, BOAZ ROSENBLATT, M.D., DOING BUSINESS AS BSR MEDICAL, LLC, AND IN AN AMOUNT NOT-TO-EXCEED \$250,000 FROM CAREATC, INC. THROUGH THE END OF THE SECOND QUARTER OF FISCAL YEAR 2021. (Human Resources Director, Randy Cross)

Consent ☒ Resolution ☐ Ordinance ☐ Quasi-Judicial ☐ Public Hearing ☐

Instructions for the Office of the City Clerk: None

Public Notice – As required by the Sec. ____ of the City Code and/or Sec. ____, Florida Statutes, public notice for this item was provided as follows: on _____ in a _____ ad in the _____; by the posting the property on _____ and/or by sending mailed notice to property owners within ____ feet of the property on _____ (fill in all that apply)

Special Voting Requirement – As required by Sec. ____, of the City Code and/or Sec. ____, Florida Statutes, approval of this item requires a _____ (unanimous, 4/5ths etc.) vote by the City Commission.

Fiscal Impact: Yes ☒ No ☐

REMARKS: Fiscal Impact of \$500,000 is available in account # for COVID related expenses. Reimbursement for these expenses will be submitted for consideration under the CARES Act Grant and FEMA reimbursement program.

Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Resolution TR 7304**
- **Attachment 1: Price Proposal (Care ATC)**
- **Attachment 2: Price Proposal and Professional Waiver (Dr. Boaz Rosenblatt)**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Vernon E. Hargray, City Manager *[Signature]*

BY: Randy Cross, Human Resources Director

DATE: October 29, 2020

RE: Temp. Reso. No. R7304, Authorizing the Purchase of COVID Testing and Related Supplies for City Employees

RECOMMENDATION: The City Manager recommends approval of Temp. Reso. No. R7304 authorizing the City to purchase COVID-19 tests and medical supplies for City employee testing in an amount not-to-exceed \$250,000 from Boaz Rosenblatt, MD doing business as BSR Medical, LLC, a Florida Limited Liability Company, ("Dr. Rosenblatt") and in an amount not-to-exceed \$250,000 from CareATC through the end of the second quarter of Fiscal Year 2021.

ISSUE: Pursuant to City Code, approval of the City Commission is required for the purchase of goods and services from a single vendor with a value in excess of \$75,000 within a single fiscal year.

BACKGROUND: Since June 2020, the City has been offering tests to employees to help ensure as safe of a work environment as possible. Testing is offered on a voluntary basis to all City employees and as a requirement for employees that come into contact with residents that belong to a vulnerable population group. In addition, the Human Resources Department and the Fire Department offer testing for employees that are identified as part of the City's internal employee contact tracing efforts.

DISCUSSION: The City has sought the counsel of medical experts regarding testing efforts for City employees. These medical experts include Dr. Boaz Rosenblatt, the contracted Medical Director for the City's Fire Rescue Department, Dr. Tiffany Sayles and the staff from CareATC, which is the company contracted with the City to design, build and manage the Employee Health and Wellness Center. The guidance provided by these medical professionals, stresses that accurate high-volume testing is critical to the safety, health and well-being of employees and the public they serve.

Based upon the guidance, the types of testing administered to employees has changed as new testing methodology is developed and federally approved. The chart below shows the number and types of tests that have been administered since June 2020. To date, over 1,800 tests have been administered.

Test Type	Number of Tests
Elisa Anti-body	197
Sputum (PCR)	615
Rapid Anti-body	672
Antigen	340
TOTAL	1,824

ANALYSIS: Testing supplies must be procured, and the tests administered under the license of a medical practitioner. The City cannot go to market and purchase these medical products directly. The City has been monitoring the market and sourcing these tests and supplies from both CareATC and Dr. Rosenblatt:

1. CareATC – contract allows for the purchase of medical tests, supplies and staffing to administer these tests
2. Dr. Rosenblatt – contract with City as Fire Department Medical Director, through a professional waiver for medical services and to make the purchases under the doctor's medical license.

CareATC was first utilized to scale up the rapid antibody testing options that were available on the market once testing became a necessity. They provided the testing supplies and the nursing staff at onsite locations for the tests. Dr. Rosenblatt was utilized to purchase Sputum (PCR) tests used to validate any rapid antibody positive tests. This was done in accordance with the guidance provided by both CareATC and Dr. Rosenblatt.

Since commencing testing, the City has spent a total of \$68,110 with CareATC for testing supplies and personnel to administer the tests and \$74,650 with Dr. Rosenblatt. It is projected that through the end of the second quarter of fiscal year 2021, an amount not-to-exceed \$250,000 will be needed to continue this testing effort from CareATC and an amount not-to-exceed \$250,000 from Dr. Rosenblatt. Although both medical professionals will be utilized to maintain a steady supply chain of the tests and medical supplies, the City continues to source and monitor the market for new solutions and explore other procurement methods. These not-to-exceed amounts will provide the flexibility to have both vendors quote and source new tests as needed and as they become available on the market.

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10/28/20
10/29/20

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AUTHORIZING THE PURCHASE OF COVID-19 TESTING KITS AND RELATED MEDICAL SUPPLIES IN AN AMOUNT NOT-TO-EXCEED \$250,000 FROM THE CITY'S MEDICAL DIRECTOR, BOAZ ROSENBLATT, M.D., DOING BUSINESS AS BSR MEDICAL, LLC, AND IN AN AMOUNT NOT-TO-EXCEED \$250,000 FROM CAREATC, INC. THROUGH THE END OF THE SECOND QUARTER OF FISCAL YEAR 2021; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, due to the COVID-19 pandemic, the City has been offering tests to employees to help ensure as safe of a work environment as possible; and

WHEREAS, testing is offered on a voluntary basis to all City employees and as a requirement for employees that come into contact with residents that regularly belong to a vulnerable population group; and

WHEREAS, the Human Resources Department and the Fire Department offer testing for employees that are identified as part of the City's internal employee contact tracing efforts; and

WHEREAS, testing supplies must be procured and the tests administered under the license of a medical practitioner creating a situation in which the City cannot go to market and purchase these medical products directly; and

Reso. No. _____

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10/29/20

WHEREAS, the City has been sourcing these tests and supplies from both CareATC, Inc., (“CareATC”), the company the City contracted to design, build and manage the Employee Health and Wellness Center, and Boaz Rosenblatt, M.D., doing business as BSR Medical, LLC, (“Dr. Rosenblatt”) the contracted Medical Director for the City’s Fire Rescue Department; and

WHEREAS, since June of 2020, the City has spent a total of \$68,110 with CareATC and \$74,650 with Dr. Rosenblatt for testing kits, medical supplies and personnel to administer the tests; and

WHEREAS, it is projected that an amount not-to-exceed \$250,000 for CareATC and an amount not-to-exceed \$250,000 for Dr. Rosenblatt is needed to continue testing through the end of the second quarter of Fiscal Year 2021; and

WHEREAS, both medical professionals will be utilized to maintain a steady supply chain of the tests and medical supplies and provide the flexibility to have both vendors quote and source new tests as needed and as they become available on the market.

WHEREAS, the City will continue to source and monitor the market for new test solutions and explore other procurement methods.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

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Section 2: That the appropriate City officials are authorized to do all things necessary and expedient to carry out the aims of this Resolution.

Section 3: That this Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, _____.

Mayor, Wayne M. Messam

Vice Mayor, Maxwell B. Chambers

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this RESOLUTION as to form:

City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

Requested by Administration

Commissioner Winston F. Barnes
Vice Mayor Maxwell B. Chambers
Commissioner Yvette Colbourne
Commissioner Alexandra P. Davis
Mayor Wayne M. Messam

Voted

City of Miramar COVID 19 Testing Proposal

Antigen Testing

Antigen tests are immunoassays that detect the presence of a specific viral antigen, which implies current viral infection. Antigen tests are currently authorized to be performed on nasopharyngeal or nasal swab specimens.

When used for screening testing in congregate settings, test results for SARS-CoV-2 should be considered presumptive. Confirmatory nucleic acid testing following a **positive** antigen test may not be necessary when the pretest probability is high, especially if the person is symptomatic or has a known exposure. When the pretest probability is low, those persons who receive a positive antigen test should isolate until they can be confirmed by RT-PCR.

Confirmatory nucleic acid testing following a **negative** antigen test used for screening testing may not be necessary if the pretest probability is low, the person is asymptomatic, or has no known exposures, or is part of a cohort that will receive rapid antigen tests on a recurring basis.

Request Summary:

The City of Miramar is requiring mandatory testing for approximately 100 community services employees three times per week. Voluntary testing will also be made available for an estimated 50 to 100 employees once per week. This will result in an approximate testing volume of 350- 400 antigen tests per week over the course of five days.

Fee Schedule and Details

		Per Hour	Per Event (80 patients)
Staff	To ensure service delivery, decrease wait time and accommodate the anticipated volume we are recommending two technicians per <u>five-hour</u> event.	\$40 per hour, per staff member	\$400
SARS-CoV-2 Test Cartridges		\$50 per cartridge	\$4,000
Sofia Machine		No Cost	\$0
PPE Fees	PPE Fees will be waived	No Cost	\$0
	Per Event Total		\$4,400

ATTACHMENT 2

BSR MEDICAL LLC 5000 Manor Oak Ave Hollywood, FL 33312 954-907-4612 boazrosenblat@gmail.com			PURCHASE ORDER		
		P.O. NUMBER	DATE		
		23781	10/01/2020		
VENDOR			CUSTOMER		
NAME			NAME		
Boaz Rosenblat M.D.					
COMPANY NAME			COMPANY NAME		
BSR Medical LLC			Accounts Payable City of Miramar		
ADDRESS			ADDRESS		
5600 Manor Oak Ave			2300 Civic Center Place		
Hollywood, FL. 33312			Miramar, FL 33025		
PHONE			PHONE		
954-907-4612					
EMAIL ADDRESS			EMAIL ADDRESS		
boazrosenblat@gmail.com					
SHIPPING TERMS			SHIPPING METHOD		
Code	Product Description	Quantity	Unit Price	Amount	
256066	Veritor Plus Analyzer BD Diagnostic instrument	6	500.00	3,000.00	
256082	BD Veritor SARS-CoV Test kit 30/box	15	2100.00	31,500.00	
Note:		Subtotal (\$)		34,500.00	
Payment shall be 30 days upon receipt of the items					

City of Miramar
Waiver of Competition For Professional Services

Requisition No.:	Department: Fire Rescue
Recommended Vendor(s), if any: Dr. Boaz Rosenblat	Date: 09/09/2020 Estimated Cost: not to exceed \$74,999
Estimated Hours for Consulting Engagement: October 1, 2020 – September 30, 2021	Contact Person: Randy N. Gonzalez
<input checked="" type="checkbox"/> Ongoing Purchase / Replacement	<input type="checkbox"/> New Purchase
If an Ongoing/Replacement Purchase what was the prior year expenditure \$37,400.00	
<p>Does this purchase request represent an increase or a decrease in utilization or price? (Please explain in detail)</p> <p>This request is for the continuation of the existing Medical Director Services/Contract for the Fire-Rescue Department at a cost of \$50,000.00. This is the same price as the last contract price, which was increased due to additional needs brought on by the Covid-19 pandemic. The state of Florida mandates that each EMS or Fire Rescue agency must operate under the license of a medical director.</p>	

SECTION I

Completion and approval of this form is required in advance of all Waiver of Competition of Professional Services purchases in excess of \$2,500. (City Code Section 2-413, Procurement Authority exemptions, Item 2)

Check one of the following that best describes the proposed Request for Waiver of Competition:

- ☒ The proposed professional service provider exhibits a particular skill, ability, experience or expertise, which are in their nature unique.
- ☐ Expert Witness on behalf of the City in litigation or potential litigation
- ☐ Other reason deemed to be in the best interests of the City (Commission Approval Required)

1. In 'layman's terms', describe the purpose or function of the required professional service. (Minimum 3 sentences required.)

The Medical Director ("MD") serves as a licensed State of Florida Physician to function as the MD for the Fire-Rescue Department, as required by state law. The MD is the person of authority that allows for existing medical protocols to be implemented and/or changed so that first responders may render appropriate care in the street. The MD also provides quality assurance review of existing medical run reports and serves as liaison for the department at the County EMS Subcommittee meetings. During this FY, the Medical Director will also provide BD Veritor machine/test kits, which is a trademarked and patented technology that is only sold to medical physicians with CLIA waiver licenses to purchase and administer. The cost for the BD (manufactured) test kits is very competitive compared to another quote obtained by the City.

City of Miramar

Waiver of Competition For Professional Services

2. Explain why the proposed professional service provider exhibits a particular skill, ability, experience or expertise, which are in their nature unique and the only one that can satisfy your requirements and explain why any alternatives are unacceptable. Be specific with regard to uniqueness of the provider. Describe what steps have been undertaken to make this decision. (Minimum 4 sentences required.)

The Medical Director must be a licensed physician in the State of Florida. Dr. Boaz Rosenblat has many years of experience as an emergency room physician. He is also the existing Medical Director at Memorial Hospital Pembroke; one of the local hospitals to which Miramar Fire Rescue transports a large number of patients. During the current pandemic, Dr. Rosenblat has served as a leader in instructing the Fire Dept and City staff on best practices to protect both the employees of the City and patients alike. We are currently utilizing his medical license to perform valuable and reliable COVID19 testing and tracing to all persons requiring these services. The City cannot directly order antigen test kits for Covid 19, since the test kits and testing require a licensed physician to order the tests and provide the training to City medical staff. Dr. Rosenblat will provide the tests and training in his capacity as Medical Director. His skills and clinical experience are current, and his management style falls in line with the leadership we require.

Dr. Rosenblat currently serves the Fire-Rescue Department as Medical Director, and his tenure has provided the department with the ideas and best practices that continue to make us the innovative department that we are. Due to the nature of the work, familiarity of the job and cohesiveness of practices can become key essentials during emergencies where decisions must be made quickly. The Fire-Rescue Department has worked over the years with Dr. Rosenblat, and his guidance and feedback is critical for continuity of services.

Dr. Rosenblat shares the vision of the Fire-Rescue Dept., and his tenure is very crucial to the Department's ability to meet its set goals and objectives. The Department completed the creation of our own medical protocols with the help of Dr. Rosenblat. He was also very involved in the training aspect of the protocol, by helping us create video based and hands on training. Additionally, a review of his CV and references from other hospital staff assured a qualified candidate.

3. If the particular professional service provider was not available or could not be procured, how would the department proceed with its work? (Minimum 3 sentences required)

The Fire-Rescue Department cannot operate as first responders without a Medical Director. The City would have to cease to provide Basic Life Support and Advanced Life Support services to the citizens and residents through the Fire-Rescue Department. If the City should continue to provide these services without the presence of a Medical Director, the City would be in violation of state law and could incur a penalty for the violation.

The department can choose to utilize another medical director to proceed with its work; however, based on past experience of starting with a new medical director, this can lead to a disruption of workflow which can, in turn, result in delayed delivery of services to a patient. The MD and Fire-Rescue staff work closely in high intense emergency events and it takes time to develop, understand and work out differences in work practices and protocols between a MD and Fire-Rescue staff. A new MD may also recommend new changes which would lead to new training of staff and possibly new equipment each time there is a new MD.

4. Explain why a waiver of competitive bidding is in the best interest of the City. Be specific. (Minimum 3 sentences required.)

The waiver of competitive bidding is in the best interest of the City because of the nature of the work. The Medical Director works with the Fire-Rescue personnel in very high-stress critical situations, where quick thinking, clear communication, understanding and familiarity with the job is of utmost importance. The Medical Director must share in the vision, ideas and philosophy of the organization to best serve the community. This vision must be shared for the Fire-Rescue Department to remain a leader in cutting edge EMS care and a premiere fire rescue service provider. Dr. Rosenblat possesses all of the required qualifications and, in addition, works for one of the City's primary receiving facilities and has interacted and worked with Miramar Fire-Rescue personnel daily for the past four years. During these four years, Dr. Rosenblat was instrumental in developing and implementing the department's current practices and protocols. Soliciting for a new MD can lead to a disruption of workflow, since Fire-Rescue staff will have to learn new protocols with the new MD which, in turn, can result in delayed delivery of services to a patient. This could trigger the purchase of new equipment which would require additional re-training for personnel.

It is best to waive the competitive bidding process because it is in the best interest of the City to continue with the same MD to ensure continuity of operations and ultimately to deliver the best emergency care service to the residents and citizens of the City of Miramar.

City of Miramar

Waiver of Competition For Professional Services

5. Provide a description of the market survey, research and reference checks conducted and the results, or a statement of the reasons a market survey or research was not conducted. (Minimum 4 sentences required.)

Besides working with Dr. Rosenblat, extra effort was made to visit his current place of work. Hospital Emergency Department staff was interviewed regarding his bedside manner, care and leadership. Dr. Rosenblat was also interviewed and it was found that he continues to share the vision and philosophy of The Miramar Fire-Rescue Dept. Dr. Rosenblat shares the number one priority of optimal patient care. He also provided three professional references to the City's Procurement Department along with his Curriculum Vitae (CV). The Fire-Rescue Department has conducted competitive processes in the past; However, due to the nature of work, the Fire-Rescue Department is requesting a waiver of the competitive process for this service.

6. Will this obligate the City to a particular provider for future purchases?

This purchase will not obligate the City to the provider however the qualifications of the provider will be considered in the future.

7. Explain why the price for this product or service is considered to be fair and reasonable.

The price is fair and reasonable when compared to what other local cities pay for this type of service.

The following are some of the fees other cities pay:

Sunrise	Brooks/I. Menendez	\$43,620
Coral Springs	Dr. Antevy	\$38,000
Pembroke Pines	Dr. Katz	\$40,102
Hollywood	Dr. Randy Katz	\$60,000

8. Describe the negotiations efforts, if any that have been made with the vendor/provider to obtain the best possible price.

The City negotiated to maintain the current contract price of \$50,000.00 for services, and anticipates that it will not exceed \$74,999 for the purchase of antigen test kits.

9. Describe the actions the department will take, if feasible, to overcome the present barriers to competition prior to any future procurement of this service.

The City has conducted previous competitive processes for this type of service. Due to the sensitive nature of this position; it is the intent of the Fire-Rescue Department to maintain Dr. Rosenblat in this position for the foreseeable future, until either party decides not to renew. Should the need arise, the Fire-Rescue Department will take all necessary steps to procure services in compliance with the City Code.

City of Miramar Waiver of Competition For Professional Services

DEFINITIONS

EXPERT WITNESS- A person examined as witness in a cause, who testifies in regard to some professional or technical matter arising in the case, and who is permitted to give their opinion(s) as to such matter on account of their special training, skill, or familiarity with it. An expert is a person who possesses peculiar skill and knowledge upon the subject matter that he is required to give an opinion upon.

PROFESSIONAL SERVICE PROVIDER EXHIBITING A PARTICULAR SKILL, ABILITY, EXPERIENCE OR EXPERTISE, WHICH ARE IN THEIR NATURE UNIQUE- A person that has risen to the highest levels of their profession and has earned the highest level of certification or licensing by their professional accreditation body. The person has received recognition and acclaim for their professional association or has a significant record of publication in professional journals or books of academic recognition. The person may also have specific knowledge of a local or of a specific specialized area of study that would exceed others in the profession.

PLEASE ALSO ATTACH ADDITIONAL SHEETS OR INFORMATION AS NEEDED

Name of the person who prepared this request and justification:

Name: Randy N. Gonzalez

Position: Division Chief

Department: Fire-Rescue

Date: 09/09/2020

I hereby certify that the above request and Justification is accurate and complete to the best of my knowledge and belief.

DocuSigned by:

Robert Palmer

10/7/2020

7A32515DB8E2406
Department Director Signature

Date

For Procurement Department Use Only

This approval is effective for 30 days

A good faith review of available sources has been conducted by:

☐ User Department ☐ Procurement Department ☐ Standards Committee

I concur that this contract is not suitable for competitive bids or proposals

[Signature]
Chief Procurement Officer

10-14-2020
Date