



OFFICE OF THE COMMISSION AUDITOR
MIAMI-DADE BOARD OF COUNTY COMMISSIONERS

September 28, 2007

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Union Positiva, Inc.
1901 SW 1st Street, 3rd Floor
Miami, Florida 33135

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**RE: Union Positiva, Inc.: Reviews of FY 2005-06 General Fund
HIV/AIDS Awareness Program Contract**

Hon. Sally A. Heyman
District 4

We have reviewed Union Positiva, Inc. (Union Positiva) documentation of expenditures for the quarters ended June 30, 2006, and September 30, 2006, pursuant to their Miami-Dade County General Funds Contract for HIV/AIDS awareness programs.

Hon. Rebeca Sosa
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On September 22, 2005, the Board of County Commissioners (BCC) approved Ordinance No. 05-173, the FY 2005-06 Miami-Dade County Countywide Budget Ordinance, which approved a Community Based Organization (CBO) contract award of \$100,000 for Union Positiva (Agreement). The Agreement is administered by the Miami-Dade County Office of Strategic Business Management (OSBM). The Agreement was signed on April 10, 2006 and was for the term, October 1, 2005 through September 30, 2006. On September 27, 2006, Amendment #1 to the Agreement (Amended Agreement) was approved, revising the Scope of Services. On September 29, 2006, Union Positiva's Budget for the Agreement was revised, modifying the list of expenditures that could qualify for reimbursement (Revised Budget).

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The objective of our examinations was to conduct a limited review of the use of funds allocated to Union Positiva. We reviewed compliance with applicable regulations and Agreement conditions in the expenditure, control, use, and reporting of Agreement funds. We also reviewed expenditures charged against the Agreement which were necessary and reasonable toward achieving the scope of services. The review was substantially less detailed in scope than an audit in accordance with generally accepted auditing standards, the objective of which is the expression of an opinion regarding the financial statements or programs taken as a whole.

Charles Anderson, CPA
Commission Auditor

We previously reviewed and, on November 9, 2006, reported on Union Positiva’s use of funds during the 1st and 2nd quarters of the Agreement. Three (3) exceptions noted in that report are also discrepancies in this report. The repeat discrepancies pertain to specific, clearly defined requirements of the Agreement and Amended Agreement.

The Amended Agreement changed the focus from support of a Media Initiative to support of HIV/AIDS testing and case management. OSBM indicated that Union Positiva had communicated their desire in June 2006 to revise the Scope of Services and Budget. The amendment was finalized in September 2006, with OSBM approving it for processing and making it available for signature on September 19, 2006. On September 27, 2006, the Amended Agreement was officially recorded by the Clerk of the Circuit and County Court. Table 1 compares selected elements of the Scope of Services per the Agreement and Amended Agreement.

Table 1. Comparison of Selected Goals in Scope of Services per the Agreement and Amended Agreement

Goal	Agreement	Amended Agreement
- Develop and implement a ‘Latinas Your Health Counts’ Hispanic HIV/AIDS Prevention Initiative Media Campaign that will include:	x	
o Producing and packaging an HIV/AIDS Prevention and Education Hispanic Countywide Media Campaign	x	
o Seeking and contracting Professional Services to design, develop and implement the graphic components of the ...Media Initiative. Anticipated Date for Contracting: Immediately following the signing of the [Agreement] – Mid-March 2006	x	
o Media advertising...to be displayed on carefully designed and selected billboards, in bus shelters, and in public transportation ads throughout specific locations in Miami-Dade County	x	
- Increasing the Case Manager’s position from part-time to full-time	x	x
- Increase the Case Manager’s caseload to 70 active unduplicated clients under the Ryan White Title I program (Note 1)	x	x
- Cover specific / high risk areas in Miami-Dade County	x	x
- Provide an average of not less than 200 outreach contacts throughout the targeted areas (Note 2)		x
- Conduct a minimum of 90 HIV tests per month, with the goal of having 70% of these tests be done for Latin women throughout Miami-Dade County (cannot deny access to testing for those males requesting to be tested for HIV); conduct no less than 63 HIV tests for Latina women per month		x
- End of this contract year is September 30, 2006; plan to have completed all goals and objectives presented		x

Note: (1) Interpreted as a continuing caseload goal, not as a cumulative number of cases over the full term of the Agreement and Amended Agreement.

(2) Interpreted as a cumulative goal over the full term of the Amended Agreement; no other time period was specified for this goal in the Scope of Services.

The Revised Budget was approved on September 29, 2006. It deleted advertising campaign funding, added vehicle support funding, and increased salary and fringe expenditure schedules under the Agreement. Total funding was not changed. Table 2 compares summarized data from the original Budget and Revised Budget.

Table 2. Comparison of Original Budget and Revised Budget

Item	Original Budget	Revised Budget	Change (\$)	Change (%)
Salaries	\$51,625.00	\$61,687.50	+ \$10,062.50	+ 19.5%
Fringe	11,473.76	13,159.26	+ 1,685.50	+ 14.7%
Supplies	650.00	650.06	+ 0.06	-0-
Mobile Health Van	-0-	9,393.18	+ 9,393.18	n/a
Advertising	21,141.24	-0-	- 21,141.24	- 100%
Other Costs	15,110.00	15,110.00	-0-	-0-
Total	\$100,000.00	\$100,000.00	-0-	-0-

Observations applicable to Scope of Services under both the Agreement and Amended Agreement

1. In our reviews of community based organizations (CBOs) with Miami-Dade County General Funds Contracts for HIV/AIDS awareness programs, we have noted that several CBOs have had difficulty complying with the requirement for submission of monthly/interim Progress Reports. In this review, we observed that Union Positiva did not submit any of the monthly/interim Progress Reports for the term October 1, 2005 through September 30, 2006, as required by Article XIX, Section J and Attachment C of the Agreement and Amended Agreement. (Repeat discrepancy from previous review.) See Conclusions and Suggestions for Improvement, at the end of this report, for further discussion of Progress Reports.

Action Taken: Union Positiva did submit a final written progress report to OSBM although it was dated and received approximately two (2) weeks after the November 30, 2006 due date per the Agreement and Amended Agreement.

Union Positiva Comment: "I acknowledge our failure to submit monthly reports. It is my hope that if/and when we receive new GRF funding, I can work with your staff in a new method of reporting that flows with the type of services provided under the GRF contracts."

2. Union Positiva did not have certified/audited financial statements for fiscal years 2004 through 2006 as required by Article XIX, Section E of the Agreement. (Repeat discrepancy from previous review.)

Action taken: On the date of our site visit, a representative from the accounting and consulting firm, Goldstein Schechter Price Lucas Horwitz & Co., PA. was present and was examining Union Positiva's financial data. Union Positiva subsequently provided their audited financial statements for 2004 and 2005 and their action plan for the 2006 audited financial statement.

Union Positiva Comment: "Enclosed with this letter I am enclosing for your records a copy of Union Positiva, Inc. Independent Audit(s) covering FY 2004 and FY 2005. Please, note these Independent Audits were conducted according to the OMB-133 Circular. Also for your information we are currently negotiating the cost for the FY 2006 Certified Independent Audit, with the same Auditors that completed the FY 2004 and 2005. It is my goal that we will produce a Letter of Engagement, and begin the FY 2006 Certified Independent Audit by not later than the end of June."

3. Union Positive did not provide copies or evidence of submission IRS Form 941 (Employer's Quarterly Federal Tax Return.) (Repeat discrepancy from previous review.)

Action taken: Union Positiva provided a computer printout, reportedly from their contracted accountant, which listed approximately half of the information that would be reported on IRS Form 941.

Union Positiva Comment: "We submitted to your office a computer printout of the IRS Form 941. If, what we submitted is incomplete or insufficient I will research and submit to you the appropriate document which appears to place us out of compliance according to your report."

4. Review of payroll records for April 1, 2006 through September 30, 2006 showed that the Title I Case Manager worked full-time, fulfilling the Scope of Services requirement for Union Positiva to increase Title I Case Manager's hours of availability from part-time to full-time.
5. For the period under review, Union Positiva did not achieve the Title I Case Manager caseload goal of 70 unduplicated clients as called for in the Amended Agreement.¹ Caseload averaged 33 clients per month, which was 47% of the caseload goal. Table 3 provides caseload details.

¹ Interpreted as a continuing caseload goal, not as a cumulative number of cases over the full term of the Agreement and Amended Agreement.

Table 3. Title I Case Manager Caseload

	April	May	June	July	August	September	Average
Caseload goal ²	70	70	70	70	70	70	70
No. of clients serviced	29	34	43	29	32	31	33
Percent of goal achieved	41%	49%	61%	41%	46%	44%	47%

6. The Agreement was amended on September 27, 2006, the fourth day before expiration of the Agreement's term. The Agreement was the contract in place for 361 days (98.9%) of the 365-day term, and the Amended Agreement was the contract in place for 4 days (1.1%) of the 365-day term. See Conclusions and Suggestions for Improvement, at the end of this report, for further discussion of Progress Reports.
7. The effective terms of both the Agreement and the Amended Agreement were the same, October 1, 2005 through September 30, 2006. The Agreement, executed on April 10, 2006, was retroactive 191 days; the Amended Agreement, executed September 27, 2006, was retroactive 361 days.
8. Union Positiva's Revised Budget submission was dated September 21, 2006, 36 days after the final budget revision submission deadline specified in Article II of the Agreement (August 16, 2006). The Revised Budget was approved by OSBM on September 29, 2006.

Observations applicable to Scope of Services Only Under the Amended Agreement and the Revised Budget

1. Amendment #1, approved in September 2006, changed the Agreement from funding of a media campaign to support of HIV testing and case management. A Revised Budget was approved on September 29, 2006, which deleted all advertising campaign funding, added vehicle support funding, and increased salary and fringe expenditure schedules for the Amended Agreement. Total funding authorized under this Agreement was not changed by the Amendment or the Revised Budget. See Table 2 on page 3 for more information on the Revised Budget.
2. Union Positiva's records indicated that they provided prevention and educational material to 462 individuals during the period under review.
3. Union Positiva performed 788 HIV tests for the period being reviewed and exceeded the goal of conducting a minimum of 90 tests per month. They did not achieve the goal of 70% of tests being for Latina women. Table 4 provides monthly testing data.

Table 4. HIV testing data

	April	May	June	July	August	September	Total	Average
Women	43	62	53	23	43	51	275	46
Men	66	117	111	74	72	73	513	86
Total tested	109	179	164	97	115	124	788	131
Goal: Total testing (min)	90	90	90	90	90	90		90
Percent of total testing goal achieved	121%	199%	182%	108%	128%	138%		146%
Goal: Latina women testing	70%	70%	70%	70%	70%	70%		70%
Percent of tests provided to Latina women	39%	35%	32%	24%	37%	41%		35%

- Union Positiva was reimbursed a total of \$40,114.36 for the months of April to August 2006, bringing the grand total reimbursed to Union Positiva to \$58,907.97 of the \$100,000 authorized in the Agreement. September's reimbursement request was being reviewed by OSBM at the time of this report. See Table 5.

Table 5. Reimbursements to Union Positiva (April through September 2006)

	April	May	June	July	August	September	Total
Salaries & fringe	\$4,192.43	\$5,428.47	\$6,113.51	\$7,096.49	\$7,328.44	Pending	\$30,159.34
Supplies	127.18	12.70	2.74	100.50	157.03	Pending	400.15
Advertising	-0-	-0-	-0-	-0-	-0-	Pending	-0-
Utilities/Other	1,644.41	1,474.05	1,541.95	1,752.06	1,617.24	Pending	8,029.71
Mobile Health Van	-0-	-0-	-0-	-0-	941.10	Pending	941.10
Total	\$6,548.08	\$6,915.22	\$7,658.20	\$8,949.05	\$10,043.81	Pending	\$40,114.36

Conclusions and Suggestions for Improvement

Union Positiva had deficiencies in: (a) monthly/interim progress reports, (b) proof of IRS Form 941 submission, and (c) initially, availability of audited financial statements. However, they did provide an overall, end-of-year report, partial IRS Form 941 data, and initiated the financial audits, with all but one of the audited financial audits provided to us prior to issuance of this report.

Progress Reports. Written progress reports are important tools that enable the County and Union Positiva to track progress toward accomplishment of the services that Union Positiva agreed to provide in return for County reimbursements. As we noted in Observation #1 on page 3, in our reviews of community based organizations (CBOs) with Miami-Dade County General Funds Contracts for HIV/AIDS awareness programs, several CBOs have had difficulty complying with the requirement for submission of monthly/interim Progress Reports.

Doralba Munoz, MPH

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These contracts already allow CBOs the flexibility to file for reimbursement monthly or quarterly. We suggest that contract language allow the same flexibility in timing for interim Progress Reports and that the Reimbursement Requests and Progress Reports be tied together, thereby potentially reducing the administrative burden on the CBOs yet increasing incentive for Progress Report submission. Additionally, we suggest that the administrative burden of the Progress Reports be reduced by developing pre-formatted, contract-specific Progress Report forms that would permit CBOs to more easily report progress toward the important quantitative and qualitative goals contained in each contract's Scope of Services.

Retroactive Contract Amendments. Retroactive amendment to major elements of a year-long contract within a few days of the end of its effective term, such as was done in this Agreement, raises questions about the efficacy of the Agreement. It is poor practice for either party to an agreement to assume approval of a modified Scope of Services before the amendment is duly executed. We suggest that greater priority be placed on keeping the Scope of Services up-to-date so that both parties know what is expected.

Except as noted, nothing else came to our attention to indicate that the specified elements, accounts, or items reviewed for the quarters ended June 30, 2006, and September 30, 2006, were not materially valid and reliable.

Thank you for the courtesies and cooperation extended to our staff during the review process. If you have any questions or need clarification, please contact Gary Collins, Audit Manager, at (305) 375-1826.

Sincerely,



Charles Anderson, CPA
Commission Auditor

- c: Honorable Carlos Alvarez, Mayor
Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners
George Burgess, County Manager
R. A. Cuevas, Jr., County Attorney
Chris Mazzella, Inspector General
Jennifer Glazer-Moon, Director, Office of Strategic Business
Management
Susanne M. Torriente, Chief Assistant County Manager
Howard Piper, Special Assistant for Management Assessment and
Performance
Cathy Jackson, Director, Audit and Management Services Department