MEMORANDUM

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HPSI

Agenda Item No. 6B

TO: Honorable Chairwoman Sally A. Heyman and Members, Health, Public Safety and Intergovernmental Committee

DATE: October 15, 2009

FROM: Diane Collins, Acting Division Chief
Clerk of the Board Division
Diane Collins

SUBJECT: Approval of Commission Committee Minutes

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Health, Public Safety and Intergovernmental Committee:

July 16, 2009

Attachment

Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF

Meeting Minutes

Health, Public Safety & Intergovernmental Cmte

Sally A. Heyman (4) Chair; Rebeca Sosa (6) Vice Chair; Commissioners Bruno A. Barreiro (5), Jose "Pepe" Diaz (12), Dorrin D. Rolle (2), and Javier D. Souto (10)

WORKSHOP

Thursday, July 16, 2009 **4:00 PM** **COMMISSION CHAMBERS, SPCC**

Members Present: Jose "Pepe" Diaz, Sally A. Heyman, Dorrin D. Rolle.

Members Absent: Bruno A. Barreiro, Rebeca Sosa, Javier D. Souto.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

MINUTES PREPARED BY:

Report: *Alan Eisenberg, Commission Reporter*
305-375-2510

1 ROLL CALL

Report: *Chairwoman Sally Heyman mentioned that this meeting was a workshop specifically relating to a Request for Qualification (RFQ) for federal lobbyists and not necessarily a formal meeting of the Health, Public Safety and Intergovernmental Committee.*

Committee members present were Chairwoman Sally Heyman, Commissioners Jose "Pepe" Diaz, and Dorrin Rolle. Vice Chairwoman Rebeca Sosa and Commissioners Bruno Barreiro and Javier Souto were absent. Additionally, Board of County Commissioners' (BCC) Chairman Dennis Moss and Commissioners Barbara Jordan and Katy Sorenson were present. Other County staff present included Mr. Joe Rasco, Director, Miami-Dade County Office of Intergovernmental Affairs (OIA), Assistant County Attorney Jess McCarty, Deputy Clerks Doris Dickens and Alan Eisenberg.

2 ITEM(S)

2A

091872 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ADVERTISE A REQUEST FOR QUALIFICATIONS (RFQ) FOR AND ON BEHALF OF MIAMI-DADE COUNTY TO OBTAIN GOVERNMENTAL REPRESENTATION AND CONSULTING SERVICES IN WASHINGTON, D.C., TO EXERCISE ANY CANCELLATION AND RE-ADVERTISEMENT PROVISIONS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN RFQ NO. 685 [SEE ORIGINAL ITEM UNDER FILE NO. 091766] (Procurement Management Department)

Presented

Report: *Chairwoman Heyman noted that documents prepared by various departments would be presented and subsequently forwarded to the Clerk of the Board.*

Chairwoman Heyman mentioned it was determined at the July 2, 2009 County Commission meeting that additional dialogue on this proposal as it related to County operations was necessary. She noted that today's meeting was convened at the direction of County Commission Chairman Dennis Moss.

Mr. Joe Rasco, Director, Miami-Dade County Office of Intergovernmental Affairs (OIA), noted about two years ago, under the Commission's direction, a permanent office was established in Washington, D.C., and three staff persons were assigned to support that office on a full time basis. He introduced Eric Olafson and Eddie Acevedo whom he noted were permanently based in Washington, and Misty Brown who was based here in Miami. As a former employee of Senator Grogan, Mr. Olafson was experienced on the Senate side; Mr. Acevedo was formerly employed by Congresswoman Ileana Ros-Lehtinen; and Ms. Brown was formerly employed by Congresswoman Carrie Meek.

Mr. Rasco noted the County had an excellent representation of in-house staff who were familiar with the political environment in Washington, D.C. and who were knowledgeable of the issues and how to access members of the Congressional Delegation. The expertise of the in-house team had proven to be a primary advantage to the County in the last few years; and the Washington, D.C. office was properly staffed to assist the entire efforts of the County Commission, the County

Mayor and the County Manager, and department heads, Mr. Rasco pointed out. He said one of the primary benefits of the team was enhanced networking with the National Association of Counties (NACo), NEMA, and other associations in Washington; and the ability to setup meetings quickly and achieve quick turnaround times to benefit the County's executive offices. The necessity to discuss the RFQ at this time was due to the present contract for lobbyists expiring in February 2010, said Mr. Rasco.

Chairwoman Heyman asked Eric Olafson to update Committee members on the lobbyist activities pertaining to the Obama Administration and an Executive Order on Stimulus funding. He noted a briefing with the National Association of Counties (NACo) and White House advisors specifying that only local elected officials and staff were authorized to discuss Stimulus funding and other specific projects and lobbyist were denied this opportunity. Mr. Olafson confirmed that any Miami-Dade County Commissioner, the Mayor and County staff could represent the County in Washington.

Chairwoman Heyman mentioned that the OIA dealt with a wide variety of associations, lobbyists firms and subcontractors who represented the County. Mr. Olafson indicated that the Department had established contacts in Washington and attended meetings with a wide variety of organizations including; the US Conference of Mayors, AARP, NACo, League of Cities, US Conference of Mayors, Chamber of Commerce, Latin American Trade Coalition, Three Percent Withholding Coalition, Governor's office, Association of Insurance Commissioners, Coastal State Representation, Port Directors Association, Florida Association of Counties, Sheriffs Enforcement Chiefs. He noted that in addition to this list, the OIA had a voice with many other groups, organizations and individuals.

Chairwoman Heyman noted correspondence received from Jackson Memorial Hospital, the Miami-Dade Aviation Department and Commissioner Seijas that would be presented later in the meeting.

Commissioner Diaz congratulated the Washington team for recently coordinating several successful meetings that went smoothly and accomplished a lot. He noted that additional representation in Washington was necessary in order to obtain

Stimulus and other funding. Commissioner Diaz asked Mr. Rasco to prepare a report on the amount of money that the County received in return for its lobbying investment both at the federal and state level before a decision was made on this proposed resolution. He noted that now more than ever, the County must intensify its efforts to secure additional funding from Washington.

Chairwoman Heyman mentioned that according to information provided by Mr. Olafson, Miami-Dade County ranked number three nationwide in lobbyist spending in Washington.

Commissioner Sorenson noted that according to Mr. Olafson, the Commissioners were the best advocates for the Stimulus funding and she believed the County could save money that was currently spent on lobbyists. In order to accomplish this, Commissioners would need to be well trained, be knowledgeable of all the facts and able to make professional presentations. Commissioner Sorenson said it would be necessary to develop a schedule that would strategically position appropriate people to address various issues.

County Commission Chairman Moss noted several areas of concern:

1) In order to assist Miami-Dade County to access available funding and address issues, it would be prudent to maintain the same number of lobbying firms it currently had in Washington.

2) It was necessary for the County's lobbyists to have relationships at the highest level in Washington who were familiar with the current Administration and could present County issues to the decision makers. He noted a Request for Qualifications (RFQ) from Los Angeles County which stated that they were seeking a lobbyist with very strong relationships at the highest policy level positions in the Administration including the White House, Office of Management and Budget and Health and Human Services Department. The County must ensure that at least one firm has this type of relationship, said Chairman Moss.

3) The County must ensure that the RFQ process did not limit the pool of applicants and that potential firms were not excluded due to the lack of local experience.

4) A chain of command needed to be established within the RFQ.

County Commission Chairman Moss noted conditions had changed in Washington and the County must adjust to these conditions to secure resources from Washington to assist Miami-Dade County residents.

Mr. Olafson responded to Commissioner Jordan's request for additional details on lobbyist restrictions. He read into the record an update from Norm Eisen, Special Counsel to the President for Ethics and Government Reform on the President's March 20, 2009 Memorandum on Ensuring Responsible Spending of Recovery Act Funds. Mr. Olafson noted Section 3 of the Memorandum required all oral communications between federally registered lobbyists and government officials concerning Recovery Act policy to be disclosed on the Internet; barred registered lobbyists from having oral communications with government officials about specific Recovery Act projects or applications and instead required those communications to be in writing; and also required those written communications to be posted on the Internet. Mr. Olafson advised that (1) the restriction on oral communications would be expanded to cover registered and unregistered federal lobbyists, as well as anyone else exerting influence on the process; (2) the restriction would be focused on oral communications to target the scenario where concerns about merit-based decision-making were greatest – after competitive grant applications were submitted and before awards were made, and once such applications were on file, the competition should be strictly on the merits, and comments (unless initiated by an agency official) must be in writing and would be posted on the Internet for every American to see; and (3) immediate Internet disclosure of all other communications with registered lobbyists would be required.

Commissioner Jordan indicated that these restrictions would not affect the outcome that Miami-Dade County was looking to accomplish.

Commissioner Jordan expressed concern regarding the quality and accessibility of the proposed RFQ. She noted while it was necessary to maintain the current number of lobbyists, the selected lobbyists must be able to easily access the Administration and the White House.

Commissioner Jordan said she wanted to ensure that the specialization for transportation and infrastructure be addressed in the RFQ. She emphasized that the evaluation process needed to be clear and distinct.

In response to Commissioner Jordan's inquiry, Mr. Rasco confirmed that local preference was included in the RFQ process.

Ms. Linda Leasburg-Kramer, Director, Technical Services Procedures Division, Department of Procurement Management, indicated that local preference would apply and was identified as Item 4.6 in the proposed RFQ. She noted the County Commission's existing policy regarding local preference would be applied.

Commissioner Jordan questioned whether the local preference policy had ever been waived to which Assistant County Manager Alina Hudak noted that Assistant County Attorney McCarty would read the ordinance to determine whether it could be waived.

Commissioner Jordan indicated that it was important to select individuals with accessibility to elected officials on Capitol Hill. She noted that experience with large metropolitan counties with Washington connections was more important than just having Miami-Dade County experience.

Commissioner Rolle concurred with Commissioner Sorenson's comment regarding commissioners being the best lobbyists for Miami-Dade County. He noted the need for organization and the assignment of specific tasks. Commissioner Rolle said he was not sure that local preference should apply and believed a firm should be selected based upon its ability to maneuver and accomplish goals in Washington. He noted he felt that three quality firms should be maintained that had the ability to assist the County in accomplishing its goals.

In response to Commissioner Sorenson's inquiry regarding the funding source for lobbyist funds, Mr. Rasco noted these funds were part of the General Fund.

Commissioner Sorenson questioned the advantage(s)/disadvantage(s) of the County Commission selecting two firms versus three to provide governmental representation and consulting services in Washington, D.C.

Mr. Olafson recommended the Commission evaluate the pool of available players and their specific strengths, connections, expertise; and allow flexibility based upon the budget in relation to the qualities of specific proposals.

Assistant County Attorney McCarty advised that the RFQ could be structured to award the contract to up to three companies provided that appropriate parameters were established.

Commissioner Sorenson pointed out that recurring money from the General Fund would be spent on lobbyist related activities for non-recurring funding issues.

Assistant County Attorney McCarty advised that the County Commission had the ability to waive local preference.

Assistant County Manager Hudak asked that direction be provided to the Procurement Department so that an accurate and concise RFQ could be brought back to the Commission.

Commissioner Jordan requested information on whether local preference had ever been waived and under what circumstances.

In response to County Commission Chairman Moss' inquiry regarding how the issues and concerns that were raised today would be addressed, Assistant County Attorney McCarty recommended that the commissioners present at today's workshop provide the Procurement Department with as much direction as possible. He noted that since this item was initially deferred from the July 2, 2009 County Commission meeting, an amended version would need to be submitted to the Commission.

Chairwoman Heyman noted comments were received from the Miami-Dade Police Department requesting that substantial knowledge of law enforcement and public safety be included in the proposed RFQ. She asked that these issues, as well as issues relating to Transit, Environment, Airport and Housing previously requested by commissioners, be included on handwritten page 19, Attachment A of the RFQ, under "Federal Subject Areas/Issues."

Chairwoman Heyman said Jackson Memorial Hospital advised that Akerman Senterfitt, Attorneys at Law, was their federal lobbying firm;

however, they also worked closely with Mr. Eddy Acevedo, Federal Legislative Coordinator, Miami-Dade County OIA.

Chairwoman Heyman indicated that the Miami-Dade Aviation Department (MDAD) Administration believed that having County staff in Washington was a brilliant move and was working well, and that no one would ever represent the County better than its own employees who knew the issues best and served only one client. She noted the Administration pointed out the need for consultants, particularly, when dealing with members outside the South Florida Delegation.

Chairwoman Heyman read comments from Commissioner Seijas indicating that Miami-Dade County was represented by Greenberg Traurig, and Acalde & Fay; both firms had a full and complete understanding of the needs of Miami-Dade County, and had provided excellent services. It would be an unnecessary exercise for these two firms to compete during an extended selection process in order for them to continue representing the County's interest, and would be prudent to authorize negotiations for extending the terms of their contracts. Commissioner Seijas' comments further indicated that if it was the County Commission's desire to select a third firm, she would support a Request for Proposal (RFP) process to determine which firms would add value to the County's operations in Washington, D.C., or as an alternative, a Request for Information could be advertised to identify firms that might be able to provide specialized services as sub-contracts to these two prime firms.

Chairwoman Heyman noted that she had not seen positive departmental changes since Virginia Sanchez until a pilot project established a lobbying team permanently based in Washington that established relationships, continuity and coordination with those in decision making positions. She also indicated that the environment in Washington had changed and that she was a strong proponent for a new RFQ to reevaluate services.

Chairwoman Heyman agreed with Commissioner Rolle's comments regarding local preference, noting in this instance she believed access to Washington should be placed above the County's Delegation. Chairwoman Heyman spoke in support of an in-house Washington office with two

key lobbyists whose only client was Miami-Dade County; reducing the number of firms from three to two; and reducing the Department's General Fund cost for contract lobbyists rather than a reduction in some other area. Chairwoman Heyman said the County in-house staff was capable of conducting business in Washington and she felt that quantity was not the same as quality. Chairwoman Heyman asked that information regarding payments to lobbyists be included in the data being assembled.

In conclusion, Chairwoman Heyman reiterated her preference for a new RFQ; reduced costs for contract lobbyists; continued support for the Washington operation; and Washington access versus local preference.

Assistant County Manager Hudak noted she was not sure whether a straw vote was required to reach consensus on the number of firms to be selected and the issue of local preference. After communicating with Ms. Miriam Singer, Director, Department of Procurement Management, Ms. Hudak said neither she nor Ms. Singer could remember an instance in which local preference was waived and that additional research was required. Ms. Hudak noted the requests to amend technical expertise requirements; and emphasis for public safety, homeland security and other issues mentioned would be incorporated into the proposed RFQ, as well as language relating to the scope of the proposal.

Assistant County Attorney McCarty advised that procedurally, the County Commission's rules would prohibit a substitute or alternate item from being prepared since this item was deferred from a Commission meeting. He recommended that a report be prepared by OIA reflecting the outcome of today's workshop for placement on the Commission's agenda, cross-referencing the proposed RFQ item to facilitate better discussion before the the Commission. In addition to the items identified, Mr. McCarty suggested today's workshop finalize the following: the total dollar amount to be allocated to the overall RFQ and to each firm; the selection criteria related to firms with local experience; and total number of firms to be selected.

Assistant County Attorney McCarty concurred with County Commission Chairman Moss's statement that a report could be attached to the RFQ when it was presented to the Commission

and amendments could be made to the RFQ at that time.

Chairwoman Heyman asked that Assistant County Attorney McCarty co-author the report along with Mr. Rasco and Ms. Singer since he was fully aware of pertinent legal parameters.

Commissioner Jordan inquired whether Evaluation Criteria 4, on handwritten page 15, was specific to Miami-Dade County and noted that language should be substituted to read "major metropolitan county issues". She noted that the first priority was to select a company that had accessibility to elected officials in Washington. Commissioner Jordan strongly encouraged that up to three firms be considered based upon the expertise of individual firms.

Chairwoman Heyman summarized the recommendations to include a new RFQ with a contract award of up to three firms; Washington access; and urban metropolitan experience.

Commissioner Sorenson recommended that some consideration be given to Miami-Dade experience.

Commissioner Jordan noted it was not her intent to give the appearance that local preference would be considered over and above the selection of a firm with knowledge of large metropolitan county issues.

County Commission Chairman Moss noted he supported Commissioner Jordan's position on the selected firms' understanding of large metropolitan county issues. He indicated that local preference was not a major focus; therefore, the largest number of points should be attributed to firms with administrative policy experience and relationships in Washington and that a smaller number of points be applied to local preference consideration.

Commissioner Jordan noted that local preference would apply when firms were close together in total points, and a decision would need to be made on whether local preference would be maintained.

Assistant County Attorney McCarty noted the evaluation criteria on handwritten page 15 of the proposed RFQ interacted with the local preference criteria on handwritten page 16. The points allocated for the evaluation criteria could be adjusted along with a decision made on local

preference, said Mr. McCarty.

County Commission Chairman Moss recommended that 15 points be assigned to Section 4 and that a new Section 5 be incorporated to assign 15 points to proposers with the highest established relationships.

A straw vote of those members present in favor of the foregoing recommendation resulted in a vote of 4-0; Commission Chairman Moss, Chairwoman Heyman, Commissioners Jordan and Sorenson voted yes.

Chairwoman Heyman recommended maintaining the allocation of up to $200,000 per contract with a maximum of three contracts (total of $600,000). She also recommended an allocation of up to $100,000 for additional work order(s) to be approved by the County Commission for specific items as needed. Chairwoman Heyman noted the total allocation would be for up to $700,000.

Mr. Rasco responded to County Commission Chairman Moss' inquiry regarding the breakdown of the current contract allocation of $1,125,000. He noted this allocation consisted of $200,000 per year per firm for three firms and up to $100,000 per year per firm per work order. Mr. Rasco advised that previous expenditures had never reached the total approved allocation and that current expenditures were $750,000.

Commissioner Jordan inquired whether the $750,000 would allow for the provision of sub-consultants.

In response to Commissioner Jordan's inquiry, Mr. Rasco indicated that the RFQ allowed the prime consultants to negotiate sub-consultants up-front and the option for the County to add additional sub-consultants at a later date was also available.

Chairwoman Heyman requested that sub-consultants do business directly with the County Commission and that the Commission make local decisions related to the hiring for specific additional jobs. She also requested that the $100,000 allocation for additional work orders be decided by the Commission, rather than through another lobbying firm.

Assistant County Attorney McCarty advised that the work order process allowed for an expedited

method of hiring firms as sub-contractors. He noted Chairwoman Heyman's suggestions could be accomplished; however, the sub-contractors would need to enter into a separate contract that would require Commission approval. Mr. McCarty advised that currently, the County Commission had to approve the sub-contractors who were hired but this would require an actual contract being submitted to the Commission.

Chairwoman Heyman requested language be incorporated within the RFQ requiring the hiring of additional lobbyists be approved by the Commission on an issue specific basis and for lobbyists to be hired and paid directly by Miami-Dade County.

County Commission Chairman Moss recommended an allocation of up to $750,000 with $200,000 for up to three firms with the remaining $150,000 allocated to sub-contracts and that these funds be spent only if necessary.

In response to Commissioner Sorenson's inquiry, Chairwoman Heyman clarified that the current allocation was $750,000 (3 firms at $200,000 each with 2 sub-contracts at $75,000 each).

Assistant County Attorney McCarty indicated that he would research Commissioner Jordan's request to determine whether a provision could be incorporated within the RFQ that would require the selected firms to reflect the diversity of Miami-Dade County, and provide her with a response.

County Commission Chairman Moss requested that the Office of Intergovernmental Affairs Director be responsible for all aspects of Work Orders mentioned on handwritten page 12, and that they would be forwarded to the County Manager and then to the County Commission.

Assistant County Manager Hudak clarified that the Project Manager noted in the Assignment of Work/Team section of the RFQ was amended at Committee to reflect Eric Olafson, not Mr. Rasco.

Mr. Rasco indicated that up to $150,000 would now be available to award additional sub-contracts to consultants through the work order process with Commission approval.

Commissioner Jordan suggested that if two sub-contractors were selected, she would like to add a new Item to increase the total allocation to

$800,000 with $50,000 for the Work Orders ($25,000 for each firm).

Chairwoman Heyman and Commissioner Sorenson indicated that they were not comfortable with Commissioner Jordan's suggestion.

Commissioner Sorenson requested that #6 be added to Qualifications, on handwritten page 12 to include Energy, Environment and Natural Resources Issues. She noted the language could be crafted in collaboration with the County's Sustainability Manager.

Chairwoman Heyman requested that Mr. Olafson, Mr. Acevedo and Ms. Brown review Federal Subject Areas/Issues listed on handwritten pages 19 and 20 as well as the Qualifications Section on handwritten pages 11 and 12 based upon current priorities and consolidate issues critical to the Washington Administration and Miami-Dade County.

A straw vote of those members present in favor of the foregoing recommendation resulted in a vote of 3-0; Chairwoman Heyman, Commissioners Jordan and Sorenson voted yes.

Chairwoman Heyman asked Assistant County Attorney McCarty to include language in the RFQ to reflect that contract lobbying reports be presented directly to the County Commission and Commission Auditor via the Office of Intergovernmental Affairs.

3 ADJOURNMENT