

Memorandum



Date: September 20, 2011
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
From: Alina T. Hudak
County Manager
Alina T. Hudak
Subject: Recommendation for Approval to Award: Temporary Employment Agency Services

Agenda Item No. 8(O)(I)(A)

At the June 14, 2011 Internal Management and Fiscal Responsibility Committee meeting, the foregoing resolution was amended to include authorization to use Charter County Transportation Surtax Funds.

RECOMMENDATION

It is recommended that the Board of County Commissioners approve award of this contract to the vendors listed below, to provide temporary employment agency services to various County departments. This contract is a consolidation of three contracts, Temporary Clerical Personnel Services, Temporary Technical Personnel Services, and Personnel Agency Services.

CONTRACT NUMBER: 9432-4/16
CONTRACT TITLE: Temporary Employment Agency Services
TERM: One year with four, one-year options-to-renew
APPROVAL TO ADVERTISE: October 19, 2010
METHOD OF AWARD: Up to three responsive and responsible bidders offering the lowest price per group.

PREVIOUS CONTRACTS AMOUNT: \$ 29,952,000
(This is a consolidation of 3 contracts; 2 contracts for a 12-month period and 1 contract for an 18-month period)

CONTRACT AMOUNT: \$ 17,808,000 for a one year term.

USING/MANAGING AGENCIES AND FUNDING SOURCES:

Department	Allocation	Funding Source	Contract Manager
Animal Services	\$ 325,000	General Fund/ Proprietary Funds	Angel Villarreal
Building and Neighborhood Compliance	\$ 500,000	General Fund/ Proprietary Funds	Stanley Krafick

Community Action Agency	\$ 3,589,000	Federal Funds/ Grant Funds	Shirley Almeida
Office of the Clerk	\$ 2,080,000	Clerk's Revenue	Dee Harvard
Capital Improvements	\$ 12,000	Proprietary Funds	Eugene Codner
Citizens' Independent Transportation Trust	\$ 10,000	PTP Surtax	Marlene Amaro
Corrections and Rehabilitation	\$ 80,000	General Fund	Mohammed Haq
Consumer Services	\$ 9,000	General Fund/ Proprietary Funds	Mayra Beltran
Economic Advocacy Trust	\$ 13,000	General Fund	Angela Vaughns
Elections	\$ 100,000	General Fund	John Clauser
Emergency Management	\$ 40,000	General Fund/ Grant Funds	Pamela Broaster-Doyle
Environmental Resources Management	\$ 100,000	Proprietary Funds	Manuel Almuina
Human Resources	\$ 302,000	General Fund	Edsel Abreu
Enterprise Technology Services	\$ 350,000	Internal Service Funds	Manny Fernandez
Finance	\$ 345,000	Proprietary Funds	Armando Fresnedo
Fire Rescue	\$ 1,202,000	Fire District/ General Fund/ Grant Funds	Marianela Betancourt
Government Information Center	\$ 490,000	General Fund	Deborah Dean
General Services Administration	\$ 1,194,000	Internal Service Funds	Clayton Baptiste
Public Housing Agency	\$ 1,275,000	Federal Funds	Mari Saydal-Hamilton
Housing Finance Authority	\$ 5,000	Proprietary Funds	Giraldo Canales
Human Services	\$ 1,525,000	General Fund/ Grant Funds	Kyra King
Library System	\$ 10,000	Library District	Amir Ali
Medical Examiner	\$ 93,000	General Fund	Theresa Bryant
Office of Sustainability	\$ 35,000	Proprietary Funds	Lisa Klopp

Property Appraisal	\$ 412,000	General Fund	Gloria Lampley
Police	\$ 136,000	General Fund	Laura Romano
Procurement Management	\$ 100,000	Proprietary Funds	Marcia Casamayor
Park and Recreation	\$ 200,000	General Fund/ Proprietary Funds	Yolanda Fuentes-Johns
Public Works	\$ 750,000	General Fund/ PTP Surtax/ Proprietary Funds	Ruth Rodriguez
Planning and Zoning	\$ 25,000	General Fund/ Proprietary Funds	Manuel Blanco
Seaport	\$ 191,000	Proprietary Funds	Phillip Rose
Solid Waste Management	\$ 714,000	Proprietary Funds	Olga Espinosa-Anderson
Transit	\$ 100,000	MDT Operating Funds	Angel Castro
Vizcaya	\$ 20,000	Proprietary Funds	Luis Correa
Water and Sewer	\$ 1,476,000	Proprietary Funds	Gregory Hicks
TOTAL	\$ 17,808,000		

**DPM CONTRACTING
 OFFICER:**

Martha Perez-Garviso, Department of Procurement Management

**VENDORS RECOMMENDED
 FOR AWARD:**

The following Groups are being awarded: Group A - Clerical Positions; Group B - Clerk 4; Group C - Maintenance Related; Group D - Food Service; Group E - Driver Attendant and Other Positions; Group F - Data Entry; Group G - Administrative; Group H - Office Support Specialist; Group I - Professional; Group J - Child Related; Group K - Construction Related; Group L - Information Technology; Group M - Miscellaneous; Group N - Carpenter and Other Positions; Group O - Auto Equipment Operator 2 and Other Positions; Group P - Miami-Dade Housing Agency Administrative; Group Q - Miami-Dade Housing Agency Construction Related; and Group R - Pre-Qualification Of Bidders.

Awardee(s)	Address	Principal	Award
Alpha 1 Staffing Search Firm, LLC (Non-Local Vendor)	3350 SW 148 Ave. Suite 110 Miramar, FL 33027	Garrie Harris	Primary: Group A, F, G, H, K, N, O Secondary: Group B, C, D, E Tertiary: Group I, J

Alpha Omega Temporary Services, Inc. (Local-Vendor)	6073 NW 167 Street Suite C10 Miami Lakes, FL 33015	Babatunde Akani	Secondary: Group Q Tertiary: Group O
Adelante Staffing Services, Inc. (Local Vendor)	3850 SW 87 Ave. Suite 202 Miami, FL 33165	Leslie Mousel-Nunez	Primary: Group C,D,E, J, M, Q Secondary: Group F Tertiary: Group A, B, H
Deanna Enterprises/ DBA A1A Employment (Local Vendor)	2125 Biscayne Blvd. Suite 205 Miami, FL 33137	Veldrin Freemon	Primary: Group I Tertiary: Group K
Adil Business Systems, Inc. (Non-Local Vendor)	2501 S. Ocean Dr. Suite C205 Hollywood, FL 33019	Chachra Sushil	Tertiary Group C
Careers, USA (Non-Local Vendor)	6501 Congress Ave. Suite 200 Boca Raton, FL 33487	Marilyn Ounjan	Secondary: Group M
GDKN Corp. (Non-Local Vendor)	1779 N. University Dr. Suite 102 Pembroke Pines, FL 33024	Jay Narang	Primary: Group P Secondary: Group H Tertiary: Group N
Guillaume Group, LLC (Non-Local Vendor)	4699 N. State Rd. 7 Suite S Tamarac, FL 33319	Jean Guillaume	Primary: Group B Secondary: Group A
Eagle Resource Group, Inc. (Non-Local Vendor)	5775 Glendrige Dr. Sandy Springs, GA 30328	Ganesh Persaud	Secondary: Group L, P Tertiary: Group F, M
Ideal Personnel Services, LLC (Local Vendor)	139 NE 1 St. Penthouse #22 Miami, FL 33132	Rebecca Martinez	Tertiary: Group L
PackPlus Inc. (Local Vendor)	633 N.E. 167 St. Suite 620 North Miami Beach, FL 33162	Joseph Obadeyi	Primary: Group L Secondary: Group G, I, K, N,O Tertiary: Group E, Q
Westaff (USA), Inc. (Local Vendor)	419 West 49 Street Suite 111 Hialeah, FL 33012	Paul Sorensen	Secondary: Group J
Tri-State Employment Services, Inc. (Non-Local Vendor)	160 Broadway Suite #15 Floor New York, NY 10038	Robert Cassera	Tertiary: Group G, P
Vestigo Staffing, LLC (Local Vendor)	8300 NW 53 Rd. Suite 350 Miami, FL33166	Adan Brown	Tertiary: Group D
Active Staffing Hialeah, LLC (Local Vendor)	468 West 29 Street Hialeah, FL 33012	Elliot Elzwig	Group R - Pre-Qualification of Bidders
Pulmonary Exchange LTD, Incorporated (Local Vendor)	2021 NE 171 ST. Suite 511 North Miami Beach, FL 33162	Sylvia Kalinsky	Group R - Pre-Qualification of Bidders
Manpower International, Inc. (Non-Local Vendor)	100 Manpower Place. Milwaukee, WI 53212	Mark Vachalek	Group R - Pre-Qualification of Bidders
Total Connection, Inc. (Local)	20451 NW 2 Ave. Suite 120 Miami, FL 33169	Joseph Orukotan	Group R - Pre-Qualification of Bidders

Skilled Staffing, LLC (Non-Local Vendor)	3080 SW 44 CT. Ft. Lauderdale, FL 33312	Susan M. Shanahan	Group R - Pre- Qualification of Bidders
Tech Nerds, LLC (Non-Local Vendor)	17637 SW 20 St. Miramar, FL 33029	Robert Collins	Group R - Pre- Qualification of Bidders
Lindsay Group, Inc. (Non-Local Vendor)	5601 Powerline Rd. Suite 206 Ft. Lauderdale, FL 33309	Carolyn A. Childs	Group R - Pre- Qualification of Bidders
Career Xchange, Inc. (Local Vendor)	10689 N. Kendall Dr. Suite 209 Miami, FL 33176	Suzanne Hodes	Group R - Pre- Qualification of Bidders
Atrium Personnel/ DBA Transhire (Non-Local Vendor)	3601 W. Commercial Blvd. Ft. Lauderdale, FL 33309	Scott Rasbach	Group R - Pre- Qualification of Bidders
Fulltime Creatives/ DBA Qualified Creatives (Non-Local Vendor)	11700 Melaleuca Way Cooper City, FL 33026	Joseph Lopez	Group R - Pre- Qualification of Bidders
M.E.C. Personnel Consultants, Inc. (Non-Local Vendor)	2645 Executive Park Dr. Suite 110 Weston, FL 33331	George Opitz	Group R - Pre- Qualification of Bidders
Abacus Management Services (Non-Local Vendor)	11166 Fairfax Blvd. Suite 402 Fairfax, VA 22030	Urvi Katharia	Group R - Pre- Qualification of Bidders
Impact Solutions Consulting, Inc. (Non-Local Vendor)	1701 Barrett Lakes Blvd. Suite 200 Kennesaw, GA 30144	Russell Forcie	Group R - Pre- Qualification of Bidders

**VENDORS NOT RECOMMENDED
FOR AWARD:**

Proposer(s)	Reason for Not Recommending
AMG A Management Group, Inc. 18441 NW 2 Ave. Suite 217 Miami Gardens, FL 33619 (Local Vendor)	Non-responsible. (See information in Performance/ Compliance Data)
DCR Workforce Solutions 660 Linton Blvd. Suite 218-C Delray Beach, FL 33444 (Non-Local Vendor)	Non-compliance with vendor registration requirements. Vendor may be added to contract upon compliance.
Labor Ready Southeast, Inc. 1200 South Pine Island Rd. Plantation, FL 33324 (Non-Local Vendor)	Non-compliance with contractual documentation requirements. Vendor may be added to contract upon compliance.
Royal Regions, Inc. 1031 NW 202 Street Miami, FL 33169 (Local Vendor)	Non-responsible. (See information in Performance/ Compliance Data)
Trena's Executive Staffing, Inc. 827 NW 62 St. Building B Miami, FL 33150 (Local Vendor)	Non-responsible. (See information in Background)

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**PERFORMANCE/ COMPLIANCE
DATA:**

AMG - A Management Group, Inc. (AMG):

During the review of the documents submitted by AMG, staff learned that this firm has the same principal owners as AMS - A Personnel Management Service Corporation (AMS) and both companies share the same local address. AMS previously defaulted on multiple Miami-Dade County contracts for temporary personnel services.

On September 8 2005, the County terminated AMS from contract EM5164-1/06 (Temporary Laborers, Waste Collectors) for failure to maintain required worker's compensation insurance. The secondary vendor (Ocean Crown Environmental) was awarded the contract to provide the services for the remainder of the contract term and succeeding option to renew term.

On April 20, 2009 AMS advised the County that it intended to temporarily suspend contracted services due to financial difficulties. At that time, the company was providing temporary personnel services under four separate contracts (EPP5358-4/10-3, Temporary Nursing Personnel; 6181-4/10-2, Temporary Technical Personnel Services; 5682-3/10-1, Temporary Agency Services; and 5165-4/12-1, Temporary Laborers, Unskilled). AMS was unable to pay its employees assigned to several County departments. On May 7, 2009 the County defaulted AMS due to its non-compliance with the Living Wage Ordinance requirements.

Approximately 142 employees were affected by the AMS default in 2009. The County paid owed wages to 142 AMS employees providing temporary services to the County. In order for the County to be able to provide payment to the 142 employees, the Department of Procurement Management, in cooperation with the Finance Department, had to establish the 142 employees as temporary Miami-Dade County employees. The County provided wages for a two month period until secondary vendors were contracted to fill the position in the groups previously held by AMS.

On June 19, 2009, AMS reimbursed the County \$153,387.07 for back wages paid by the County to AMS' employees working in County departments.

Royal Regions, Inc.

During the review of the documents submitted by Royal Regions, Inc., staff learned that this firm has the same principal owner as Ocean Crown Environmental, Inc. (Ocean Crown) and both companies share the same local address. Ocean Crown was

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previously awarded contract EM5164-1/06-1 for Temporary Laborers, Waste Collectors, which expired on September 30, 2006.

On February 27, 2007 Ocean Crown was cited for violations of the Living Wage Ordinance. This violation impacted approximately 105 temporary employees. On September 14, 2007 Ocean Crown was informed that it had been placed in inactive status due to unpaid worker's compensation claims. In December 2009, the County directly paid the affected temporary employees a total of \$56,855.64, to satisfy Ocean Crown's non-compliance with the Living Wage and worker's compensation requirements. The County offset the payment of \$56,855.64 by deducting funds from monies owed to Ocean Crown.

Deanna Enterprises Inc./DBA A1A Employment of Miami

Deanna Enterprises Inc./DBA A1A Employment of Miami (A1A) was an awarded vendor under contract E7911-0/05 for Temporary Clerical Employment services. The Small Business Development Department, (SBD) conducted a payroll audit of A1A's records and issued the firm a violation for underpayment to employees in the amount of \$1,428.25. This violation was satisfied and closed on May 5, 2006.

Tri-State Employment Service, Inc.

Tri-State Employment Services (Tri-State) was an awarded vendor under contracts 6181-4/10 and 1099-3/07 for Temporary Clerical and Technical Employment Services respectively. On May 11, 2005, Tri-State was cited with a violation for underpayment of employees. Tri-State satisfied this violation. On April 7, 2006, Tri-State failed to respond to requests from SBD to provide compliance information. The vendor subsequently complied with SBD's request.

REVIEW COMMITTEE DATE: August 18, 2010

CONTRACT MEASURES: The Small Business Enterprise Bid Preference was applied in accordance with the Ordinance for Groups A, C, D, E, F, G, H, I, J, K, L, M, N, and O. Group B is set aside for Small Business Enterprises. No measures were applied to Groups P and Q due to use of Federal Funding.

The Small Business Enterprise Bid Preference will be applied in accordance with the Ordinance for Group R, where permitted by funding source.

LIVING WAGE: Living Wage was applied in accordance with the Ordinance for the affected Groups.

USER ACCESS PROGRAM: The User Access Program provision will apply to Groups A through O, and Group R (where permitted by funding source). The 2% program discount will be collected on all purchases for those Groups, where applicable. No user access fees will be applied to Groups P and Q due to use of Federal Funding.

LOCAL PREFERENCE: The Local Preference Ordinance was applied to the affected groups.

ESTIMATED CONTRACT COMMENCEMENT DATE: Upon approval by the Board of County Commissioners and expiration of the Mayoral veto period.

BACKGROUND

The purpose of this solicitation is to establish a contract for a temporary employment agency services for several County departments. Temporary staff support operational needs of various County departments, on an as needed basis. This solicitation consolidates three existing temporary personnel contracts for clerical and technical services.

Eighteen bid groups are established in the solicitation: Groups A through H provide personnel to various County departments for positions covered under the Living Wage Ordinance; Groups I through O provide personnel to various County departments for positions not covered under the Living Wage Ordinance; Group P provides personnel for Miami-Dade Public Housing Agency (MDPHA) positions covered by the Living Wage Ordinance; and Group Q provides personnel for MDPHA positions not covered under the Living Wage Ordinance. Group R establishes a pool of pre-qualified bidders who will be invited to participate in spot market quotes for temporary employment services positions not included in the solicitation.

The combined allocation amount requested by the departments averages approximately 26.31 percent less when compared to existing allocations. The majority of departments have projected a decrease in usage of temporary employees. However, some departments may experience an increase in the usage of temporary employees due to County staff reductions and the need for departments to maintain certain existing core operations. The Department of Procurement Management verified with the Office of Strategic Business Management to ensure the allocated funds are approved and included in the departmental budgets.

On January 28, 2011, meetings were held with AMG and Royal Regions, Inc. to discuss previous violations by AMS and Ocean Crown Environmental. During these meetings both vendors were given an opportunity to explain the prior history of contract deficiencies with the County, and detail the strategies now in place to prevent recurrence.

During these meetings neither company presented evidence that the violations of the past contracts would be avoided. Additionally, both companies expressed their intent to use factoring companies as a means of financial support. Subsequent to the responsibility meetings, and after reviewing information on the prior violations and non-performances, both vendors were deemed non-responsible and are not recommended for award.

Trena's Executive Staffing, Inc. is not recommended for award because the vendor lacks the financial, managerial, and organizational capacity to ensure successful contract performance and has been deemed to be a non-responsible vendor.

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
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The provisions of the Local Preference Ordinance required that best and final offers (BAFOs) be conducted among several vendors for Groups C, D, E and J. All vendors who participated in the BAFO submitted lower pricing than their original bid.

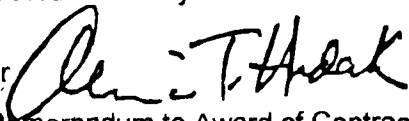

Assistant County Manager

Memorandum



Date: September 20, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager 

Subject: Supplemental Memorandum to Award of Contract No. 9432-4/16:
Temporary Employment Agency Services

On April 12, 2011 AMG-A Management Group, Inc. (AMG) filed a written intent to protest with the Clerk of Board. In accordance with Section 2.8.4 of County Code (excerpt), "such written intent to protest shall be accompanied by a filing fee. The protester shall then file all pertinent documents and supporting evidence with the Clerk of the Board and mail copies to all participants in the competitive process and to the County Attorney within three working days after the filing of a written intent to protest." AMG failed to submit a filing fee with its written intent to protest and failed to submit any additional supporting documents.

After consultation with the County Attorney's Office and review of all documents submitted with AMG's written intent to protest, a letter was sent to AMG on April 22, 2011 advising that if AMG wanted to proceed with the protest, any supporting documents and the appropriate filing of \$1,000 must be submitted by April 25, 2011. AMG responded on April 25, 2011 advising that it would not meet the protest filing requirement.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 20, 2011.

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(O)(1)(A)

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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) 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(O)(1)(A)
9-20-11

RESOLUTION NO. _____

RESOLUTION AUTHORIZING AWARD OF COMPETITIVE CONTRACT 9432-4/16 TEMPORARY EMPLOYMENT AGENCY SERVICES IN THE AMOUNT OF \$17,808,000 AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE CONTRACT OPTIONS, AND ANY OTHER RIGHTS CONTAINED THEREIN, AWARD SAME, AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

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 this Board approves the award of contract 9432-4/16: Temporary Employment Agency Services, in the amount of \$17,808,000, in substantially the form attached hereto and made a part hereof, and authorizes the County Mayor or County Mayor's designee to exercise contract options, and any other rights contained therein>>, and authorizing the use of Charter County Transportation Surtax Funds<<¹.

¹ Committee amendments are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

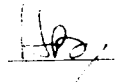
The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of September, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal



Memorandum

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director *Charles Scurr*

Date: July 6, 2011

Re: RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING TO THE BOARD OF COUNTY COMMISSIONERS (BCC), THE APPROVAL OF CONTRACT NO. 9432-4/16 PROCESSED BY THE DEPARTMENT OF PROCUREMENT MANAGEMENT (DPM) ON BEHALF OF THE OFFICE OF THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (OCITT) TO PROVIDE TEMPORARY EMPLOYMENT SERVICES; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE CONTRACT OPTIONS, AND ANY OTHER RIGHTS CONTAINED THEREIN; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS IN THE AMOUNT OF \$10,000.00 (OCITT – BCC Legislative File No. 111321)

On July 6, 2011, the CITT voted (7-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 11-040. The vote was as follows:

Hon. Linda Zilber, Chairperson – Aye
Paul J. Schwiep, Esq., 1st Vice Chairperson – Absent
Hon. Anna E. Ward, Ph.D., 2nd Vice Chairperson – Aye

Christopher Benjamin, Esq. – Absent
David Concepcion – Absent
Glenn J. Downing, CFP® – Aye
Alfred J. Holzman – Aye
Hon. James A. Reeder – Aye

Harold Braynon, Jr. – Absent
Joseph Curbelo – Absent
Peter L. Forrest – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Absent

cc: Ysela Llort, Assistant County Manager
Bruce Libhaber, Assistant County Attorney



Memorandum

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director *Charles Scurr*

Date: July 6, 2011

Re: RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING TO THE BOARD OF COUNTY COMMISSIONERS (BCC), THE APPROVAL OF COMPETITIVE CONTRACTS WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER, PROCESSED BY THE DEPARTMENT OF PROCUREMENT MANAGEMENT (DPM) ON BEHALF OF MIAMI-DADE TRANSIT (MDT), FOR THE PURCHASE OF GOODS AND SERVICES, AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS IN THE AMOUNT OF \$30,189,000.00 (MDT – BCC Legislative File No. 111321, 111054, and 111140)

On July 6, 2011, the CITT voted (7-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 11-041. The vote was as follows:

Hon. Linda Zilber, Chairperson – Aye
 Paul J. Schwiep, Esq., 1st Vice Chairperson – Absent
 Hon. Anna E. Ward, Ph.D., 2nd Vice Chairperson – Aye

Christopher Benjamin, Esq. – Absent
 David Concepcion – Absent
 Glenn J. Downing, CFP® – Aye
 Alfred J. Holzman – Aye
 Hon. James A. Reeder – Aye

Harold Braynon, Jr. – Absent
 Joseph Curbelo – Absent
 Peter L. Forrest – Aye
 Miles E. Moss, P.E. – Aye
 Marilyn Smith – Absent

cc: Ysela Llort, Assistant County Manager
 Bruce Libhaber, Assistant County Attorney

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



Legislative Notes

Agenda Item: 8(O)1(A) and 8(O)1(A) Supplement

File Number: 111321 and 111756

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: September 8, 2011

Summary

This resolution approves the award of Contract No. 9432-4/16 for contract employee services.

In addition, **the Supplement is recommending the following four (4) amendments:**

- Change the name of the contract and replace all reference in the award recommendation from “Temporary Employment Agency Services” to “Contract Employee Services”;
- Remove 15 departments and their corresponding allocations totaling \$2.938 million due to the determination that the positions were not critical, funding was no longer available, or as in the case of the Office of the Clerk, contracts were awarded under the Clerk’s constitutional authority (see July 19, 2011 under the Background and Relevant Legislation section of this analysis);
- Reduce the total number of County departments using this contract to 22, and modify the allocation of each department to support critical needs only; and
- Reduce the total requested allocations from \$17.808 million to \$12.826 million.

Furthermore, the Supplement provides attachments that identify critical positions required by each department, by funding source (see Table below).

Critical Positions by Funding Source			
Funding Source	# of Positions	Amount	% of Positions
<u>Attachment A:</u> Grant Funded Positions	214	\$6,795,400.12	47.66%
<u>Attachment B:</u> Proprietary Revenue Funded	180	\$4,305,875.20	40.09%
<u>Attachment C:</u> General Fund Positions	31	\$884,792.00	6.90%

<u>Attachment D:</u> Blended Fund Sources	23	\$762,569.80	5.12%
<u>Attachment E:</u> CITT/PTP Surtax Funded Positions	1	\$67,600.00	0.23%
<u>TOTALS:</u>	449	\$12,816,237.12	100%

The term of the proposed contract is for one (1) year with four (4) one-year options-to-renew (OTR) periods.

Legislative Timeline of Proposed Contract

On June 14, 2011, the Internal Management and Fiscal Responsibility Committee (IMFR) amended this item to include the authorized use of Charter County Transportation Surtax Funds (Surtax Funds).

- *Pursuant to Ordinance No. 10-5, any contract involving Surtax Funds must be approved by both the Board of County Commissioners (BCC) and the Citizens' Independent Transportation Trust (CITT). Subsequently, on July 6, 2011, the CITT voted to forward a favorable recommendation to the BCC for the approval of the proposed contract (CITT Resolution Nos. 11-040 and 11-041).*

*On July 19, 2011, the proposed contract came before the BCC with a recommendation for approval; however, **the approval was denied.***

According to the Mayor's memorandum dated August 1, 2011, in response to the denial of this item, the Mayor, reallocated funds in a contract where several departments had not used their entire allocation, and in one contract that expires on November 30, 2011, to ensure that these services continued.

In addition, the Clerk of Courts exercised his constitutional authority to award contracts to the companies recommended at this BCC meeting in order to ensure operational necessities he is responsible for are maintained.

*Subsequently, at the August 2, 2011 BCC meeting, the BCC reconsidered this item, deferring it to the September 1, 2011 BCC meeting. **The deferral allows Administration to present a revised award recommendation for contract employee services. This revised item will be based on the original competition presented on July 19, and will only include critical and cost-effective positions to ensure continuity of necessary services to the community.***

On September 1, 2011, the BCC deferred this item in order to review additional information provided by Administration regarding the proposed contract.

Background and Relevant Legislation

The proposed contract consolidates three (3) existing contracts. The table below provides additional information regarding the three (3) existing contracts.

<u>Contract Employee Services</u> <i>Existing Three (3) Contracts Consolidated under the Proposed Contract</i>
<p>Contract No. M1099-1/07-4, Temporary Clerical Personnel Services</p> <ul style="list-style-type: none"> • <u>Sept. 8, 2005, Resolution No. 1025-05</u> <ul style="list-style-type: none"> ○ Contract No. M1099-1/07-4, was approved for the following terms and amounts: <ul style="list-style-type: none"> ▪ \$9,105,580 for the initial term ▪ One (1) year with four (4), one-year OTRs ▪ Vendors: Tri-State Employment, Deanne Enterprises, and Career Exchange. • <u>May 3, 2011, Resolution No. 324-11</u> <ul style="list-style-type: none"> ○ Contract No. M1099-1/07-4, was extended for additional time for the Department of Procurement Management (DPM) to establish the award of the current item, the successor contract. ○ <i>This contract was valued at \$17,364,000, and expired on July 31, 2011. According to the DPM, all funds were released from Contract No. M1099-1/07-4 prior to the expiration date.</i>
<p>Contract No. 5682-3/10-3, Personnel Agency Services (Water and Sewer Department)</p> <ul style="list-style-type: none"> • <u>April 25, 2006, Resolution No. 440-06</u> <ul style="list-style-type: none"> ○ Contract No. 5682-3/10-3, was approved for the following terms and amounts: <ul style="list-style-type: none"> ▪ \$3 million for the initial term ▪ Two (2) years with three (3) one-year OTR ▪ Vendors: AMS-A Personnel Management Corp., Delad Security, Inc., and Tri-State Employment Services, Inc. ○ <i>Currently this contract is in its 3rd OTR period valued at \$1,568,682.90 and expires on November 30, 2011.</i>
<p>Contract No. 6181-4/10-4, Temporary Technical Personnel Services</p> <ul style="list-style-type: none"> • <u>April 25, 2006, Resolution No. 440-06</u> <ul style="list-style-type: none"> ○ Contract No. 6181-4/10-4, was approved for the following terms and amounts: <ul style="list-style-type: none"> ▪ \$8,993,216.74 for the initial term ▪ One (1) year with four (4) one-year OTR ▪ Vendors: AMS-A Personnel Management Corp., Delad Security, Inc., Tri-State Employment Services, Inc., and Westaff (USA), Inc. ○ <i>Currently, this contract is valued at \$11,030,296.06, and expires on November 30, 2011.</i>

There are a total of 449 contract employees covered by the proposed contract. According to the Mayor's memo dated July 18, 2011, consolidating the three existing contracts into the proposed contract affords the following benefits:

- Reduces administrative costs associated in the development and solicitation of needs for contracted employees. One contract creates one venue through which similar positions are competed and contracted;
- Avoids duplication of similar positions across various contracts; and
- Encompasses the total projected person-hours for each position Countywide, allowing prospective vendors to provide their best price.

Additional Information

According to FY 2010-11 Adopted Budget, Volume 1, Page 57, the County has eliminated 3,058 positions since FY 2006-07, including the reductions of an additional 966 positions through this budget.

Is it possible to reduce the award of the proposed contract (and other similar contracts) and apply those funds to retain County positions that may be eliminated in the future budget? According to the Supplement, the Mayor shares the Board's concerns about the layoffs proposed in the Fiscal Year 2011-12 budget. In order to address this concern, the Mayor has made a commitment to take every opportunity to match employees that are impacted through layoff actions to available positions on this contract when possible and practical.

Long Term Vacant Positions

On January 20, 2005, the BCC adopted Resolution No. 96-05, establishing County policy regarding Long Term Vacant Positions (LTVP), positions which have been vacant for 12 months or more beyond the scheduled hiring date. Not every LTVP is funded, and many vacant positions are the result of departments maintaining vacancies to achieve budgeted levels of attrition. Nevertheless, some funded LTVP are held vacant and the work is performed by employees who are temporary, part-time, or on overtime in order to minimize overall costs and optimize services.

The table below provides the total number of filled and remaining LTVP for the first three (3) quarters of the current fiscal year.

<u>Long Term Vacant Positions (LTVP) Report¹</u>			
	1st Quarter, FY 2010-11 (ending Dec. 31, 2010)	2st Quarter, FY 2010-11 (ending Mar. 31, 2011)	3rd Quarter, 2010-11 (ending June 30, 2011)
Total LTVP Filled	83	64	78
Total LTVP Remaining	391	367	432

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¹ http://www.miamidade.gov/budget/FY2010-11/FY10-11_LTVR.asp