# MEMORANDUM

MSC
Agenda Item No. 3C

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|---|---|---|---|
| **TO:** | Honorable Chairman Jean Monestime and Members, Board of County Commissioners | **DATE:** | May 13, 2015 |
| **FROM:** | R. A. Cuevas, Jr. County Attorney | **SUBJECT:** | Resolution approving rejection of the proposals received in response to Request For Proposals No. 881 for a Red Light Camera Program for the Miami-Dade Police Department |

The accompanying resolution was prepared by Internal Services Department and placed on the agenda at the request of Prime Sponsor Metropolitan Services Committee.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

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# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

**DATE:** June 2, 2015

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

**SUBJECT:** Agenda Item No.

**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 Mayor'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**

# Memorandum

MIAMI-DADE COUNTY

**Date:**

**To:** Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

**From:** Russell Benford
Deputy Mayor

**Subject:** Recommendation to Reject All Proposals Received: Red Light Camera Program

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**Recommendation**

It is recommended that the Board of County Commissioners (Board) approve the rejection of the proposals received under *Request for Proposals (RFP) No. 881, Red Light Camera Program.* The County issued a solicitation to obtain proposals from experienced and qualified firms to establish a turnkey Red Light Camera Program (Program) for the Miami-Dade Police Department. It was anticipated that the Program would be at no-cost to the County, funded through the revenue generated by the citations issued. It was also anticipated that the Program would be deployed in phases, with the initial implementation phase of 50 cameras. Additional cameras would have been added in increments of up to 50 cameras for up to a total of 150 cameras at the County's discretion. The RFP required the selected proposer to fully fund all costs associated with the implementation of the Program.

Florida law permits public entities to use Traffic Infraction Detectors (Detectors), subject to rules and procedures established by the Florida Department of Transportation. More specifically, the law allows a county or municipality to install traffic detectors on state, county, or municipal rights-of-way within the boundaries of that county or municipality. Local agencies are required to provide a hearing for individuals who are issued a notice of a traffic infraction. There has been substantial discourse in the Florida House and Senate regarding the proper application of Detectors, including the administration of the Detectors, by local agencies.

In October 2014, the Fourth District Court of Appeal ruled that the City of Hollywood was not authorized to delegate police power by entering into a contract that allowed a private vendor to screen data and decide whether a violation had occurred before sending that data to a Traffic Infraction Enforcement Officer for authorization of a citation. The Fourth District reasoned that such outsourcing to a third-party for-profit vendor of a city's statutorily mandated obligation to issue uniform traffic citations for red light camera violations was contrary to the Florida Statutes. The Fourth District's decision was appealed to the Florida Supreme Court, which declined to hear the appeal.

In light of this and the time that has elapsed since the January 24, 2014 proposals submission date, it is recommended that all proposals be rejected without predjudice to the proposers. The County will determine the feasibility of re-issuing a solicitation for this Program pending judicial and legislative action that have an impact on the administration of Detectors.

**Scope**

The impact of this project would have been countywide in nature.

**Fiscal Impact/Funding Source**

There is no fiscal impact to the County with the rejection of the proposals. The contract was anticipated to generate an estimated total of $5,000,000 in revenue over the contract's five-year term for the Miami-Dade Police Department.

**Track Record/Monitor**

Melissa Adames of the Internal Services Department is the Procurement Contracting Manager.

**Vendors Not Recommended for Award**

On December 16, 2013, the RFP was issued under full and open competition. Award would have been made to a recommended responsive, responsible proposer based on the solicitation's evaluation process.

| Proposer | Reason for Not Recommending |
|---|---|
| American Traffic Solutions, Inc. | Rejection of Proposal |
| Gatso USA, Inc. | |
| GovComm, Inc. | |
| Redflex Traffic Systems, Inc. | |
| Sensys America, Inc. | |

**Applicable Ordinances and Contract Measures**

- The two (2) percent User Access Program provision would not have applied as this was intended to be a revenue-generating contract.
- The Local Preference Ordinance was included in the solicitation.
- The Local Certified Service-Disabled Veteran's Business Enterprise Preference was included in the solicitation.
- Contract measures would not have applied as this was intended to be a revenue-generating contract.
- The Living Wage Ordinance would not have applied.

Edward Marquez
Deputy Mayor

# Memorandum

MIAMI-DADE COUNTY

**Date:** March 16, 2015

**To:** Russell Benford
Deputy Mayor

**From:** Carlos A. Gimenez
Mayor

**Subject:** Red Light Cameras

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I hereby delegate to you all authority relating to all matters arising out of or relating to the implementation of Resolution No. R-759-10 and Ordinance No. 11-01 regarding the installation of red light cameras.

You should exercise this authority and utilize your own judgment and should take all actions which are in the best interest of Miami-Dade County and consistent with Resolution No. R-759-10 and Ordinance No. 11-01. In the event an issue arises in the exercise of delegated authority which requires action by the County Mayor and that action is not delegable under Florida law, the Miami-Dade County Home Rule Charter (e.g. waiver of competitive bidding) or the County Code (e.g. Mayoral sponsorship of an agenda item to be considered by the County Commission), please seek an opinion from the Ethics Commission regarding the appropriate course of action.

c: R. A. Cuevas, Jr. County Attorney
Joe Centorino, Executive Director, Commission on Ethics and Public Trust
Christopher Agrippa, Clerk of the Board

Approved _____ Mayor Agenda Item No.
Veto _____
Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING REJECTION OF THE PROPOSALS RECEIVED IN RESPONSE TO REQUEST FOR PROPOSALS NO. 881 FOR A RED LIGHT CAMERA PROGRAM FOR THE MIAMI-DADE POLICE DEPARTMENT

**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 rejection of the proposals received in response to Request for Proposals No. 881, Red Light Camera Program, for the Miami-Dade Police Department. A copy of the solicitation document and the proposals received in response are on file with and available upon request from the Internal Services Department, Procurement Management Services Division.

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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

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|---|---|
| Bruno A. Barreiro | Daniella Levine Cava |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Sally A. Heyman | Barbara J. Jordan |
| Dennis C. Moss | Rebeca Sosa |
| Sen. Javier D. Souto | Xavier L. Suarez |
| Juan C. Zapata | |

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of June, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Oren Rosenthal