

Memorandum



DATE: June 4, 2013

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

Amended
Agenda Item No. 8(N)(1)

FROM: Carlos A. Gimenez
Mayor

SUBJECT: Resolution Waiving Bid Protest Procedures and Conformation of Purchase Orders in the Amount of \$829,980 from MDI/The Start Group for Training and Authorizing the Use of Charter County Transportation Surtax Funds

Resolution No. R-442-13

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve a bid waiver and confirmation of purchase orders for training services and materials in the amount of \$829,980 to MDI/The Start Group. This total amount includes \$117,180 in outstanding invoices as well as the accounting for the balance which has already been paid to the vendor of \$712,800.

This bid waiver and confirmation purchase is placed for Committee review pursuant to Miami-Dade County (County) Code Section 29-124(f). This item may only be considered by the Board if the Citizens' Independent Transportation Trust (CITT) has forwarded a recommendation to the Board prior to the date scheduled for Board consideration or forty-five (45) days have elapsed since the filing with the Clerk of the Board of this item. If the CITT has not forwarded a recommendation and forty-five (45) days have not elapsed since the filing of this item, I will request a withdrawal of this item.

SCOPE

The services were already rendered and positively impacted disaster response training countywide.

FISCAL IMPACT/ FUNDING SOURCE

Upon approval of this bid waiver and confirmation purchase, MDT will pay outstanding invoices of \$117,180 as part of a training curriculum provided by MDI/The Start Group. MDT will use departmental operating funds to pay the outstanding invoices and to account for the amount already expended.

TRACK RECORD/MONITOR

MDI/The Start Group delivered training materials and provided training services to 2,288 MDT employees and County and City of Miami first responders. The provision of training services and materials was verified and monitored by Eric Muntan, Chief, Office of Safety & Security, MDT.

BACKGROUND

The Board approved Resolution Number R-1219-07 on November 6, 2007, authorizing the Mayor, or designee, to apply for grant funds with the United States Department of Homeland Security (USDHS) and execute any agreements necessary to receive and expend the funds awarded as part of the Fiscal Year (FY) 2007 USDHS Grant.

The County entered into a grant agreement with the State of Florida, Division of Emergency Management, the state agency selected by the USDHS to disburse \$2,568,798.00 in grant funds and manage the provisions of the grant agreement. The grant agreement included a provision that County procurement rules were to be followed in order to be eligible for reimbursement for expenditures under this grant. The majority of the grant (\$1,616,058) was managed, procured and reimbursement sought in accordance with all applicable rules, regulations and contract terms. However, for the \$829,980 sought under this item, those rules were not followed.

Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners
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MDT had previously utilized MDI/The Start Group for training services. On October 5, 2009, MDI/The Start Group forwarded to MDT a proposal for the training and services described herein. Through a misunderstanding of the funding source, an unauthorized procurement of these services occurred without competitive bidding.

MDI/The Start Group provided training to MDT staff and various County and City of Miami first-responders during the period of June 2010 to December 2011. The County has, to date, paid MDI/The Start Group \$92,500.00 for the training booklets and \$712,800 for the training booklets and services provided during this period. During the aforementioned time period, MDI/The Start Group provided training to 2,288 participants.

As a result of the Federal Transit Administration review, MDT's Financial Services Division and the County Finance Department each authored, and put into practice, strengthened Standard Operating Procedures (SOP) which govern the steps to be taken when paying invoices, including grant-related invoices. The SOP now requires that MDT and County Finance Departments only process grant-related invoices for payment with an approved MDT Invoice Payment Process Checklist.

In late October 2011, MDT's new accounting safeguards internally identified the invoices submitted by MDI/The Start Group for this training, payments were stopped and all additional classes were cancelled. MDT immediately undertook an internal investigation and concluded that improper or insufficient safeguards and miscommunication contributed to this incident. The investigation revealed that many of the persons involved have since retired. MDT also concluded that the new accounting safeguards currently in place would prevent recurrence of a similar nature. Nonetheless, in light of the manner of procurement, the Miami-Dade Police Department Public Corruption Investigations Bureau was tasked to investigate this matter. The Public Corruption Investigations Bureau thoroughly investigated the vendor, current and former employees of County and MDT Finance, and MDT Office of Safety and Security. The investigation concluded that there was no improper benefit asked for or received, rather, that procurement rules were not followed. Safeguards remain in place to prevent any recurrence in the future.

As a result of the payments being discontinued pending the results of the investigation into this matter and this subsequent request for Board approval, MDI/The Start Group has outstanding invoices for this training in the amount of \$117,180. This resolution will allow final payment to the vendor of \$117,180 as well as confirm the payments already made to the vendor of \$712,800.



Alina T. Hudak
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 4, 2013

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

Amended

SUBJECT: Agenda Item No. 8(N)(1)

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

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 8(N)(1)
6-4-13

RESOLUTION NO. R-442-13

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS WAIVING BID PROTEST PROCEDURES BY A TWO-THIRDS VOTE PURSUANT TO SECTION 2-8.4 OF THE MIAMI-DADE COUNTY CODE; WAIVING COMPETITIVE BIDDING BY A TWO-THIRDS VOTE PURSUANT TO SECTION 2-8.1(B) OF THE COUNTY CODE, AND SECTION 5.03(D) OF THE HOME RULE CHARTER; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO RETROACTIVELY APPROVE PURCHASE ORDERS IN THE AMOUNT OF \$829,980 FROM MARKETING DISPLAYS INCORPORATED (DBA MDI/THE START GROUP) FOR TRAINING COURSES AND MATERIALS PROVIDED UNDER THE FY 2007 UNITED STATES DEPARTMENT OF HOMELAND SECURITY GRANT (USDHS) AND MANAGED BY THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, on November 6, 2007, the Board of County Commissioners approved Resolution Number R-1219-07 authorizing the Mayor, or Mayor's designee, to apply for grant funds with the USDHS and execute any agreements necessary to receive and expend the funds awarded as part of the Fiscal Year (FY) 2007 USDHS Grant; and

WHEREAS, the majority of the grant (\$1,616,058) was managed, procured and reimbursement sought in accordance with all applicable rules, regulations and contract terms; and

WHEREAS, on October 5, 2009, Miami-Dade Transit (MDT) received an unsolicited proposal from MDI/The Start Group for training and emergency management materials; and

WHEREAS, this training and materials were provided; and

WHEREAS, MDT paid invoices in the amount of \$712,800 based on Resolution Number R-1219-07 but without approval of a competitively-bid contract; and

WHEREAS, in late October, 2011, MDT's new accounting safeguards identified the invoices submitted by MDI/The Start Group for this training, payments were stopped and all additional classes were

cancelled. Accordingly, MDI/The Start Group has outstanding invoices for this training in the amount of \$117,180; and

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: (1) waives bid protest procedures by a two-thirds vote pursuant to Section 2-8.4 of the County Code; (2) waives competitive bidding by a two-thirds vote pursuant to Section 2-8.1(b) of the County Code, and Section 5.03(D) of the Home Rule Charter; and (3) authorizes the Mayor or Mayor's designee to retroactively approve purchase orders in the amount of \$829,980 from MDI/The Start Group for training courses and materials provided under the FY 2007 United States Department of Homeland Security Grant and managed by the State of Florida Division of Emergency Management; and authorizing the use of Charter County Transportation Surtax funds.

The foregoing resolution was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of June, 2013. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

ASB FOR

Bruce Libhaber