



Budget and Finance Committee

July 11, 2007

Prepared by: Nelson Diaz

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	7/11/2007		County Manager's Memorandum: Changes to the Agenda
2	7/11/2007	3F	BAC FUNDING CORPORATION
3	7/11/2007	3L	Letter from Miguel De Grandy to the Board of County Commissioners regarding RFP 516 Emergency Medical Transport (EMT) Billing and Collection Services.
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Memorandum



Date: July 11, 2007

To: Honorable Chairperson and Members
Budget and Finance Committee

From: George M. Burgess
County Manager 

Subject: Requested Changes to the
Budget and Finance Committee Agenda

Additions

3B SUBSTITUTE

072154 ORDINANCE AUTHORIZING LOAN IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$135,000,000 FROM SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION FOR PURPOSE OF PAYING OR REIMBURSING COSTS OF CERTAIN CAPITAL EXPENDITURES; PROVIDING THAT SUCH LOAN SHALL BE SECURED BY COVENANT TO BUDGET AND APPROPRIATE FROM LEGALLY AVAILABLE NON-AD VALOREM REVENUES OF THE COUNTY; AUTHORIZING FINANCE DIRECTOR TO APPROVE FINAL DETAILS OF LOAN WITHIN CERTAIN PARAMETERS; APPROVING FORM AND EXECUTION AND DELIVERY OF RELATED LOAN AGREEMENT; APPROVING LOAN AFTER PUBLIC HEARING AS REQUIRED BY SECTION 147 (F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH SUCH LOAN; PROVIDING SEVERABILITY AND EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 071858]
(Finance Department)

3B SUB SUPPLEMENT

072155 SUPPLEMENTAL INFORMATION ON THE ORDINANCE AUTHORIZING A SUNSHINE STATE LOAN AND INCREASED FUNDING NEED FOR WARD TOWERS ASSISTED LIVING FACILITY

Scrivener's Errors

3N

071703 RESOLUTION RATIFYING THE COUNTY MANAGER'S AWARD OF CONTRACTS UNDER FULL AND OPEN COMPETITION FOR THE PURCHASE OF GOODS AND SERVICES VALUED IN EXCESS OF \$100,000 AND UP TO \$1,000,000 EXECUTED DURING THE PERIOD OF JANUARY 1, 2007 THROUGH MARCH 31, 2007 (Procurement Management Department)

Note: *On handwritten page 5, Item 6, strike out Vizcaya in its entirety and change the total to \$176,675. On handwritten pages 9 and 11 change the "Total Contract Allocation" to \$11,291,765 and \$14,743,420, respectively.*

3P

072039 RESOLUTION WAIVING FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES AND AUTHORIZING THE COUNTY MAYOR TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER (Procurement Management Department)

Note: *On handwritten page 2, Item 2.1, change the "Amount Being Requested" to \$700,000 and on handwritten page 15, change the "Contract Amount" to \$700,000, the allocation to Police to \$700,000 and the "Funding Source" to General Fund and Federal.*

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Item 3F
Exhibit _____
Meeting _____



BAC FUNDING CORPORATION CREATING AND SUPPORTING SELF SUFFICIENCY FOR AFRICAN AMERICAN BUSINESSES

THE DREAM BECOMES A REALITY

THE CHALLENGE

The priority issue facing the Nations Inner City Communities today is the lack of economic development that will lead to viable communities. They have faced many disappointments and broken promises over the years.

The BAC has taken up the challenge to bring economic development to the Traditional Urban Core Communities by developing the MLK Transit Station Development Project.

The MLK Project is part of the BAC's urban initiative for creating sustainable value. The intent of the Metro-rail Joint Use Policy, developed in 1980, is to stimulate economic and business development and also encourage minority participation in joint development around the Metro-rail station areas.

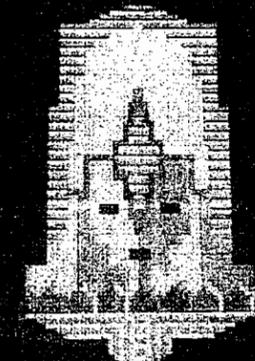
The time is now; the opportunity is now, let economic development finally come to our African-American Inner City Communities in South Florida, especially Miami Dade County.

PROJECT DESCRIPTION

The MLK Transit Development project consist of a five (5) story, 200,000 sf. Office Building, with a 600+ Car Parking Garage, Covered Walkways and tree lined Plazas.

The Office Building will contain the Miami-Dade offices of the Solid Waste Department, the Department of Corrections, the Human Resources Department, the Team Metro Department, the Procurement Office and a Commercial Restaurant Facility.

THE MASK AND THE TRANSFORMATION



The African Graphic Depicts The Door Of No Return, Middle Passage, Slavery, Transformation, And Building Of America By African-Americans



Symbols & Colors represent Diversity, Freedom, Birth, Death, Alertness, Excellence, Wisdom, Adaptability, Toughness, Growth, Perseverance, Integrity, Authority, and Magnificence

THE DESIGN CONCEPT

Black architect, Ron Frazier, has created a design philosophy for the MLK project by utilizing the Adinkra Symbols and the Kente Cloth Colors and Graphics from Ghana West Africa to tell a story about the significance contributions of African-American to America.

The theme for the office building is "The Mask And The Transformation" with the main entrance being a representation of an African Ceremonial Mask with its decorative motifs. The design concept is to capture the African Spirit by depicting these African cultural graphics, symbols, colors and icons in a creative, harmonious and sensitive way.

African Culture and Black Endurance and Achievement will be the design theme for the MLK Transit Development Project. Africans were brought to America to be slaves and the institutions of slavery severed the African culture, destroyed the family structure and finally dehumanized the slaves. In a very unique way, these Africans were to be transformed into an assortment and mixture of different races and cultures.

Against tremendous opposition, racism and discrimination, the African slave descendants made major accomplishments in science and technology, the arts, exploration, humanities, etc. The history books omitted these accomplishments, thus erasing any evidence of Black heroes and role models.

The Afro-Centric design as depicted in the MLK Transit Development Project will begin to make South Florida more aware of African-American cultural heritage.

MLK PROJECT



SUSTAINABLE VALUE AND WEALTH CREATION

COMMUNITY ECONOMIC BENEFITS

BAC Self-Sufficiency Program:

The MLK project will provide BAC with a thirty (30) year income stream to fund its operation cost, loan programs, and economic and business development programs and projects for African-American businesses.

Enterprise Zone Revitalization:

The MLK project is located in the Miami Dade Enterprise Zone (E.Z. No. 1310), one of the most economically depressed communities of Miami-Dade County. In addition, the project will enhance the image and beautification of the community and the estimated 800 employees employed are expected to contribute to the local economy.

Temporary and Permanent Job Creation:

The MLK project created more than 200 temporary construction jobs, and will provide ten (10) permanent jobs (a minimum of five (5) full-time for area residents)

Increase Rider-ship on Metro-Rail:

The MLK project will increase transit rider-ship due to its use by some of the employees and visitors to the facility on a daily basis.

Off-Balance Sheet For New Office Facility:

Miami-Dade County will have full use and ultimate ownership of a new office facility without having to make a large capital expenditure or encumbering its borrowing capacity. The rental payments will be applied towards the ownership of a facility.

Black Business Enterprise Opportunities:

The MLK project utilized Black and other minority business enterprises to design, construct and manage the facility. In addition, the design-build and management approach employed by the BAC resulted in substantial savings to Dade County.

Repair Of Parking Structure:

The renovations and repairs of the garage will save an estimated \$500,000 currently being spent to maintain the facility.

Real Estate Tax Revenue:

The property will receive tax rebates and other Enterprises Zone incentives for up to five (5) years. At the end of the period, an estimated \$16,916,000 in property taxes alone will be paid by the project over a thirty year lease period

BLACK ECONOMIC IMPACT

BAC Black Economic Policy Goals:

The BAC's goal of creating sustainable value and wealth, the board created a policy to insure that Black Business Enterprises would participate in the economic distribution of the MLK Project financial proceeds. The total economic impact for the bond financing, design and construction of project is \$33,500,000.00 dollars. The management, operation and restaurant cost represent an additional \$2,000,000.00 dollars per year over thirty (30) years.

Tax Exempt Bond Financing:

30% of the funds spent went to Black Businesses providing legal, accounting and bond underwriting services.

Pre-Development and Design Services:

72% of the funds spent went to Black Architects and Engineers

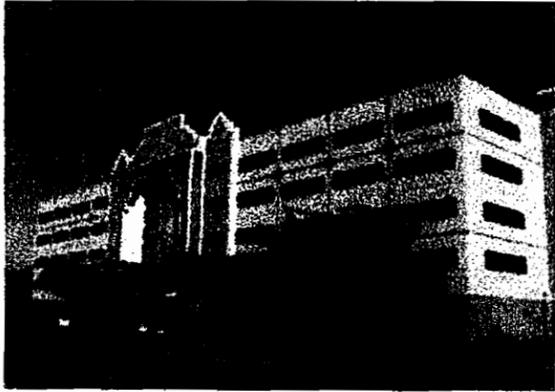
Construction and Developers Fees:

45% of the funds spent went to Black contractors, sub contractors, building material suppliers and developers.

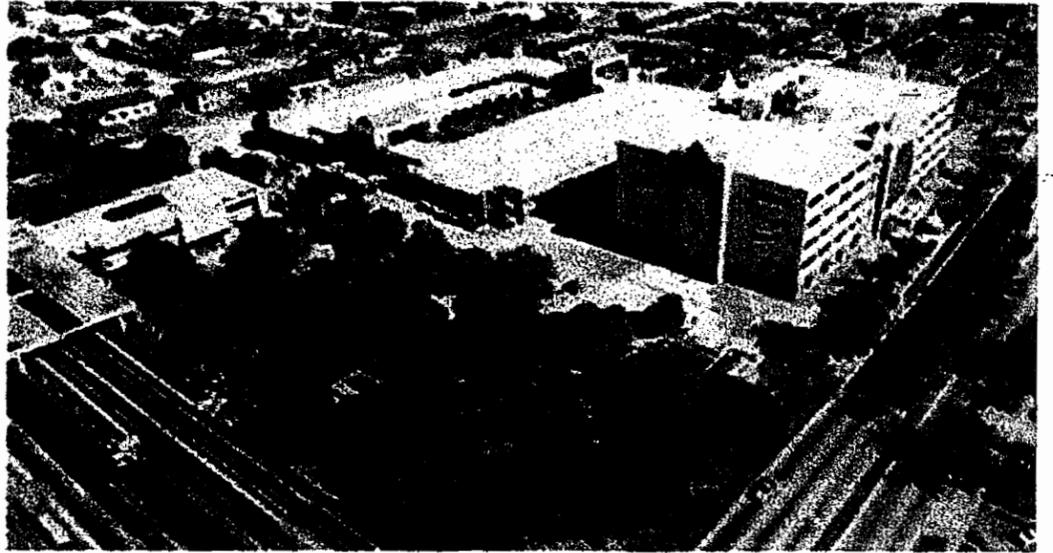
Building Management and Operation:

60% of the funds spent will go to Black businesses for the management, janitorial, landscaping, general maintenance services, supplies and maintenance employees.

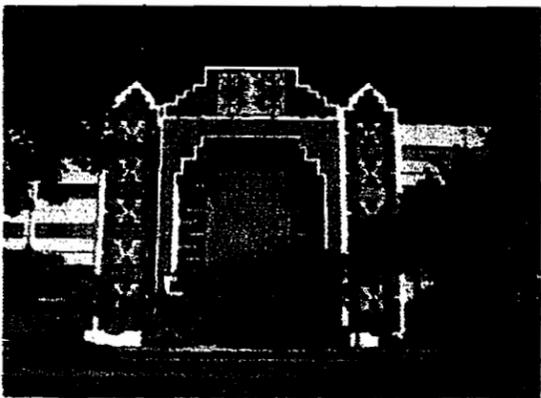
MLK TRANSIT DEVELOPMENT PROJECT



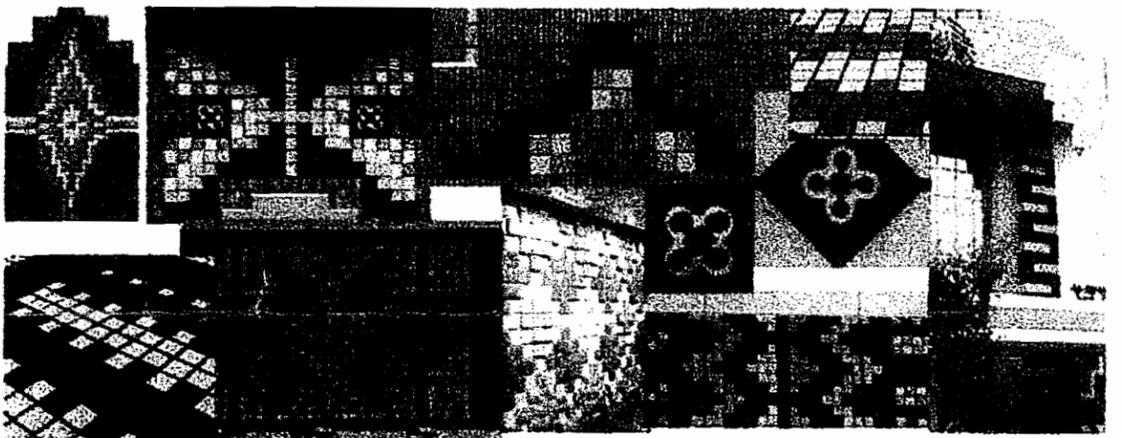
MLK BLVD. VIEW



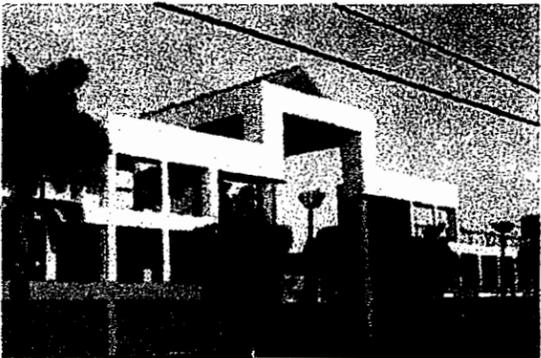
MLK TRANSIT DEVELOPMENT PROJECT



MAIN ENTRANCE



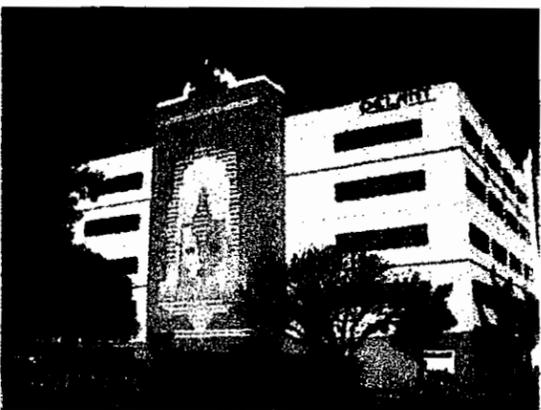
ADINKRA SYMBOLS



PARKING GARAGE ENTRANCE



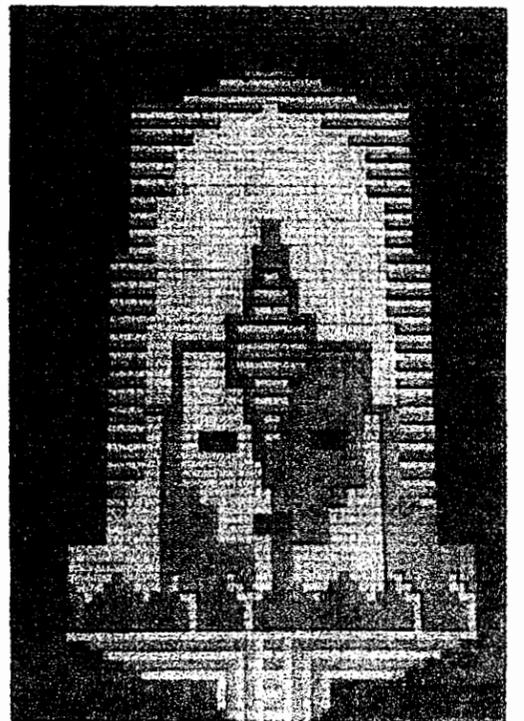
ADINKRA SYMBOLS



WEST PLAZA ENTRANCE



GARAGE ROOF



DOOR OF NO RETURN

THE DREAM BECOMES A REALITY

MIGUEL DE GRANDY P.A.

ATTORNEYS AT LAW

June 8, 2007

RECEIVED
By the Clerk for the record.

JUL 11 2007

The Honorable Chairman Bruno Barreiro
Board of County Commissioners
Stephen P. Clark Center - Suite 220
111 N.W. 1st Street
Miami, Florida 33128

Item 3L
Exhibit _____
Meeting _____

**RE: RFP 516, Emergency Medical Transport (EMT) Billing and
Collection Services**

Dear Chairman Barreiro,

Please be advised that I represent Advanced Data Processing, Inc. (ADP), the highest ranked proposer in the above-referenced procurement process and the recommended bidder. Recently, you received correspondence from Per Se Technology (Per Se), a losing bidder, who filed an untimely protest that was waived in accordance with the provisions of your Code. Unfortunately, Per Se Technology persists in providing inaccurate information to the County Commission. This letter seeks to correct those inaccuracies and explain the reasons why this recommendation is being forwarded as a waiver of competitive bidding and protest process.

Background

This RFP, seeking proposers to provide Emergency Medical Transport Billing and Collection Services, was advertised on March 16, 2006. Proposals were tendered on May 5, 2006, and were presented to the Selection Committee for consideration on May 12, 2006. Prior to the ranking being announce or completed, ADP filed a Complaint with the Ethics Commission regarding an inappropriate contact initiated by one of the Selection Committee members, Mr. Lucien Hope, which violated the Cone of Silence. The individual who was the subject of the Complaint was not removed from the Selection Committee, and the Committee proceeded to score the proposals as follows:

<u>COMMITTEE MEMBER</u>	<u>ADP</u>	<u>PER SE</u>
Barbara Dunlop	95	86.4
Scott Mandelsburg	95	85.4
Vivian Elesppe	97	88.4
Harold Goldson	97	85.4
<i>Lucien Hope</i>	<i>60</i>	<i>75.4</i>

As can be seen by the chart above, even to the untrained eye, it is obvious that Mr. Hope's score was an aberration, and clearly not consistent with scoring reflected by the other members. Four out of five members of the Committee rated ADP highest on the technical criteria. Indeed, when Mr. Hope's score is removed from the evaluation, ADP's score on Technical Criteria is an average of ten (10) points higher in the aggregate than that of Per Se. Subsequent to the technical scoring, the points for price were applied. ADP had the highest price proposal. Despite the biased score by Mr. Hope, ADP was the highest ranked proposer when the technical score and price score were added.

The original Manager's Recommendation to award to ADP was issued on November 30, 2006. Per Se filed an untimely protest on December 14, 2006, which, in effect, sought to attack the bid specifications themselves after submission of bids, an action which is also barred by your Code.

Specifically, Administrative Order 3-21 states that any objections or exceptions to the specifications must be made at least 48 hours prior to the submission deadline, in order to preserve the right to protest. Moreover, the Code states that a protest must be filed within three (3) days after the Manager's Recommendation. The untimely December 14, 2006 protest of Per Se was never set for Hearing because, under the Code, the untimely protest constitutes a waiver of the right to protest. Indeed, Section 2-8.4 of the Code specifically requires that a protest be filed within three (3) working days, and further states that "no bid protest shall be accepted, unless it complies with the requirements of this section."

Subsequent to the November 30, 2006 recommendation, the County entered into negotiations with ADP and added additional revenue enhancers for the County, such as air transports. which will provide a new revenue stream. The agreement also caps the fee to the provider and includes new performance measures that will enhance accountability. Subsequent to these negotiations, the Manager issued a new recommendation. Although he still recommends the highest ranked bidder in the open competitive RFP process, he recommends a rejection of proposals, approval of issuance of a bid waiver, award to ADP as the highest ranked firm, and waiver of the protest process.

Per Se Has Waived It's Right to Protest

Per Se's May 16, 2006 letter sets a scripted tone of righteous indignation regarding the Manager's recommendation to waive the bid protest process. However, it does not tell you that it waived the right to protest the first recommendation by failing to follow the requirements of the Code. This subsequent recommendation is for the same provider, ADP, that was recommended on November 30, 2007

Respectfully, it is my personal opinion that there are very few instances in which a waiver of the protest process is appropriate. This, however, is one of those few instances. In this case, Per Se had a full and fair opportunity to file a timely protest on

two (2) different occasions. As noted in the introductory section of this letter, Per Se's protest basically attacks the specifications as being vague or confusing. Miami-Dade County's Code required that protest to be lodged at least 48 hours prior to submission. This was the first opportunity to protest that Per Se waived. Its second waived opportunity resulted from its filing an untimely protest to the Manager's Recommendation of November 30, 2006.

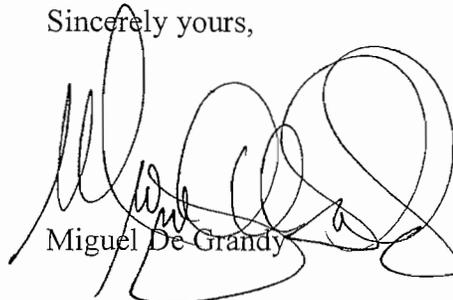
Simply stated, Per Se cannot credibly claim a denial of Due Process when its inability to proceed with a protest is a direct result of its failure to abide by the simple and clear provisions of the Miami-Dade County Code.

Finally, as stated in the Manager's Recommendation, and as can be confirmed with the Miami Dade Fire and Rescue Department (the user Department), ADP's collection rate to date, as the incumbent provider, is simply excellent. Moreover, as further noted in the Manager's recommendation, by maintaining the same provider as a result of it being the highest ranked provider in the new procurement, the Department will not experience a significant drop in income usually associated with transition from one collection provider to another.

In summary, contrary to the inaccurate characterizations by Per Se, the Manager's recommendation is most certainly in the best interest of the County, and we urge you to approve this item.

If you have any questions or need further information, please do not hesitate to contact me.

Sincerely yours,



Miguel De Grandy

CC: The Honorable Mayor Carlos Alvarez
The Honorable Members of the County Commission
George Burgess, County Manager
Clerk of the Board
Miriam Singer, Director, Department of Procurement Management
Christopher Mazzella, Inspector General
Chief Herminio Lorenzo, Miami-Dade Fire Department