Memorandum

MIAMI-DADE COUNTY

Date: May 21, 2012

To: Department Directors

From: Carlos A. Gimenez
Mayor

Subject: Compliance with Due Diligence Requirements for Resolution No. R-187-12

On February 21, 2012, the Board of County Commissioners (Board) adopted Resolution R-187-12 (attached) that requires all contract award recommendations that exceed $1 million to include a description of the due diligence investigation performed to determine Contractor/Vendor/Consultant responsibility, and, to report to the Board when such research adversely affects a finding of Contractor responsibility.

Internal Services Department (ISD) staff immediately began including language in all applicable contract awards in accordance with this Resolution to clearly reflect the practices which we have had in place for some time. Nonetheless, this memorandum serves to provide guidance to all County Departments in ensuring they have verified that recommended vendors are responsive, responsible, eligible for contract award, and are compliant with County requirements. To ensure a consistent and fair process for responsibility determinations, the below guidelines are provided for applicable awards that fall under the categories of goods and services, construction, and design and professional Services.

Goods and Services

Departments must use ISD Procurement Management Services' pre-award checklist (http://intra.miamidade.gov/dpm/vendor_info.asp), and verify that the vendor(s) registration documents, affidavits, and insurance, as applicable, have been submitted and are current. The pre-award checklist consists of the following:

- Small Business Development Division (SBD) Reports (http://www.miamidade.gov/sba/reports.asp)
- SBD History of Violations (http://www.miamidade.gov/sba/reports-history-of-violations.asp)
- Florida Convicted Vendor List (http://dms.myflorida.com/business_operations/state_purchasing/vendor_information/convicted_suspended_discriminatory_complaints_vendor_lists/convicted_vendor_list)
- Debarred Contractors (http://www.miamidade.gov/sba/reports-debarment.asp)
- Delinquent Contractors (http://wasiap.miamidade.gov/ARI/menu_1_0.do)
- Goal Deficit Make-Up Report (http://www.miamidade.gov/sba/reports-goal-deficit.asp)
- Suspended Contractors (http://egvsys.metro-dade.com:1608/wwwserv/ggvt/bnzawbcc.dia)
- Florida Suspended Contractors (http://dms.myflorida.com/business_operations/state_purchasing/vendor_information/convicted_suspended_discriminatory_complaints_vendor_lists/suspended_vendor_list)
- Federal Excluded Parties List System (https://www.epls.gov/)
- Sudan-Iran Affidavit (http://www.sbafla.com/fsb/LinkClick.aspx?fileticket=iePW9X7I3-E%3D&tabid=751&mid=2409)
- SBD Certified Firms (http://www.miamidade.gov/sba/reports_cert_lists.asp)
- State of Florida Corporations (Sun Biz) (http://www.sunbiz.org/search.html)

Depending on the type, scope, and/or value of the award, the following resources may also be used to determine responsibility:

- Web search for compliance and performance record
- Reference checks
- Tax returns, Pro Forma statements, and other financial documents/statements
- Dunn & Bradstreet financial reports*
- Public Access to Court Electronic Records (PACER) litigation reports*

* These are subscription-based services. Please contact Procurement Management Services if a project warrants access to the service.

Construction

In addition to the aforementioned resources, specifically to construction, Administrative Order (AO) No. 3-42, *Evaluation and Suspension of Contractors and Consultants,* provides evaluation and determination standards and procedures pertaining to responsible past performance for Construction Contractors, Engineering, Architecture, Landscape Architecture, Land Surveying, and Mapping Firms (A&E), Design-Build and Construction Manager at Risk companies. This AO establishes a method based on past performance to restrict access to County contracts when a firm has not performed up to expectations on some types of contracts, while maintaining good performance on others.

ISD – Procurement Management Services maintains a list of firms determined to be in Watch status or Suspended status. This list is available online in the Capital Improvements Information System (CIIS) database (http://intra.miamidade.gov/CIIS/CIIS_Menu_Main.asp). All Departments must verify in CIIS that a firm is not in a Suspended status for the work type prior to evaluating bid documents or proposals for professional services.

In accordance with the AO, departments are required to report on the status of firms in the CIIS database. Placing a firm on Watch or Suspended status is intended to protect the County from firms who perform inadequately. Any firm who has been suspended from a particular segment of County work is not allowed to bid on work within the segment, or, allowed to submit a proposal for consideration of professional services until such time as the Suspension has been lifted.

Departments are also responsible for submitting interim and final performance evaluations into the CIIS database. These evaluations should also be taken into consideration when determining a firm's responsibility.

Design and Professional Services

In addition to the resources listed for both Goods and Services, and, for Construction, the following resources should also be referenced for Design and Professional Services:

- A&E Technical Certification Report (http://www.miamidade.gov/procurement/technical-certification.asp)
- Pre-Qualification Report (http://www.miamidade.gov/procurement/pre-qualification-certification.asp)

If you have any questions or require clarification on any of the guidelines above, please do not hesitate to contact Miriam Singer, Assistant Director, ISD - Procurement Management Services, Internal Services Department.

c: R.A. Cuevas Jr., County Attorney
Office of the Mayor Senior Staff
Lester Sola, Director, Internal Services Department