



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Government Operations Committee (GOC) Meeting

May 8, 2018
1:30 P.M.
Commission Chambers

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Director, Policy and Legislation
Office of the Commission Auditor (OCA)
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**GOC Meeting: May 8, 2018
Research Notes**

**Item No. 1G1
File No. 180778**

Researcher: MF Reviewer: TD

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-253 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING AUTOMOBILE STORAGE AS A PERMITTED USE IN THE BU-2 (SPECIAL BUSINESS) DISTRICT UNDER CERTAIN CONDITIONS FOR AUTOMOBILE DEALERS OR VEHICLE RETAIL SHOWROOMS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 33-253 of the Code of Miami-Dade County (Zoning) to authorize automobile storage as a permitted use in the BU-2 (Special Business) District under certain conditions for automobile dealers or vehicle retail showrooms.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 33-253, provides the uses permitted in a BU-2 Special Business District.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch33_artxxvi_sec33-253

Miami-Dade County Code, Section 33-124(h)(2), states that “Off-street parking shall be provided in accordance with the following minimum standards (h) Commercial (2) Auto dealership showrooms, garage and gas station bay areas, and similar uses shall be provided three (3) parking spaces for the first twenty-five hundred (2,500) square feet of floor area, ..., and one (1) parking space for each additional five hundred (500) square feet of gross floor area, ..., plus three (3) parking spaces for each five thousand (5,000) square feet, ..., of open lot area.”

http://miamidade.fl.elaws.us/code/coor_ptiii_ch33_artvii_sec33-124

PROCEDURAL HISTORY

Prime Sponsor: Sally A Heyman, District 4

The proposed ordinance was adopted on first reading at the Board of County Commissioners’ meeting on April 10, 2018, and set for public hearing before the Government Operations Committee on May 8, 2018.

FISCAL IMPACT

According to the Fiscal Impact Statement, the implementation of the proposed ordinance will not have a fiscal impact for Miami-Dade County as it will not result in additional staffing needs or future operational costs.

ANALYSIS

Currently, only large scale commercial and office facilities, which serve the needs of large urban areas, are permitted in the BU-2 Special Business Districts. Currently, automobile dealers frequently store automobiles off-site; however, the Zoning Code does not currently allow the storage of automobiles off-site in the BU-2 District.

The proposed ordinance seeks to amend Section 33-253 of the Code of Miami-Dade County to authorize automobile storage as a permitted use in the BU-2 (Special Business) District under certain conditions for automobile dealers or vehicle retail showrooms. Automobile storage of new vehicles will be allowed for an automobile dealer that does not operate a sales facility on the same site, subject to the following conditions:

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- (a) That such use shall be ancillary to another allowable use under this article;
- (b) That such use shall be on a site of at least 40 net acres;
- (c) That the automobile storage must occur only within a parking garage;
- (d) That the parking spaces used for the automobile storage shall not be required spaces for the remaining uses on the property;
- (e) That no independent additional parking spaces pursuant to Section 33-124(h)(2) will be required as parking for the on-site automobile storage; and
- (f) That such use shall obtain a Certificate of Use, and that the Certificate of Use shall be renewed annually for as long as such use operate.

The following table compares the current language of Section 33-253 of the Code of Miami-Dade County to the proposed amendment (words ~~[[double brackete4d]]~~ shall be deleted. Words underscored and >>double arrowed<< constitute the proposed amendment):

Section 33-253 (Current Language)	Section 33-253 (Proposed Amendment)
<p>No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or maintained for any purpose in any BU-2 District except for one (1) or more of the following uses:</p> <p>* * *</p>	<p>No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or maintained for any purpose in any BU-2 District except for one (1) or more of the following uses:</p> <p>* * *</p> <p><u>>>(3) Automobile storage of new vehicles for an automobile dealer that does not operate a sales facility on the same site, subject to the following conditions:</u></p> <p><u>(a) That such use shall be ancillary to another allowable use under this article.</u></p> <p><u>(b) That such use shall be on a site of at least 40 net acres.</u></p> <p><u>(c) That the automobile storage must occur only within a parking garage.</u></p> <p><u>(d) That the parking spaces used for the automobile storage shall not be required spaces for the remaining uses on the property, as calculated by Chapter 33, or as part of the required parking pursuant to the zoning resolution(s) governing the Property.</u></p> <p><u>(e) That no independent additional parking spaces pursuant to Section 33-124(h)(2) will be required as parking for the on-site automobile storage.</u></p>

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<p>(2.04) Brewery (not farm related), subject to the following conditions:</p> <p>(a) The manufacture of malt liquors, such as beer and ale, shall be limited to 10,000 kegs per year as a micro-brewery.</p> <p>(b) The brewery may have a restaurant as an accessory use, and the restaurant may also have an accessory cocktail lounge-bar use, subject to the requirements of Article X of this chapter.</p> <p>(c) Off-street parking for industrial, retail, restaurant, and other allowable uses shall be provided as otherwise required in this Code.</p> <p>(2.05) Commuter Colleges/Universities.</p> <p>(2.1) Hospitals (other than animal hospitals), subject to the following conditions:</p> <p>* * *</p> <p>(2.2) Hotel and motel uses, subject to all provisions of the RU-4A District pertaining to such uses.</p> <p>(3) Liquor package stores.</p> <p>(4) Major department stores.</p> <p>(5) Marinas for the following purposes only: Commercial boat piers or slips for docking purposes; yacht or boat storage, for laying up, but not for repairs or overhaul; and boats carrying passengers on excursion, sightseeing, pleasure or fishing trips.</p> <p>(5.1) Movie and television studios with indoor sound stages/studios.</p> <p>(5.2) Movie and television studios with outdoor</p>	<p><u>(f) That such use shall obtain a Certificate of Use, and that the Certificate of Use shall be renewed annually for as long as such use operate.</u></p> <p><u>(4)<< [[2.04]] Brewery (not farm related), subject to the following conditions:</u></p> <p>(a) The manufacture of malt liquors, such as beer and ale, shall be limited to 10,000 kegs per year as a micro-brewery.</p> <p>(b) The brewery may have a restaurant as an accessory use, and the restaurant may also have an accessory cocktail lounge-bar use, subject to the requirements of Article X of this chapter.</p> <p>(c) Off-street parking for industrial, retail, restaurant, and other allowable uses shall be provided as otherwise required in this Code.</p> <p><u>>>(5)<< [[2.05]] Commuter Colleges/Universities.</u></p> <p><u>>>(6)<< [[2.1]] Hospitals (other than animal hospitals), subject to the following conditions:</u></p> <p>* * *</p> <p><u>>>(7)<< [[2.2]] Hotel and motel uses, subject to all provisions of the RU-4A District pertaining to such uses.</u></p> <p><u>>>(8)<< [[3]] Liquor package stores.</u></p> <p><u>>>(9)<< [[4]] Major department stores.</u></p> <p>5) Marinas for the following purposes only: Commercial boat piers or slips for docking purposes; yacht or boat storage, for laying up, but not for repairs or overhaul; and boats carrying passengers on excursion, sightseeing, pleasure or fishing trips.</p> <p><u>>>(10)<< [[5.1]] Movie and television studios with indoor sound stages/studios.</u></p> <p><u>>>(11)<< [[5.2]] Movie and television studios with</u></p>
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<p>lots/backlots after public hearing.</p> <p>(6) Night clubs located no closer than five hundred (500) feet of any RU or EU District, if approved at a public hearing.</p> <p>(7) Office parks.</p> <p>(8) Pubs and bars.</p> <p>(9) Regional shopping centers.</p> <p>(9.5) Vehicle Retail Showroom, provided that:</p> <p style="padding-left: 40px;">(1) No on-site vehicle storage/stock beyond the showroom is; and</p> <p>(2) No more than six (6) vehicles on site to be used for test drives purposes; and</p> <p>(3) No test drive shall be conducted on residential local streets (fifty-foot wide rights-of-way); and</p> <p>(4) No new, purchased vehicle deliveries at showroom are allowed.</p> <p>(10) Warehouse, membership.</p>	<p>outdoor lots/backlots after public hearing.</p> <p>>>(12)<< [[6]] Night clubs located no closer than five hundred (500) feet of any RU or EU District, if approved at a public hearing.</p> <p>>>(13)<< [[7]] Office parks.</p> <p>>>(14)<< [[8]] Pubs and bars.</p> <p>>>(15)<< [[9]] Regional shopping centers.</p> <p>>>(16)<<[[9.5]] Vehicle Retail Showroom, provided that:</p> <p style="padding-left: 40px;">(1) >><u>On-site vehicle storage/stock beyond the showroom shall only be allowed in accordance with subsection 2.01 above</u><< [[No on-site vehicle storage/stock beyond the showroom is allowed]]; and</p> <p>(2) No more than six (6) vehicles on site to be used for test drives purposes; and</p> <p>(3) No test drive shall be conducted on residential local streets (fifty-foot wide rights-of-way); and</p> <p>(4) No new, purchased vehicle deliveries at showroom are allowed.</p> <p>>>(17)<< [[10]] Warehouse, membership.</p>
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According to the Social Equity Statement, the proposed ordinance authorizes automobile storage of new vehicles for an automobile dealer in the BU-2 zoning district that does not operate a sales facility on the same site, subject to a series of conditions. The conditional allowance stems from the fact that car dealerships are not allowed in the BU-2 zoning district and said storage of vehicles is allowed under the following conditions: (1) as an ancillary use (not the primary use of the property); (2) on a property with a minimum lot size of 40 acres; (3) within a parking garage (not a surface lot); and (4) subject to an annual Certificate of Use.

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Department of Transportation and Public Works, and received the following answers:

- Why are these changes authorizing automobile storage as a permitted use in the BU-2 district needed now?
Some automobile dealerships in need of additional vehicle storage space have approached some large commercial facilities in order to use their surplus garage parking space.

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- Is there a maximum number of vehicles that can be stored in one location at a time? **They can only use surplus parking so at any given point in time, all the required parking shall be available to those shopping at the facility. Sometimes commercial facilities provide more parking spaces than they are required by our code.**

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**Item No. 1G2
File No. 180535**

Researcher: MF Reviewer: TD

ORDINANCE RELATING TO THE NORTH CENTRAL DADE MUNICIPAL ADVISORY COMMITTEE CREATED TO STUDY THE POSSIBLE INCORPORATION OF A MUNICIPALITY IN THE NORTH CENTRAL DADE AREA; EXTENDING THE SUNSET DATE OF THE MUNICIPAL ADVISORY COMMITTEE, NOTWITHSTANDING ORDINANCE NO. 15-32 WHICH PROVIDED FOR THE SUNSET OF SAID COMMITTEE AND ANY OTHER ORDINANCE TO THE CONTRARY; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should extend the sunset date of the North Central Dade Municipal Advisory Committee (MAC) created to study the possible incorporation of a municipality in the North Central Dade area of Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1445-01, adopted by the Board on December 18, 2001, created and established the North Central Dade Municipal Advisory Committee; and directed County staff to prepare a study on the possible creation of a new municipality in the area of North Central Dade.

<http://www.miamidade.gov/govaction/matter.asp?matter=020090&file=false&yearFolder=Y2002>

Ordinance No. 03-42, adopted by the Board on March 3, 2003, created and established the North Central Dade Municipal Advisory Committee; and directed staff to prepare a study on the possible creation of a new municipality in the area of North Central Dade.

<http://www.miamidade.gov/govaction/matter.asp?matter=030112&file=false&yearFolder=Y2003>

Ordinance No. 05-192, adopted by the Board on November 1, 2005, relates to incorporations and annexations; suspends consideration of certain proposed incorporations and annexations until receipt of the County Manager's Report on the effects of incorporations and annexations in Miami-Dade County.

<http://intra/gia/matter.asp?matter=052207&file=true&yearFolder=Y2005>

Ordinance No. 07-120, adopted by the Board on May 8, 2007, relates to incorporations; and suspends consideration of proposed incorporations until receipt and consideration of the County Manager's Report on the effects of incorporations and annexations in Miami-Dade County.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2007/071165.pdf>

Ordinance No. 12-24 adopted by the Board on January 24, 2012, related to incorporations; repealed Ordinance No. 07-120 of Miami-Dade County; and deleted provisions that suspended processing and consideration of proposed incorporations.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2011/112543.pdf>

Ordinance No. 05-140, adopted by the Board on July 7, 2005, relates to incorporation; amends Sections 20-20, 20-21, 20-22 and 20-29 of the Code of Miami-Dade County, Florida; increases the percentage of electors required to consent to a petition for incorporation; requires municipal advisory committees created pursuant to section 20-29 of the Code to review and study petitions for incorporation; revises the process pertaining to incorporation petitions and creation of municipal advisory committees; and requires the consent of no less than twenty-five percent of resident electors to create certain municipal advisory committees.

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<http://www.miamidade.gov/govaction/matter.asp?matter=052009&file=false&yearFolder=Y2005>

Ordinance No. 15-32, adopted by the Board on February 3, 2015, relates to the North Central Dade Municipal Advisory Committee created to study the possible incorporation of a municipality in the North Central Dade area.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2015/150175.pdf>

Miami-Dade County Code, Section 20-29 (A), governs the creation and limitation of study areas for Municipal Advisory Committees. It states that "... no Municipal Advisory Committee shall be created by the County Commission, unless no less than twenty-five (25) percent of the resident electors in the area to be studied consent to the creation of a [MAC] on a consent form, which shall be approved by the Office of Strategic Business Management".

http://miamidade.fl.elaws.us/code/coor_ptiii_ch20_artii_sec20-29

PROCEDURAL HISTORY

Prime Sponsor: Jean Monestime, District 2

The proposed ordinance was adopted on first reading by the Board on March 20, 2018, and set for public hearing before the Government Operations Committee on May 8, 2018.

FISCAL IMPACT

According to the Fiscal Impact Statement, the implementation of the proposed ordinance will not have a fiscal impact for Miami-Dade County. There are no additional costs associated with extending the North Central Dade Municipal Advisory Committee (MAC) an additional two years.

ANALYSIS

The proposed ordinance seeks to extend the sunset date of the North Central Dade Municipal Advisory Committee (MAC), which was created with Resolution No. R-1445-01, adopted by the Board on December 18, 2001, to study the possible incorporation of a municipality in the North Central Dade area of Miami-Dade County. The North Central Dade area generally comprises the following:

- North: Cities of Opa-Locka and North Miami - 125 Street east to 27 Avenue; north to 135 Street; east to 17 Avenue; south to 119 Street; east to I-95
- East: Interstate 95 and City of Miami - I-95 south to 79 Street; west to 7 Avenue; south on 7 Avenue to 71 Street; west on 71 Street to 17 Avenue to 62 Street; then west on 62 Street to 32 Avenue; then south to 54 Street; then west to 37 Avenue
- South: N.W. 54 Street
- West: City of Hialeah - 37 Avenue north to City of Opa-locka

Through the adoption of Ordinance No. 05-192 on November 1, 2005, and Ordinance No. 07-120 on September 4, 2007, the Board suspended the processing of incorporation proposals. The reasons for the suspension were that there had been a number of significant annexations since 2000; these incorporations and annexations had resulted in a configuration of the unincorporated municipal service area which might prove difficult to service efficiently and effectively; and it was necessary for the Board to evaluate fully the effects of incorporations and annexations on the County. Through Ordinance No. 12-24, adopted by the Board on January 24, 2012, the Board repealed the suspension of the processing of incorporation proposals.

Ordinance No. 05-140, adopted by the Board on July 7, 2005, amends Sections 20-20, 20-21, 20-22 and 20-29 of the Code of Miami-Dade County, Florida; increases the percentage of electors required to consent to a petition for

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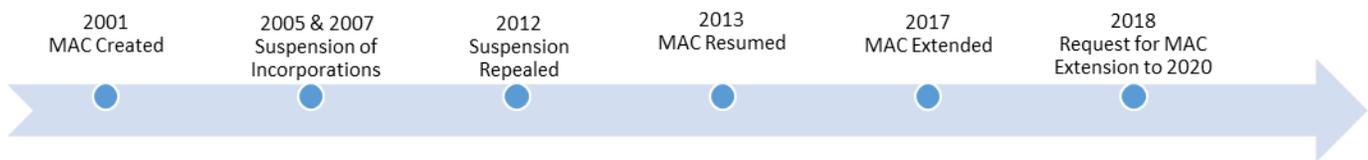
incorporation; requires municipal advisory committees created pursuant to section 20-29 of the Code to review and study petitions for incorporation; revises the process pertaining to incorporation petitions and creation of municipal advisory committees; and requires the consent of no less than twenty-five percent of resident electors to create certain municipal advisory committees.

Section 20-29 (A) of the Code of Miami-Dade County states that "... no Municipal Advisory Committee shall be created by the County Commission, unless no less than twenty-five (25) percent of the resident electors in the area to be studied consent to the creation of a [MAC] on a consent form, which shall be approved by the Office of Strategic Business Management." It provides, however, that "where a Municipal Advisory Committee has been established prior to the effective date of [Ordinance No. 5-140], no consent of resident electors shall be required for the adoption of an ordinance creating a Municipal Advisory Committee involving the same area."

In June 2013, more than 18 months after the repeal of Ordinance No. 05-192 and Ordinance No. 07-120, the North Central Dade Municipal Advisory Committee was reorganized and resumed its meetings. On May 5, 2015 the Board adopted Ordinance No. 15-32 which extended the existence of the North Central Dade Municipal Advisory Committee to no later than May, 15, 2017. However, the North Central Dade MAC now claims the need for additional time to conduct required public hearings, complete its study, and respond to inquiries from the Board.

Therefore, notwithstanding any provisions in Ordinance No. 15-32 or any ordinance or provisions of the Code of Miami-Dade County, the proposed ordinance seeks to extend the sunset date of the North Central Dade MAC. It provides that "the North Central Dade Municipal Advisory Committee shall remain in existence or otherwise re-constituted until the earlier of (i) the date that the Board of County Commissioners votes to defer, approve or deny a resolution submitting the incorporation question to the resident electors of the North Central Dade area or (ii) two years from the effective date of this Ordinance."

According to the Social Equity Statement, extension of this MAC for two additional years will provide the public additional opportunities to discuss the issue of incorporating their respective area.



ADDITIONAL INFORMATION

According to the website of the office of Management & Budget, "Municipal Advisory Committees (MACs) are organizations composed of elected or appointed members whose purpose is to study and give advice to the County Commission regarding the creation of a proposed municipality. The Board of County Commissioners creates Municipal Advisory Committees. MACs are charged with studying the feasibility of incorporating a specific area into a municipality. All meetings are free and open to the public. Residents are encouraged to attend the meetings to find out more information and/or express their opinions."

<http://www.miamidade.gov/incorporationandannexation/municipal-advisory-committees.asp>

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**Item No. 1G3
File No. 180572**

Researcher: JFP Reviewer: TD

ORDINANCE EXTENDING AMNESTY PERIOD CREATED BY ORDINANCE NO. 11-64, AS SUBSEQUENTLY AMENDED, FOR AN ADDITIONAL YEAR COMMENCING JULY 12, 2018; PROVIDING FOR A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR BUILDING CODE VIOLATIONS UPON A HOMEOWNER'S COMPLIANCE WITH THE BUILDING CODE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the extension of the Amnesty Period it created in Ordinance No. 11-64, which provides for a limited exception from civil penalties for building code violations upon a homeowner's compliance with the building code. The original ordinance was previously amended to allow for extensions, with the most recent extension expiring July 12, 2018. If approved, this Ordinance would extend the Amnesty Period for an additional year, commencing July 12, 2018.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 11-64 is the original ordinance creating the Amnesty Period authorizing a limited exception from civil penalties and liens for building code violations upon a homeowner's compliance with the building code.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2011/111577.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Department/Requester: None

This proposed Ordinance was adopted on first reading at the April 10, 2018 BCC meeting, and set for public hearing before the Government Operations Committee on Tuesday, May 8, 2018, at 1:30 p.m.

FISCAL IMPACT

While the Fiscal Impact Statement has not yet been published, therefore leaving the fiscal impact unknown at this time, previous ordinances extending the Amnesty Period stated that a fiscal impact will continue to occur as a result of the practice of waiving penalties and liens previously assessed by Miami-Dade County. The extent of the fiscal impact on the County as a result of the extension will depend on the number of property owners with outstanding violations who elect to take advantage of the amnesty period and correct the violations during that time.

ANALYSIS

The proposed Ordinance extends the Amnesty Period, which allows the County to waive civil penalties and liens assessed for building code violations provided certain conditions are met by the property owner, for an additional year (through July 12, 2019).

The Amnesty Period was enacted by the Board in 2011 with the intent to encourage compliance with the Building Code while being mindful of the economic crisis that plagued the County, and nation, at the time, and the potential financial hardships that homeowners can incur as a result of County-assessed fine and penalties related to building code violations.

The Amnesty Period was subsequently extended and modified through Ordinance Nos. 12-06, 12-59, 13-61, 14-66, 15-34, 16-133, and 17-77. It applies to work performed without permits or on expired permits. Work without permits can

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lead to faulty installations, causing fires, flood damage and other hazards. As stated in the Mayor's Social Equity Statement during consideration of last year's amnesty extension ordinance, safety is part of the rationale in extending the Amnesty Period, as it can benefit purchasers of distressed homes with multiple violations that are seeking to bring such homes into compliance, in turn improving the safety and values of surrounding properties. As of July 31, 2017, more than 3,700 property owners had taken advantage of the amnesty period.

Several counties and municipalities have similar amnesty programs, with Broward County and the City of Plantation having programs where relief in the form of reduction in the value of the code enforcement lien against the property is granted in exchange for bringing the property into code compliance. The City of Plantation's Code Amnesty Program commenced on May 1, 2017 and ends on November 15, 2018, and is applicable to code liens received prior to December 31, 2016. Broward County launched the Broward Municipal Services District (BMSD) Lien Amnesty Program on October 1, 2017. Broward's program, originally slated to span six months, was recently extended until September 30, 2018.

<http://www.broward.org/Planning/FormsPublications/Documents/LienAmnestyBMSD.pdf>

According to the Miami-Dade County website, the following conditions apply to be able to participate in the program:

- This Amnesty only applies to primary owners of a residential property and does not apply to properties owned by financial institutions or commercial/industrial properties.
- This program does not apply in the event that the County has commenced a civil action to collect on the civil penalties or to foreclose a lien.
- A permit is issued to bring the structure into compliance with the Building Code within the Amnesty Period.
- The structure is brought into compliance with the Building Code within the period provided in the Building Code for completion of the work under the permit obtained within the Amnesty Period.
- All direct costs of the Regulatory and Economic Resources Department related to prior enforcement in connection with the structure, as documented by the Department shall be satisfied in full (These may include inspections, photographs, researches, recordation and enforcement recovery fee).

<https://www.miamidade.gov/building/amnesty-program.asp>

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**Item No. 1G4
File No. 180573**

Researcher: JFP Reviewer: TD

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT THE 4-DAY RULE DOES NOT APPLY TO CERTAIN ITEMS THAT BOTH URGE THE CODESIGNATION OF A ROAD AND APPROVE A CODESIGNATION OF THE SAME OR AN ADJACENT SEGMENT OF THE ROAD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the proposed Ordinance amending Section 2-1 of the County Code to reflect that the 4-day rule does not apply to certain items that both urge the codesignation of a road and approve a codesignation of the same or an adjacent segment of the road.

APPLICABLE LEGISLATION/POLICY

Section 334.071, Florida Statutes governs legislative designation of transportation facilities, prescribing that the designation of a transportation facility contained in an act of the Legislature is for honorary or memorial purposes or to distinguish a particular facility, and unless specifically provided for, shall not be construed to require any action by a local government or private party regarding the changing of any street signs, mailing address, or 911 emergency telephone number system listing.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0334/Sections/0334.071.html

Section 2-1 of the Miami-Dade County Code delineates the Rules of procedure of the County Commission.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1RUPRCOCO

Rule 5.05(a) of the Rules of Procedure of the Miami-Dade County Board of County Commissioner states that resolutions approving naming, renaming or co-designations of federal, state or municipal roads, facilities or properties shall be considered consent agenda items and placed in section 3(a) or 3(b) of the agenda, as appropriate.

<https://www.miamidade.gov/cob/library/guidelines/rules-of-procedure.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Department/Requester: None

The proposed Ordinance was adopted on first reading and set for public hearing before the Government Operations Committee on Tuesday, May 8, 2018, at 1:30 p.m.

FISCAL IMPACT

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County.

ANALYSIS

The proposed Ordinance amends Section 2-1 of the Code of Miami-Dade County to reflect desired changes to the rules of procedure, namely that resolutions which both urge the codesignation of a road and approve a codesignation of the same or an adjacent segment of the road are not to be subject to the 4-day rule.

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The table below shows the original Section 2-1 of the Code of Miami-Dade County and the proposed changes to this section of the Code underlined and in **bold**.

Section 2-1 of the County Code	Proposed changes to Section 2-1 of the County Code
<p>(c) <i>4-day rule</i>. A copy of each agenda item shall be furnished to the members of the commission not later than four (4) working days before a vote may be called on the item. The provisions of this rule shall be deemed waived unless asserted by a commissioner before the board takes action on the resolution, ordinance, motion or other item in question. The provisions of the rule may not be waived under Rule 7.01(o); however, this rule is not applicable to special or emergency meetings called pursuant to Rule 3.02, items related to the County's legislative package, resolutions recommending the acceleration and deceleration of Building Better Communities General Obligation Bond Program funding of projects using unspent bond proceeds, including interest earnings and premium funds, items approved at a committee meeting recommending or rejecting award of contracts for public improvements, and purchases of supplies, materials, and services, including professional services, resolutions related to debt obligations that do not require a public hearing, and resolutions or motions directing the Mayor or his or her designee to prepare an item for consideration by the Commission.</p>	<p>(c) <i>4-day rule</i>. A copy of each agenda item shall be furnished to the members of the commission not later than four (4) working days before a vote may be called on the item. The provisions of this rule shall be deemed waived unless asserted by a commissioner before the board takes action on the resolution, ordinance, motion or other item in question. The provisions of the rule may not be waived under Rule 7.01(o); however, this rule is not applicable to special or emergency meetings called pursuant to Rule 3.02, items related to the County's legislative package, <u>items that both urge the codesignation of a road and approve a codesignation of the same or an adjacent segment of the road,</u> resolutions recommending the acceleration and deceleration of Building Better Communities General Obligation Bond Program funding of projects using unspent bond proceeds, including interest earnings and premium funds, items approved at a committee meeting recommending or rejecting award of contracts for public improvements, and purchases of supplies, materials, and services, including professional services, resolutions related to debt obligations that do not require a public hearing, and resolutions or motions directing the Mayor or his or her designee to prepare an item for consideration by the Commission.</p>

The Office of the Commission Auditor (OCA) is tasked with conducting background checks of those individuals who are the subject of the road codesignation. It is unclear how this policy change will impact this practice.

Input from District 6

What is the reasoning behind amending the Board's Rules of Procedure so that resolutions that both urge the codesignation of a road and approve a codesignation of the same or an adjacent segment of the road are not subject to the 4-day rule?

This type of policy change is the prerogative of the Board.

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Research Notes**

**Item No. 3A
File No. 181053**

Researcher: BM Reviewer: TD

RESOLUTION APPROVING AND RATIFYING MEMORANDUM OF UNDERSTANDING REGARDING FINANCE DEPARTMENT'S CREDIT AND COLLECTION SECTION'S GAINSHARING COLLECTION PROGRAM

ISSUE/REQUESTED ACTION

Whether the Board should adopt a resolution approving a Memorandum of Understanding (MOU) between the County, the Government Supervisors Association of Florida Local 100 (GSAF), and American Federation of State, County and Municipal Employees (AFSCME) Local 199 regarding the Finance Department's Credit and Collection Section's gainsharing collection program.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-977-04, adopted by the Board on July 27, 2004, approved an MOU for the gainsharing program.
<http://intra/gia/legistarfiles/Matters/Y2004/041638.pdf>

Resolution No. R-734-13, adopted by the Board on September 17, 2013, approved the replacement MOU for the gainsharing program.
<http://intra/gia/legistarfiles/MinMatters/Y2013/131539min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None
Department/Requester: Finance Department
This item has no procedural history.

FISCAL IMPACT

The item is designed to have a positive fiscal impact to the County as it incentivizes employees to collect debts owed to the various departments throughout the County. The gainsharing payouts will be funded solely from the revenues retained by the Credit and Collection Section generated from their collection activities. The intention is to maximize yearly revenue collections.

As reported on the Mayoral memo, \$143 million have been collected since the inception of the original MOU in 2004. The tables below provide the results of the gainsharing program from FY 2009-10 through 2016-17.

Credit and Collection Performance Under MOU				
	FY 2009-10	FY 2010-11	FY 2011-12	Since Inception
Total Collections by Unit	\$10.9 million	\$4.6 million	\$6.0 million	\$87.4 million
Gross MOU Collections	2.7 million	3.5 million	4.4 million	31.5 million
Revenues Retained by Finance	1.7 million	1.8 million	2.1 million	22.7 million
Total Gainshare Awarded for Unit	\$34,940	\$46,450	\$47,400	\$417,805

Credit and Collection Performance Under MOU				
	FY 2014-15	FY 2015-16	FY 2016-17	Since Inception
Total Collections by Unit	\$11.4 million	\$12.1 million	\$13.1 million	\$142.6 million
Gross MOU Collections	9.0 million	8.8 million	10.2 million	74.63 million

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Revenues Retained by Finance	3.7 million	3.7 million	4 million	40 million
Total Gainshare Awarded for Unit	\$97,742	\$52,220	\$67,930	\$782,377

ANALYSIS

This item approves and ratifies an MOU between the County, the Government Supervisors Association of Florida Local 100, and AFSCME Local 199 regarding the Finance Department’s Credit and Collection Section’s gainsharing collection program. The Section and the unions representing the employees participating in the gainsharing collection program previously entered into a Memorandum of Understanding with the Administration regarding the gainsharing collection program.

The Employee and Labor Relations Division plans, directs, develops and coordinates negotiation and administration of all County collective bargaining agreements in accordance with Florida statutes. The AFSCME and GSAF both have a Collective Bargaining Agreement with the County. Additional information as it relates to the collective bargaining agreements is at the following link:

<http://www.miamidade.gov/humanresources/library/labor-relations-gsaf-supervisory.pdf>.

The Federal Trade Commission (FTC), the nation's consumer protection agency, enforces the Fair Debt Collection Practices Act (FDCPA), which prohibits debt collectors from using abusive, unfair, or deceptive practices to collect from you. Access to the Act is provided at the following link:

<https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/fair-debt-collection-practices-act-text>

Florida Statutes, section 559.55, relates to debt collection including for governmental bodies. Access statutes is provide at the following link:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0500-0599/0559/Sections/0559.55.html

Gainsharing is defined as a system of rewarding groups of employees who work together to improve performance through use of labor, capital, materials and energy. In return for meeting established target performance levels, the employees receive shares of the resulting savings from performance gains, usually in the form of a cash bonus. This program provides additional incentives to employees to recover debts and increase the amount of revenue retained by the County.

Below is a list of agencies that participate in a gainsharing collection program with their employees:

- City of Charlotte, NC
- City of College Station, TX
- Maricopa County, AZ
- Virginia Beach Public City Schools

The primary responsibility of the Credit and Collections Section is to perform collection work on debts owed to the various departments throughout the County, while adhering to state and federal laws regarding the collection

The proposed MOU would be effective for a three-year period, commencing October 1, 2018, and may be extended, by mutual consent, for up to seven, one-year periods.

In 2004, the County’s Finance Department’s Credit and Collection Section instituted a gainsharing collection program where participating employees receive financial incentives for achieving certain collection goals.

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The proposed MOU contains the following revisions additional incentives:

1. The updated MOU eliminates the net revenue gainsharing payout and replaces it with a payout based on exceeding administrative collection targets. The payout for these administrative collections will be awarded to support staff, support staff managers, and the Credit and Collection Manager when administrative collections are 15 percent above the previous three-year average of total monthly administrative collections.
2. The current MOU provides collectors that exceed certain collection targets a maximum monthly incentive payout of \$400. The updated MOU provides these collectors with a more attainable gainsharing bonus entry point, but in return, challenge them with a higher target needed to receive the \$400 payout;
3. The updated MOU eliminates the additional \$150 monthly payout received when the collector was able to collect twice the amount that would have generated the payout of \$400;
4. The updated MOU eliminates the end of year \$1,000 team bonus for all participants. This feature was replaced with a tiered quarterly incentive of up to \$700 for collectors able to maintain a monthly collection average during a quarter 89 percent higher than the standard monthly collection target. Collector supervisors will be rewarded with payouts based on their team of collectors' performance;
5. The updated MOU revised the support staff gainsharing bonus that was originally tied to the entire section's collector activities and is based on the number of teams of collectors achieving their monthly collections target; and

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Research Notes**

**Item No. 3B
File No. 180868**

Researcher: BM Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00626 IN A TOTAL AMOUNT UP TO \$13,982,000.00 FOR THE PURCHASE OF AUDIO VISUAL EQUIPMENT AND SUPPLIES FOR VARIOUS COUNTY DEPARTMENTS FOR AN INITIAL TERM OF FIVE YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BIENNIAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should approve a resolution establishing a prequalification pool, RTQ-00626, Audio Visual Equipment and Supplies, for multiple County departments at a value of \$13,982,000 for an initial term of five-years.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

Resolution No. R-140-15, adopted on February 3, 2015, directs the County Mayor or County Mayor's designee to conduct a full review, prior to re-procurement of replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County, to include information in recommendations to the Board, and to consult with the Small Business Development Division regarding solicitation and contract language.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

Resolution No. R-1011-15, adopted on November 3, 2015, directs the County Mayor or County Mayor's designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ; and directed the County Mayor or County Mayor's designee to include such information in a memorandum to the Board pertaining to a vendor being recommended for contract award.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

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Miami-Dade County, Code Section 29-124(f), *Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust*, states that where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars (\$1,000,000.00) unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a majority vote. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item has no procedural history.

FISCAL IMPACT

The fiscal impact for the establishment of Prequalification Pool RTQ-00626, Audio Visual Equipment and Supplies, for an initial five-year term is \$13,982,000. The funding will be provided through different funding sources depending on the Department.

A search on the Bid Tracking System on May 3, 2018, as it relates to the current prequalification pool 8279-5/18-1, resulted in the following information: \$13,152,137 has been allocated to the contract's Blanket Purchase of which \$9,412,541 has been released, leaving a balance of \$3,739,595. The pool has a cumulative value of \$22,940,000 and expires on July 31, 2018. The proposed cost allocation, even though slightly higher, is in line with the current pool's cost allocation.

ANALYSIS

The proposed Prequalification Pool RTQ-00626, Audio Visual Equipment and Supplies, is for an initial five-year term, at a value of \$13,982,000. The pool would provide multiple County departments with prequalified vendors capable of for purchases of a wide variety of audio visual equipment and supplies, such as commercial and educational audio visual equipment, slide-tape presentations, films, televisions, CDs, videos, and all related products and installation support.

This is an open pool and will remain open, allowing qualified vendors to be added once they have completed the prequalification criteria.

In response to its solicitation regarding the prequalification pool, the county received responses from 21 vendors. Ten vendors are recommended for inclusion into the prequalification pool. Eight vendors are pending submission of the required documents to satisfy the prequalification criteria with the County. Three vendors did not submit bids.

Of the ten recommended vendors, all but one, American Process Group, Inc., are currently awarded under the current prequalification pool, RTQ-0025. Only one of the recommended vendors, Envirowaste Services Group, Inc., has a local

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address. Per the Mayoral memo, the specialized nature of the required services and large overhead cost limits the number of vendors that can provide the service. The prequalification pool is intended to remain open and will remain advertised on the County website for possible inclusion of other vendors. Below is a summary of the vendor submission information:

Vendor	Local Address	Prequalification Status
Audio Visual Innovations, Inc.	No	Prequalified for Pool
CDW Government, LLC	No	Prequalified for Pool
Classroom Outfitters, LLC	Yes	Prequalified for Pool
Computer Station of Orlando, Inc.	No	Prequalified for Pool
Emtec Group, Inc.	No	Prequalified for Pool
Encore Broadcast Equipment Sales, Inc.	No	Prequalified for Pool
Howard Industries, Inc. dba Howard Technology Solutions	No	Prequalified for Pool
Pro Sound, Inc.	Yes	Prequalified for Pool
Pyramid Paper Company dba Pyramid School Products	No	Prequalified for Pool
School Specialty, Inc.	No	Prequalified for Pool

A search of the Miami-Dade County Small Business Enterprise Certified Firms list, on May 3, 2018, resulted in the following firms under commodity code no. 88011 – Audio Visual Equipment and Supplies (Not Otherwise Classified)

- High End Audio Visual, Inc.
- Home Entertainment Systems, Inc.

Per the information on the Bid Tracking System, on May 2, 2018, neither of the two firms found in the SBE list have submitted a bid proposal for consideration for inclusion into the prequalification pool. However, per the Mayoral memo, SBEs were contacted but only one submitted a bid proposal. The other SBEs advised that they are either not interested or they were not audio visual firms.

ADDITIONAL INFORMATION

OCA searched on the Florida Department of State Division of Corporations website (Sunbiz.org) for the registration status and determined that all of the recommended vendors are currently registered and active to conduct business in the state of Florida.

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Research Notes**

**Item No. 3C
File No. 181029**

Researcher: PGE Reviewer: TD

RESOLUTION AMENDING AWARD OF CONTRACT NO. RFP-00160 TO CORVEL HEALTHCARE CORPORATION FOR DELIVERY OF A COMPREHENSIVE CLAIMS MANAGEMENT SYSTEM AND ASSOCIATED CLAIMS SERVICES FOR WORKERS COMPENSATION AND LIABILITY PROGRAMS FOR THE INTERNAL SERVICES DEPARTMENT IN AN AMOUNT OF UP TO \$28,383,000.00 FOR THE INITIAL FIVE-YEAR TERM AND TWO, FIVE-YEAR OPTIONS TO RENEW; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize amending the County's contract with CorVel Healthcare Corporation for delivery of a comprehensive claims management system and associated claims services for workers' compensation and liability programs in order to retract the contract provision allowing CorVel to open and close bank accounts in the County's name.

APPLICABLE LEGISLATION/POLICY

Chapter 440 of the Florida Statutes governs the administration of workers' compensation throughout the state and bars all employee petitions for benefits unless the employee, or the employee's estate if the employee is deceased, has advised the employer of the injury or death and the petition is filed within two years after the date on which the employee knew or should have known that the injury or death arose out of work performed in the course and scope of employment.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0440/0440.html

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Resolution No. R-747-17, adopted by the Board on July 18, 2017, awarded Contract No. RFP-00160 to CorVel Healthcare Corporation for delivery of a comprehensive claims management system and associated claims services for workers compensation and liability programs for the Internal Services Department in an amount of up to \$28,383,000 for the initial five-year term and two, five-year options to renew.

<http://intra/gia/matter.asp?matter=171463&file=true&yearFolder=Y2017>

Resolution No. R-716-12, adopted by the Board on September 4, 2012, requires identification of a firm's small business enterprise program certification in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

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Resolution No. R-391-17, adopted by the Board on April 4, 2017, directs the County Mayor to provide specific findings of fact in any item presented to the Board seeking to authorize additional scope in a contract as to why the provision of goods and services through competition instead of via adding additional scope is not feasible.

<http://intra/gia/matter.asp?matter=170534&file=true&yearFolder=Y2017>

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

FISCAL IMPACT

The contract is in its initial five-year term, which is valued at \$9,461,000. Per information found in the Bid Tracking System on May 7, 2018, of the \$9,461,000 allocated to the contract's Blanket Purchase Order, \$362,827.72 has been released, leaving a balance of \$9,098,172.28. Should the County exercise the two, five-year options to renew, the estimated cumulative value will be \$28,383,000. Neither a time extension nor a cost increase is being requested under this contract amendment.

ANALYSIS

This item is requesting Board approval to amend the County's contract with CorVel Healthcare Corporation for delivery of a comprehensive claims management system and associated claims services for workers' compensation and liability programs. More specifically, the contract currently provides a Designation of Agent by the Contractor, which allows the Contractor to open and close bank accounts in the name of the County. That provision is inconsistent with County practices as the County restricts the opening of County bank accounts to the Finance Director. Accordingly, the proffered amendment is needed to modify the terms of the contract to reflect the County's internal processes for claims management services.

The proffered amendments will be effectuated through Supplemental Agreement No. 1, which does the following:

- Under Section 2.4.3 of the contract's Scope of Services (Contractual Claims Services: Check Services and Printing), the first paragraph, second sentence reads: "the Contractor will provide accurate supporting documentation including 1099s, positive pay reports etc. which are critical to secure and ensure a fiscally sound payment system as described hereunder;" that language is replaced with: "the contractor will provide accurate supporting documentation including positive pay reports etc., which are critical to secure and ensure fiscally sound payment system as described hereunder. The Contractor will file the appropriate required 1099 documentation with the IRS for all vendors paid on behalf of Miami-Dade County (MDC), Internal Services Risk Management Division."
- Under Section 2.4.3 of the Scope of Services (Contractual Claims Services: Check Services and Printing), the 11th bullet point reading: "To provide the required check services, the Contractor shall generate a 1099 extract file for County by the 15th of January. In the event that errors occur in the file, the Contractor may be liable for resulting penalties," is replaced with: "the Contractor will file the appropriate required 1099

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documentation with the IRS for all vendors paid on behalf of MDC Internal Services Risk Management Division and will be responsible for any fees/penalties associated therewith.”

- Deletes the last bullet under the subsection titled “the County shall have the following responsibilities” of Section 2.4.3 of the Scope of Services that reads: “the County will be responsible for 1099 IRS Reporting and all Penalties associated with the 1099 process.”
- Under Section 2.4.4 of the Scope of Services (Contractual Claims Services: Funding Account), the second sentence: “The account shall be in the name of the County for the exclusive use of the County’s WC and Liability programs,” is replaced with “the account shall be in the name of the Contractor for the exclusive use of the County’s WC and Liability programs.”
- Under Section 2.4.5 (Contractual Claims Services: ISO Indexing), the third sentence: “the Contractor shall provide access through the Contractor to ISO, and that the ISO reports are automatically incorporated into the file,” is replaced with: “the Contractor shall provide access through the Contractor’s CMS to ISO.”

The Supplemental Agreement No. 1 was signed by CorVel, through its Treasurer, on March 22, 2018.

The contract was approved by the Board on July 18, 2017 and is in its initial term, which expires on August 31, 2022. Under the contract, CorVel shall provide Software as a Service for a comprehensive Claims Management System (CMS) as Contractor’s CareMC Application and Online Systems and Claims Services for its Workers Compensation (WC) and Liability Programs. CorVel will provide access to its CMS as a replacement for the County’s existing workers’ compensation and liability system including subrogation claims processing system. Additionally, the County seeks Claims Services such as WC Pharmacy Benefit Management Program, WC bill review Medical Electronic Data Interchange capabilities, access to the Contractor’s PPO network and Indexing Service Organization (ISO) indexing.

CorVel shall provide a turn-key CMS under a leasing arrangement with the County, which includes implementation, configuration, data conversion, testing, training and maintenance and technical support services for the Software as a Service and all Claims Services. CorVel shall grant the County access to its existing software for the CMS and full access to contracted Claims Services.

ADDITIONAL INFORMATION

A May 7, 2018 search on sunbiz.org (Florida Department of State, Division of Corporations website) for CorVel Healthcare Corporation listed the vendor as an active foreign for-profit corporation with a principal address of 2010 Main Street, Suite 600, Irvine, California.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=CORVELHEALTHCARE%20P378861&aggregateId=forp-p37886-74893532-5521-4562-8a74-24e20410b77a&searchTerm=CorVel%20Healthcare&listNameOrder=CORVELHEALTHCARE%20P378861>

CorVel has four Florida locations: Jacksonville, Lake Mary, Sunrise and Tampa. Its website states that the company is a national provider of risk management solutions for the workers’ compensation, auto, health and disability management industries.

<http://www.corvel.com/about-us/>

A recent WLRN article summarizes disputed workers’ compensation bills throughout Florida.

<http://wlrn.org/post/report-details-disputed-workers-comp-bills>

See the link below to the Florida Department of Financial Services Division of Workers’ Compensation website.

<https://www.myfloridacfo.com/division/wc/>

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**Item No. 3D
File No. 181035**

Researcher: SM Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00620 IN A TOTAL AMOUNT UP TO \$15,060,000.00 FOR PROCESS CONTROL AND INSTRUMENTATION FOR VARIOUS COUNTY DEPARTMENTS FOR A TERM OF FIVE YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should approve this Resolution authorizing the establishment of prequalification pool RTQ-00620 in a total amount up to \$15,060,000 for process control and instrumentation for various County departments for a term of five years.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-140-15 adopted February 3, 2015 is a Resolution directing the County Mayor to conduct a full review, prior to re-procurement of replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2015/150090.pdf>

Resolution No. R-187-12 adopted February 21, 2012 is a Resolution directing the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2012/120287.pdf>

Section 2-8.1 of the Code of Miami-Dade County, requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved; establishes requirements for legacy purchases, designated purchases, and single vehicle leases; provides that procurement procedures shall be established by I.O. and approved by the Board.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order 3-38 governs the County's processes and procedures for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. Contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Internal Services

This item does not have procedural history.

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FISCAL IMPACT

The Bid Tracking System currently has an advertised value of \$14,930,000, and an awarded value of \$0 for pool RTQ-00620 as of May 7, 2018. The mayoral memo states that the fiscal impact for a five-year term will be \$15,060,000. The current pool CA7959-3/11 is valued at \$28,804,194 for a twelve year term that expires July 31, 2018. The table below depicts the price differences relating to the pools.

The current pool over a twelve-year period	The new pool under a 5 year period
\$2,400,349.5 per year	\$3,012,000 per year

The new pool will have an increase of \$611,650.5 per year from the previous pool, during the five year period.

ANALYSIS

This item establishes a prequalification pool, RTQ-00620 Process Control and Instrumentation, for the Water and Sewer and the Regulatory and Economic Resources Department.

This provides for the purchase of process control and instrumentation units, parts and services. These types of equipment are used to monitor, analyze and control various processes in water and wastewater treatment, in addition to the testing, identification, and measurement for the analyzing of environmental contaminants.

The mayoral memo states nine vendors are recommended for inclusion in the pool with two of the nine local. OCA performed a commodity search on May 7, 2018, using commodity code 92557 Instrumentation, Professional Services, and located the additional local vendors:

- I&C Consulting Engineers, Corp. The address listed is 227 W 32nd St Hialeah, FL 33012
- Nifah and Partners Consulting Engineers, Inc. The address listed is 8785 SW 165 Avenue, Miami, FL 33193

Process control and instrumentation equipment has a diverse nature creating the necessity to establish a pool including both local and non-local vendors in order to ensure availability of the goods and services to support operations.

OCA asked the department representative the following questions on May 7, 2018 and are awaiting response:

1. Why weren't local vendors I&C Consulting Engineers, Corp, and Nifah and Partners Consulting Engineers, Inc. considered for inclusion in the vendors recommended for prequalification list?
2. What steps does the Department take to reach out to local vendors?
3. What economic impact will this have to the County as it relates to job creation?
4. The mayoral memo, as of May 7, 2018, shows an allocation of \$15,060,000 while the Bid Tracking system has an Advertised Value of \$14,930,000 as of May 7, 2018, why is there a difference?
5. Why isn't the current pool being extended instead of creating a new pool?