



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

Public Safety and Health Committee (PSHC)

September 13, 2018
1:30 P.M.
Commission Chambers

Thomas B. Davis, Esq.
Director, Policy and Legislation
Office of the Commission Auditor (OCA)
111 N.W. First Street, Suite 1030
Miami, FL 33128
(305) 375-2524

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Research Notes

Item No. 2B
File No. 182097

Researcher: MF Reviewer: TD

RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING WITH CHILDREN'S LEGAL SERVICES TO JOIN THE COUNTY'S E-NOTIFY SYSTEM; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE MEMORANDUM OF UNDERSTANDING AND ANY REQUIRED AMENDMENTS TO THE E-NOTIFY SYSTEM MEMORANDUM OF UNDERSTANDING; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ADDITIONAL MEMORANDA OF UNDERSTANDING WITH OTHER AGENCIES SEEKING TO JOIN THE E-NOTIFY SYSTEM UPON APPROVAL BY THE E-NOTIFY STEERING COMMITTEE

ISSUE/REQUESTED ACTION

Whether the Board should approve the Memorandum of Understanding with Children's Legal Services (CLS) to allow CLS to join the County's e-Notify System.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-709-07, adopted by the Board on June 5, 2007, authorized execution of a Memorandum of Understanding with the State Attorney's Office, Public Defender's Office, Clerk of Courts, Administrative Office of the Courts, and Miami-Dade County Association of Chiefs of Police establishing the terms for the use and oversight of the e-Notify System.

<http://intra/gia/matter.asp?matter=071387&file=true&yearFolder=Y2007>

Resolution No. R-447-13, adopted by the Board on June 4, 2013, ratified a Letter Agreement with the Office of Criminal Conflict to provide access to the County's e-Notify System.

<http://intra/gia/matter.asp?matter=130785&file=true&yearFolder=Y2013>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

Department/Requester: N/A

The proposed resolution has no procedural history.

ANALYSIS

On June 5, 2007, the Board adopted Resolution No. R-709-07, which authorized execution of a Memorandum of Understanding with the State Attorney's Office, Public Defender's Office, Clerk of Courts, Administrative Office of the Courts, and Miami-Dade County Association of Chiefs of Police establishing the terms for the use and oversight of the e-notify system.

The e-Notify System provides an automated process that helps streamline the process conducted by the Miami-Dade Police Department Court Services Bureau and the Clerk of Courts in the delivery and notification of subpoenas and court notifications to law enforcement witnesses. It helps improve monitoring of law enforcement court-related overtime expenses and enhances the communication among the court and law enforcement agencies.

The County and the Miami-Dade Association of Chiefs of Police (MDCACP) are jointly responsible for the yearly cost of maintaining the software license. According to 2007 Memorandum of Understanding, the County supports the hardware infrastructure necessary to support the system, while MDCAPC pays for application software maintenance

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costs, established at \$30,240 per year during the first 24 months of system use; and after the initial period, pays the actual costs to maintain the software.

On June 4, 2013, the Board adopted Resolution No. R-447-13, which ratified a Letter Agreement with the Office of Criminal Conflict and Civil Regional Counsel Third Region of Florida to provide access to the County's e-Notify System.

The proposed resolution seeks the Board's approval of a Memorandum of Understanding with Children's Legal Services (CLS) to join the County's e-Notify System. CLS's application has already been approved by the e-Notify Steering Committee, composed of representatives of the original signatories to the 2007 agreement.

ADDITIONAL INFORMATION

Children's Legal Services (CLS) represents the State of Florida through the Department of Children and Families to ensure the health and safety of children and the integrity of families. Working with other department programs and community stakeholders, CLS advocates for the safety, well-being, and permanency of Florida's abused, abandoned and neglected children.

<http://www.myflfamilies.com/service-programs/childrens-legal-services>

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Item No. 3A
File No. 182088

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING AWARD OF CONTRACT NO. BW9890-0/23 AS A DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT FOR THE PURCHASE OF CLEAR ONLINE INVESTIGATION SOFTWARE IN AN AMOUNT NOT TO EXCEED \$1,200,000.00 FOR THE MIAMI-DADE POLICE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, 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 approve a designated purchase to extend Contract No. BW9890-0/23 with West Publishing Corporation for "Clear Online Investigation Software (Clear) for the Miami-Dade Police Department for an amount not to exceed \$1,200,000.00.

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.

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Section 2-8.1(b)(3) of the County Code provides for designated purchase upon a majority vote of the Board members present. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) solicitations where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer.

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[dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](#)

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-695-17, adopted on July 6, 2017, authorizing waiver of bid procedures by a two-thirds vote of the members present pursuant to section 5.03(d) of the Miami-Dade County charter and section 2-8.1 of the County code and authorizing the county mayor or the county mayor's designee to exercise a one-year option to renew period for Contract No. SS9890-et, clear investigation software, with an allocation of up to \$240,000.00 for the Information Technology

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Department; and authorizing the County Mayor or County Mayor's designee to exercise all provisions of the contract pursuant to section 2-8.1 of the County code and Implementing order 3-38 [see original item under file no. 171350]
<http://intra/gia/matter.asp?matter=171700&file=true&yearFolder=Y2017>

Resolution No. R-1011-15, adopted by the Board on November 3, 2015, directs the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ in memoranda to the Board pertaining to vendors being recommended for contract award.
<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

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 Department

ANALYSIS

This item is requesting Board approval for a designated purchase to extend Contract No. BW9890-0/23 with West Publishing Corporation for "Clear Online Investigation Software (Clear) for the Miami-Dade Police Department for an amount not to exceed \$1,200,000.00.

Clear is a secure, web-based investigative interface that allows criminal investigators and analysts to efficiently and effectively access a vast array of catalogued public information and exclusive data on people and businesses.

The Fiscal Impact of this contract is estimated to cost \$1,200,000.00, and will be have a Countywide Impact. The funding source for this contract is the "General Fund".

The Mayoral memo states that a Request for Information was issued and market research was completed to identify other vendors capable of providing services similar to those provided by Clear. The market research yielded two vendors in the law enforcement industry who offer services similar to those provided by Clear. However, the software from those vendors does not provide the extensive law enforcement data platform as provided by Clear. Clear provides data from the three major credit card bureaus, direct access to license plate reader data from a direct source, and access to more than 100 million incarceration and arrest records, updated every hour. The other two vendors provide data from only one major credit card bureau, have access to limited license plate reader data from commercial third party providers, and although they provide access to incarceration and arrest records, those records are not updated hourly. The aforementioned distinctions in the data platforms from these vendors affirms Clear to be a more streamlined and efficient database that is necessary for the Department's criminal investigators. Based on these findings, competition is not practicable at this time. Accordingly, it is in the County's best interest to approve this designated purchase pursuant to Section 2-8.1(b)(3) of the Miami-Dade County Code.

Per the Project Administration module of the County's e-Procurement System, the fiscal impact to the Miami-Dade Police Department is \$1,200,000. The initial amount was \$240,000 and the contract that was approved on October 01/2017 bringing the total sum of the contract to \$15,216,000.

The initial contract (SS9890ET) was effective on September 21, 2016 and was scheduled to expire on September 30, 2017. It was presented as sole source contract with an option to renew and was approved by the Board. The option to renew was

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executed (SS9980-ET-1(2) on October 1, 2017 and is scheduled to expire on November 30, 2018. The yearly allocation under the current option is \$240,000 and the yearly allocation under the recommended contract is also \$240,000.00. The current contract is being presented to the Board as a “Designated Purchase”.

Timeline

Effective Date	Expiration Date	Value
09/21/2016	09/30/2017	\$ 240,000.00
10/01/2017	11/30/2018	\$ 279,900.00
Total		\$ 519,900.00

The Market Research for this procurement indicates that the initial system was purchased from Environmental Systems Research Institute Inc., on July 1, 2007, to provide the GIS services County wide. Over the years contract renewals have been exercised and supported by the following contracts: BW8207-2/12, BW8207-2/12-1, BW8207 2/12-2 and BW8207-2/12-3.

Under the contract, West Publishing Corporation will provide access to the following but not limited to: to critical investigative information such as license plate recognition data, utility data, real-time incarceration and arrest records, information originating from all three major credit bureaus, cellular phone data, information from social networking sites, and more. This data is beneficial to law enforcement when attempting to locate people and assets, verifying identities, pinpointing businesses and business affiliations, and uncovering other useful information for investigations.

OCA performed a search for commodity code 99052: (Investigative Services) on the Business Management Workforce System’s Certified Vendor Directory on September 12, 2018. Fourteen local SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned code.

ADDITIONAL INFORMATION.

Per the Market Research, City of Fort Lauderdale, and the Florida Highway Patrol use West Publishing Corporation.

<https://www.fortlauderdale.gov/departments/finance/procurement-services/contract-list-sorted-by-vendor>

<https://www.flhsmv.gov/pdf/cabinetreports/1stquarter20092010.pdf>

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Item No. 3B
File No. 182027

Researcher: MF Reviewer: TD

RESOLUTION RETROACTIVELY APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE FLORIDA DEPARTMENT OF JUVENILE JUSTICE (DJJ) AND MIAMI-DADE COUNTY, THROUGH ITS JUVENILE SERVICES DEPARTMENT, RELATING TO THE DESIGNATION OF DJJ'S MIAMI-DADE REGIONAL JUVENILE DETENTION CENTER AS THE ALTERNATE FACILITY TO PROCESS IN-CUSTODY YOUTH DURING CERTAIN TIMES OF EMERGENCY; RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE MEMORANDUM OF UNDERSTANDING; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS, EXTENSIONS, AND RENEWALS OF THE MEMORANDUM OF UNDERSTANDING AND TO EXERCISE TERMINATION, MODIFICATION, AND OTHER PROVISIONS SET FORTH THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should retroactively approve a Memorandum of Understanding between the Florida Department of Juvenile Justice (DJJ) and Miami-Dade County, through its Juvenile Services Department, relating to the designation of DJJ's Miami-Dade Regional Juvenile Detention Center as the alternate facility to process in-custody youth during certain times of emergency.

APPLICABLE LEGISLATION/POLICY

N/A

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Juvenile Services Department

The proposed resolution has no procedural history.

ANALYSIS

The proposed resolution requests the Board to retroactively approve a Memorandum of Understanding (MOU) between the Florida Department of Juvenile Justice (DJJ) and Miami-Dade County, through its Juvenile Services Department, relating to the designation of DJJ's Miami-Dade Regional Juvenile Detention Center as the alternate facility to process in-custody youth during certain times of emergency.

The purpose of the MOU is to ensure that the arrest, processing, assessment, and safe harbor of juvenile clients continue during times of an emergency, including prior to, during, or immediately after a hurricane, other natural disaster and/or any other emergency, including:

- Evacuations and/or mobilizations relative to a hurricane, natural storm, or flooding;
- Civil disorder or terror threat;
- Any event or crisis, as determined by the Juvenile Services Department or DJJ that requires implementation of the provisions in the MOU;
- Mass immigrations that impact the Juvenile Services Department's ability and capacity to operate; and
- Any event that causes the Juvenile Services Department to cease or suspend operations at the Don Hickman Building located at 275 NW 2nd Street, Miami, FL 33128.

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In the event that the Intake and Assessment Operations Unit (IAO) of the Juvenile Services Department is required to suspend operations for any of the above reasons which impact the safety of clients and personnel, the IAO may relocate its emergency operations and a maximum of 10 Juvenile Services personnel and 20 in-custody youths to DJJ's Miami-Dade Regional Juvenile Detention Center located at 3300 NW 27th Avenue, Miami, FL 33142. This location will serve as the designated alternate facility for the Juvenile Services Department. If the department has more than 20 in-custody youths at the time of an emergency, all of these youths will be accepted by DJJ, upon mutual agreement of the parties.

The proposed resolution also requests that the Board authorize the County Mayor to execute the MOU; to execute amendments, extensions, and renewals of the MOU; and to exercise termination, modification and other provision contained in the MOU. According to the Fiscal Impact Statement, there is no fiscal impact to the County to execute this MOU.

ADDITIONAL INFORMATION

The following information is taken from a Juvenile Services Department report on juvenile arrests in 2017.

Juvenile Arrests Continue to Decline



- Since **1998**, a total of **81%** decrease
- In **2017**, a total of **3,070** Juvenile Arrests
- In **2017**, **1%** of the arrested youth were ages **12 and under**;
34% were between **13-15 years of age**; **58%** were between ages **16-17**; **7%** were **18 years of age and over**

Top 10 Zip Codes*	Top 10 Charges**
33128	Grand Larceny (excluding auto theft)
33147	Misdemeanor Obstruction of Justice
33142	Aggravated Assault and-or Battery
33030	Auto Theft
33033	Misdemeanor Drug Laws
33034	Assault and or Battery (not aggravated)
33032	Felony Drug Laws
33161	Burglary
33056	Weapon or Firearm Offenses
33150	Felony Other

*Zip Code represent youth's residence at the time of arrest.

**Charge is defined as the number of charge counts issued per statute group. Statutes are based on the Florida Department of Juvenile Justice's statute grouping.

***Juvenile Arrest is defined by the number of bookings (not number of individuals) for the specified time period and agency.

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Item No. 3C
File No. 182060

Researcher: IL Reviewer: TD

RESOLUTION RETROACTIVELY DECLARING APPROXIMATELY 2,500 EXPIRED BULLETPROOF VESTS SURPLUS; WAIVING SECTION 2-11.2.1(B) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF MEMBERS PRESENT; AND RETROACTIVELY AUTHORIZING THEIR DONATION TO THE ASSOCIATION OF CARIBBEAN COMMISSIONERS OF POLICE

ISSUE/REQUESTED ACTION

Whether the Board should retroactively declare approximately 2,500 expired bulletproof vests surplus; waiving section 2-11.2.1(b) of the code of Miami-Dade County by a two-thirds vote of members present; and retroactively authorizing their donation to the association of Caribbean commissioners of police.

APPLICABLE LEGISLATION/POLICY

Florida Statute 274.05 Surplus Property governs the_A governmental unit shall have discretion to classify as surplus any of its property, which property is not otherwise lawfully disposed of, that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. Within the reasonable exercise of its discretion and having consideration for the best interests of the county or district, the value and condition of property classified as surplus, and the probability of such property's being desired by the prospective bidder or donee to whom offered, the governmental unit may offer surplus property to other governmental units in the county or district for sale or donation or may offer the property to private nonprofit agencies as defined in s. [273.01](#)(3) by sale or donation.

<http://www.flsenate.gov/Laws/Statutes/2012/274.05>

Florida Statute 273.01 governs State-Owned Tangible Personal Property_Custodian” means any elected or appointed state officer, board, commission, or authority, and any other person or agency entitled to lawful custody of property owned by the state. (2) “Property” means all tangible personal property owned by the state. (3)“Private nonprofit agency” means a nonprofit charitable organization, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, which has been held to be tax-exempt under the provisions of s. 501 of the Internal Revenue Code of 1954, and which has as its principal mission:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0273/Sections/0273.01.html

Section 2-11.2.1(b) (d) of the County Code, governs *Sale, donation or other disposition of surplus property*. To the extent not inconsistent with state or federal law, surplus property may be sold, donated or otherwise disposed of only in the manner set forth in this section. Within the reasonable exercise of its discretion and having consideration for the best interests of the County, the value and condition of the surplus property, and the probability of such property being desired by the prospective bidder to whom offered, the County shall offer surplus property in the following order of preference: first, to the Parks and Recreation Department at no cost for use in the Department's preventative programs; and thereafter, to other County departments and agencies at no cost for use in Miami-Dade County. *Exception for foreign governmental entities and certain foreign not-for-profit organizations*. Notwithstanding the foregoing, the Board of County Commissioners may waive the procedure set forth in subsection (b) above by a two-thirds (2/3) vote of members present and may donate: (i) Surplus property to a foreign governmental entity; and (ii) Surplus firefighting equipment to a foreign governmental entity or a foreign not-for-profit organization that provides firefighting services on behalf of a non-communist foreign government; upon a finding that the property is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community based organization.

https://library.municode.com/fl/miami_-

[dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.2.1DICOSUPR](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.2.1DICOSUPR)

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Rule 5.05(g) of the Board's Rule of Procedures authorizes the County Mayor or County Mayor's designee to administer County business during the Board of County Commissioners' annual summer recess as provided therein, and directs that all actions taken pursuant to such authority be submitted to this Board for ratification at its regular meeting in October
<https://www.miamidade.gov/cob/library/guidelines/rules-of-procedure.pdf>

PROCEDURAL HISTORY

Prime Sponsor: District 4 Commissioner Sally A. Heyman

Department/Requester: Miami Dade Police Department

ANALYSIS

This item seeks Board acceptance to retroactively declare approximately 2,500 expired bulletproof vests surplus; waiving section 2-11.2.1(b) of the code of Miami-Dade County by a two-thirds vote of members present; and retroactively authorizing their donation to the association of Caribbean commissioners of police.

There is no fiscal impact to the County. Potential Social impact for Miami-Dade County to show good faith in working with neighboring Countries and their respective Law Enforcement community.

In accordance with best practices for officer safety and the policies of the MDPD, the MDPD encourages sworn police personnel and other departmental employees to wear approved body armor on-duty. Body armor, as with many kinds of specialized equipment, expires after a period of time and officers must replace the vests. Presently, the MDPD has approximately 2,500 expired vests in storage.

In disposing of these vests, the Department, in partnership with the Department of State, identified the Association of Caribbean Commissioners of Police as an appropriate organization to receive this donation. The Association represents 25 countries across the Caribbean region and also partners with many law enforcement agencies regionally and internationally. This equipment will be used by law enforcement officers of the member nations in line with their duties. The Association has expressed its appreciation to collaborate with Miami-Dade County and the MDPD.

ADDITIONAL INFORMATION

The following Countries are members of the Association of Caribbean Commissioners of Police: Anguilla, Antigua and Barbuda, Aruba, Bahamas, Barbados, Belize, Bermuda, British Virgin Islands, Curacao, Dominica, French Antilles, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Maarten, St. Vincent and the Grenadines, Suriname, Trinidad, Turks and Caicos and the United States Virgin Islands.

<http://accpolice.org/index.php/2015-10-12-13-54-12/membership>