



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

Infrastructure and Utilities Committee (IUC) Meeting

January 15, 2019
9:30 A.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

THIS PAGE INTENTIONALLY LEFT BLANK

**IUC Meeting: December 11, 2018
Research Notes**

**Item No. 3A
File No. 182941**

Researcher: LE Reviewer: TD

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING AN EMERGENCY CONTRACT AT NO COST TO THE COUNTY FOR THE ACQUISITION OF CLOUDFLARE ATHENIAN PROJECT SERVICES; 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

ISSUE/REQUESTED ACTION

Whether the Board should authorize, by a two-thirds vote of Board members present, waiving formal bid procedures pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code and ratifying an emergency contract award on behalf of the Information Technology Department for the acquisition of Cloudflare Athenian Project Services.

APPLICABLE LEGISLATION/POLICY

Section 5.03(D) of the Home Rule Charter, delineates that contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. The Board may by resolution adopt by two-thirds vote waive competitive bidding if they find it to be in the best interests of the County.

<https://www.miamidade.gov/charter/library/charter.pdf>

Section 2-8.1(b)(3) of the Miami-Dade County Code states the procedures for purchases when competitive procedures are not practicable. This includes purchase of goods and services necessary to address an emergency or where additional formal competition would not be practicable or time sensitive.

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 for the purchase of goods and services including professional services.

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Information Technology Department

The proposed resolution has no procedural history.

ANALYSIS

This item is requesting Board authorization to waive formal bid procedures pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code and to ratify an emergency contract award on behalf of the Information Technology Department for the acquisition of Cloudflare Athenian Project Services.

There is no fiscal impact as Cloudflare Athenian Project Services is provided by Cloudflare as a No-Cost Service that is provided to the County and other governmental entities to protect electoral websites from online attacks and enhance cyber security.

Cloudflare Athenian Project Services is a free service to the County provided by Cloudflare through the United States Department of Homeland Security advisement to State and Local election officials. The Athenian Project was released December

IUC Meeting: December 11, 2018
Research Notes

2017 and focuses on protecting election systems for state and local government websites. Specifically, the Athenian Project aims to improve content delivery, provide additional protection against Distributed Denial of Service (DDoS) attacks where multiple internet connected devices flood the government/elections websites with internet traffic, blocking sites from being accessed by legitimate users and in extreme cases can even cause the web servers and security network infrastructure to crash. The service monitors normal traffic patterns and discards traffic identified as malicious. No threats have been identified during the November 2018 General Election and the Information Technology Department (ITD) and the Elections Department are continuously researching opportunities to improve the County's cyber security. Other users include Alabama, North Carolina, Rhode Island, and Hawaii.

The emergency was declared on October 17, 2018 to implement free services for additional protection of the County's online services during the November 2018 General Election. The agreement between Cloudflare and the County was signed on October 5, 2018. Because the County does not have a separate environment for Elections, CloudFlare has agreed to additionally provide services through the Athenian Project for all County websites that are housed in the same environment as the Elections infrastructure. Through Section 2-8.1(b)(3) of the County Code, competition is not practicable because the service is being offered as a free product while providing significant benefit and cyber security to the County.

The agreement does not have an expiration date.

ADDITIONAL INFORMATION

Cloudflare is one of the world's largest networks. The Athenian Project was created to ensure that state and local governments have the highest level of protection and reliability for free so that constituents have access to election information and voter registration. On September 2017, the U.S. Department of Homeland Security informed 21 states that their voter registration files or public election websites had been targeted for cyber attack. Since many governments lack the necessary budget to obtain the protection they need, the Athenian Project was created to provide enterprise-level protection for free.

<https://www.cloudflare.com/athenian/>

IUC Meeting: December 11, 2018
Research Notes

Item No. 3B
File No. 183016

Researcher: MF Reviewer: TD

RESOLUTION APPROVING A CONTRACT FOR SALE AND PURCHASE IN THE AMOUNT OF \$8,900,000. BETWEEN DONNA J. PRICE, AS TRUSTEE OF THE REVOCABLE TRUST AGREEMENT FOR JOSEPH W. PRICE AND DONNA JEAN DOUGLAS PRICE, AS SELLER, AND MIAMI-DADE COUNTY, AS BUYER, FOR APPROXIMATELY 10 ACRES OF VACANT LAND LOCATED AT THE SOUTHEAST CORNER OF NW 66 STREET AND NW 102 AVENUE, DORAL, FLORIDA, AND AUTHORIZING THE EXPENDITURE OF UP TO \$30,000.00 FOR CLOSING COSTS TO BE FUNDED FROM THE DEPARTMENT OF SOLID WASTE MANAGEMENT PROPRIETARY FUNDS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT FOR SALE AND PURCHASE, EXERCISE ALL RIGHTS CONFERRED THEREIN, TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE SAID PURCHASE, AND ACCEPT CONVEYANCE OF THE PROPERTY BY WARRANTY DEED; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD SUCH DEED

ISSUE/REQUESTED ACTION

Whether the Board should approve a contract for sale and purchase in the amount of \$8,900,000 between Donna J. Price, as trustee of the Revocable Trust Agreement for Joseph W. Price and Donna Jean Douglas Price, as seller, and Miami-Dade County, as buyer, for approximately 20 acres of vacant land located at the southeast corner of NW 66th Street and NW 102nd Avenue in Doral; and authorize the expenditure of up to \$30,000.00 for closing costs to be funded from the Department of Solid Waste Management proprietary funds.

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Section 125.355, governs the proposed purchase of real property by the County.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.355.html

Miami-Dade County Code, Section 2-8.6.5, governs the purchase, sale and lease of real property.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR

Resolution No. R-974-09, adopted by the Board on July 21, 2009, directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.

<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12

Department/Requester: Internal Services

The proposed resolution has no procedural history.

ANALYSIS

The Resources Recovery Facility (RRF) was built in the 1970s and was certified in 1978. The RFF was originally established in a predominantly industrial area of northwest Miami-Dade County, with very little residential development. However, over the decades, the character of the area surrounding the RFF has changed from industrial to commercial and residential. The facility, which is operated by Covanta Dade Renewable Energy, LLC, receives 1.3 million tons of garbage and trash every year, and uses mechanical and thermal processes to recover aluminum and ferrous metals and generate 77 megawatts of electricity per hour that

IUC Meeting: December 11, 2018
Research Notes

power the plant itself and an equivalent of 35,000 homes. Ash generated from the process is placed in a monofill adjacent to the plant and immediately to the north of the vacant land. The purchase of this land will help create a buffer zone on the south side of the RFF. This buffer zone will maintain green space between the FFR and nearby development, limit future encroachment, and in emergency situations, provide space for temporary debris management operations.

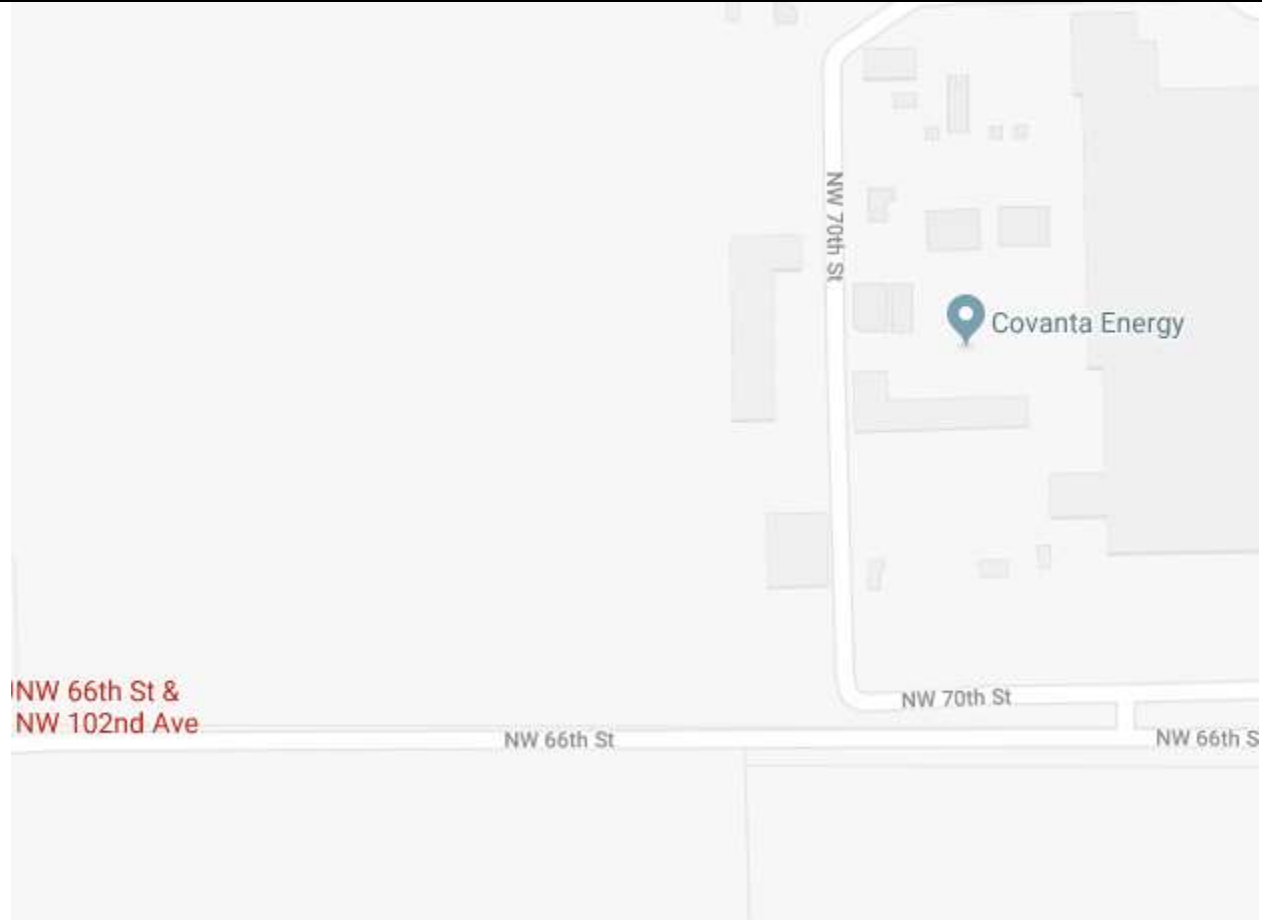
The proposed resolution seeks the Board's approval of a contract for sale and purchase in the amount of \$8,900,000 between Donna J. Price, as trustee of the Revocable Trust Agreement for Joseph W. Price and Donna Jean Douglas Price, as seller, and Miami-Dade County, as buyer, for approximately 20 acres of vacant land located at the southeast corner of NW 66th Street and NW 102nd Avenue in Doral. It also requests the Board to authorize the expenditure of up to \$30,000.00 for closing costs to be funded from the Department of Solid Waste Management proprietary funds.

According to the Fiscal Impact Statement, the estimated total cost of the acquisition is \$8,930,000 for the acquisition, and \$30,000 for closing costs. The funding source for the acquisition and future expansion of the Resources Recovery Facility is the Department of Solid Waste Management Disposal Fund. Two appraisals were obtained by the County between July 2017 and August 2018, and the seller also provided an appraisal for the County's consideration. The appraisals estimated the market value of the property at \$9,050,000, \$8,700,000, and \$9,000,000.

Below is an aerial view of the property, comprised of 10 acres of vacant land located at the southeast corner of NW 66th Street and NW 102 Avenue in Doral.



IUC Meeting: December 11, 2018
Research Notes



ADDITIONAL INFORMATION

Covanta Dade Renewable Energy, LLC, operates the Miami-Dade County Resources Recovery Facility on 160 acres in Doral. The facility began commercial operation in 1982 and serves the municipal waste disposal needs of the residents of Miami-Dade County. The facility processes 3,000 tons of municipal solid waste per day and 1,200 tons per day of biomass fuel, generating 77 megawatts of renewable electricity. Approximately 22,000 tons of ferrous (steel) and 2,000 tons of non-ferrous (tin, copper) metal are recovered and recycled by the facility each year.

<https://www.covanta.com/Our-Facilities/Covanta-Dade>

DEPARTMENT INPUT

On January 10, 2019, the Office of the Commission Auditor posed the following questions to the Internal Services Department, and is awaiting its answers:

- How many people does the RRF employ?
- What is the economic impact of the RRF including the value of the electricity produced and recyclables recovered? **In addition to employing hundreds of people, in FY 2017-18 the RRF processed an estimated 1.1 million tons of waste, reducing it by roughly ninety (90) percent through recycling of metals and thermal treatment to reduce landfill impact, earned \$67 million in tipping fees, and earned \$10.3 million in revenue from generating electricity, while meeting all FDEP and DERM regulatory standards**

**IUC Meeting: December 11, 2018
Research Notes**

**Item No. 3C
File No. 182943**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-00936 FOR PURCHASE OF CELLULAR DEVICES AND SERVICES FOR THE INFORMATION TECHNOLOGY DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$54,000,000.00 OVER THE INITIAL FOUR-YEAR TERM AND FOUR, ONE-YEAR OPTIONS TO RENEW TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve an award to AT&T Mobility National Accounts, LLC (AT&T) for the purchase of cellular devices and services in a total amount not exceed \$54,000,000 for an initial term of four years and four, one-year renewal options for the Information Technology Department (ITD).

APPLICABLE LEGISLATION/POLICY

Section 5.03(D) of the Home Rule Charter states that contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. The Chairperson of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.

<http://www.miamidade.gov/charter/library/charter.pdf>

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 except that the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds (2/3) vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-8.1COPUGE)

Resolution No. 841-06, adopted on July 6, 2006, Directs the Mayor to seek approval for award of successor contracts or extensions 30 days prior to contract expiration.

<http://www.miamidade.gov/govaction/matter.asp?matter=061720&file=true&yearFolder=Y2006>

Resolution No. 63-14, adopted on January 22, 2014, Directs the Mayor to require certain affidavits as part of the due diligence conducted on recommended vendor prior to contract award.

<http://www.miamidade.gov/govaction/matter.asp?matter=131840&file=true&fileAnalysis=false&yearFolder=Y2013>

Resolution No. 1123-08, adopted on October 21, 2008, awarded Contract No. RFP526, in the amount of \$6,428,058, to AT&T Mobility National Accounts, LLC to Obtain Wireless (Cellular) devices and services on an enterprise basis.

<http://intra/gia/matter.asp?matter=082936&file=true&yearFolder=Y2008>

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

IUC Meeting: December 11, 2018
Research Notes

include information in recommendations to the Board, and to consult with the Small Business Development Division regarding solicitation contract language.

<http://www.miamidade.gov/govaction/matter.asp?matter=150090&file=true&yearFolder=Y2015>

Resolution No. 477-18, adopted on May 1, 2018, Directing The County Mayor or County Mayor's Designee To Disclose To Board Reasons Goods and Services are not being procured through local businesses when recommendation is to award contract to non-local vendor or establish a prequalification pool of vendors where less than 75% of the pool members are local businesses.

<http://www.miamidade.gov/govaction/matter.asp?matter=180822&file=true&fileAnalysis=true&yearFolder=Y2018>

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution No. 63-14, adopted on January 22, 2014, Directs the Mayor to require certain affidavits as part of the due diligence conducted on recommended vendor prior to contract award.

<http://www.miamidade.gov/govaction/matter.asp?matter=131840&file=true&fileAnalysis=false&yearFolder=Y2013>

Resolution No. 718-17, adopted on July 6, 2017, directs the Mayor to commence planning for re-procurement no later than 18 months PRIOR to the expiration of contracts and Lists of Prequalified Vendors for the purchase of goods and/or services; and directs the Mayor or their designee, on a quarterly basis to identify in writing to the Office of Commission Auditor those contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration.

<http://intra/gia/matter.asp?matter=171632&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>

Implementing Order I.O. 2-13 Notwithstanding any contrary provision of any other Administrative Order or Implementing Order, it is the policy of the Board that the procedures expressed in this Implementing Order shall be applicable to and shall govern administrative requests for and opinions rendered by the County Attorney's Office in connection with any competitive process of the County, its agencies and administrative boards, including the Public Health Trust. The opinions covered shall include any relating to the responsiveness of any bidder or proposer where the determination may affect the outcome of the solicitation. This Implementing Order is directory in nature only, designed to guide the administration and the County Attorney's Office in the rendering of such opinions, and is not intended to create any rights for any participant in a bid contest or other proceeding.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-13.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

There is no procedural history on this item at this time.

ANALYSIS

Whether the Board should approve an award to AT&T Mobility National Accounts, LLC for the purchase of cellular devices and services in a total amount not exceed \$54,000,000 for an initial term of four years and four, one-year renewal options for the Information Technology Department (ITD). This new contract will provide the following devices, but not be limited to: cellular telephones, air cards, signal boosting equipment, hotspots, tablets, and cellular device accessories. The new contract will provide

IUC Meeting: December 11, 2018
Research Notes

the following services, but not be limited to: cellular connectivity, voice services, text messaging, data services, consulting, technical and administrative support services as well as in-building signal enhancement services.

The Fiscal impact will be a total amount not to exceed \$54,000,000.00 for the initial four-year term and four, one-year options to renew term. Additionally, this contract contains a rapid deployment plan for emergency services, inclusive of battery and generator back up at communication towers, on-site equipment, and on-site Emergency Operations Center (EOC) at no additional cost as well as an allowance of up to \$125,000 annual for the completion of in-building signal enhance services to strengthen cellular coverage inside County facilities. The impact of these services will be Countywide.

The current contract had a total value of \$52,396,170.00 and is scheduled to expire on February 28, 2019, according the Bid Tracking System. The annual allocation under the current contract is approximately \$5,239,617, under the proposed contract the annual allocation is \$6,750,000 a difference of \$1,510,383 higher. The mayoral memo cites that the increase on the annual allocation is due to an expanded use of cellular technology throughout the County. AT&T is the incumbent firm in the current contract as and the awarded firm in the proposed contract. If awarded the total duration to ATT is 18 years with a total value of \$106,396,170.00. (Or something like that)

Time Line of the current and proposed contracts.

Effective Date	Term	Annual Allocation	Total Value spent on both contracts
The current agreement expires February 28 2019	10 years and 4 months	\$ 5,239,617	\$ 52,396,170.00
The proposed agreement is an initial four year term (with four one year options-to-renew)	8 Year term including options-to-renew	\$6,750,000	\$ 54,000,000.00
Total		A increase of \$ 1,510,383 on the annual allocation value	\$106,396,170.00

Below is a table illustrating the scores from the Competitive Selection Committee (CSC):

Proposer	Technical Score (max. 350)	Selection Factor Score	Price Score (max. 150)	Total Combined Score (max. 500)
AT&T Mobility National Accounts LLC.	335	N/A	130	465
Cellco Partnership dba Verizon Wireless	271	N/A	112	383
Sprint Spectrum LP	223	N/A	92	315
T-Mobile USA, Inc.	209	N/A	92	301
Real Mobile, Inc.	61	67.1	26	93.1

The CSC determined that AT&T Mobility National Accounts LLC (AT&T) as having the necessary and relevant experience in the government sector and public safety to provide the County with the needed devices and services.

AT&T Mobility National Accounts LLC., has an active account on sunbiz.org, Florida's Division of Corporations website. The firm did not have a local business tax receipt on file with the Tax Collector's website, however there are multiple accounts under the name "AT&T Mobility, AT&T Telecommunication and AT&T" to name a few.

IUC Meeting: December 11, 2018
Research Notes

Division of Policy and Legislation of OCA performed a search for commodity code 725 (Radio Communication, Telephone, and Telecommunication Equipment, Accessories, and Supplies) and commodity code 915 (Communications and Media Related Services) on the Business Management Workforce System's (BMWS) Certified Vendor Directory on January 7, 2019. 25 local SBE's were identified in BMWS.

**IUC Meeting: December 11, 2018
Research Notes**

**Item No. 3D
File No. 183014**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING 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; AUTHORIZING ADDITIONAL TIME OF ONE YEAR AND SIX MONTHS AND ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT NOT TO EXCEED \$150,000.00 TO CONTRACT NO. L532 FOR THE PURCHASE OF PARK AND RECREATION BUSINESS MANAGEMENT SOFTWARE MAINTENANCE AND TECHNICAL SUPPORT; 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 authorize a designated purchase to award additional time of up to one year and six months and additional expenditure authority in an amount not to exceed \$150,000.00 for Contract No. L532 for the purchase of Business Management Software Maintenance and Technical Support for the Miami-Dade Parks and Recreation and Open Spaces department (PROS).

APPLICABLE LEGISLATION/POLICY

Section 2-8.1(b)(3) of the Code of Miami-Dade County (*Procedures for purchases when competitive procedures are not practicable*), Notwithstanding the requirements of section 2-8.1(b)(1), formal sealed bids for purchase of goods or services shall not be required where such formal sealed bids would not be practicable as set forth herein. 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.

Any recommendation by the Mayor for the award of a Designated Purchase shall at a minimum: (i) provide a written explanation of why the purchase through formal sealed bids would not be practicable under the circumstances and is in the best interest of the County, (ii) provide a written explanation of the process followed resulting in the recommendation for a Designated Purchase, and (iii) provide a written description of any informal competition conducted and any and all efforts to obtain a valuation of the recommended purchase. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

https://library.municode.com/fl/miami-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-477-18, adopted by the Board on May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

IUC Meeting: December 11, 2018
Research Notes

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs 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, 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-1429-09, adopted by the Board on December 15, 2009, authorizing the county mayor or county mayor's designee to exercise option-to-renew periods for competitively bid contracts awarded under the county mayor or county mayor designee's delegated authority. Particularly Item No. 2: Park & Recreation Business Management Software seeks authority to exercise the first OTR period for maintenance and support services for Business Management Software for the Miami-Dade Park & Recreation Department. The amount being requested for the first option term is \$78,000.

<http://intra/gia/matter.asp?matter=081302&file=true&yearFolder=Y2008>

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: None

Department/Requester: Internal Services Department

This item has no procedural history.

ANALYSIS

This proposed resolution is requesting Board authorization for a designated purchase to award additional time of up to one year and six months and additional expenditure authority in an amount not to exceed \$150,000.00 for Contract No. L532 for the purchase of Business Management Software Maintenance and Technical Support for the Miami-Dade Parks and Recreation and Open Spaces department (PROS).

Additional expenditure authority and time is needed to provide continuous service and to prepare for the replacement solicitation, RFP-00891. This RFP was advertised under full an open competition on June 27, 2018. The award of this replacement solicitation is expected to be presented in the early part of 2019.

The Fiscal Impact is \$150,000 and an additional time of 1 year and 6 months.

The table below illustrates the existing cumulative allocation, released amount and final balance as of January 07, 2019:

Department	Existing Cumulative Allocation	Released Amount	Balance
PROS	\$265,000.00	\$225,000.00	\$40,000.00
Total :	\$265,000.00	\$225,000.00	\$40,000.00

IUC Meeting: December 11, 2018
Research Notes

The initial contract (L532) was effective on March 15, 2007 in the amount of \$988,365.00, and was scheduled to expire on March 31, 2019. Two monetary modifications occurred to the initial contract, the first was in the amount of \$500,000.00 and the second modification was in the amount of \$785,000.00. It was presented as sole source contract with an option to renew and was approved by the Board. The option-to-renew (SS8667-1/18-1) was executed on June 24, 2013 in the amount of \$4,933,500.00 and is scheduled to expire on November 30, 2018. The yearly allocation under the current option is \$493,350.00 and the yearly allocation under the recommended contract is also \$781,800.00 (a difference of \$288,450.00 annually).

The timeline below illustrates the contract life of the previous agreement(s) with Miami-Dade County:

Timeline

Contract No.	Effective Date	Expiration Date	Value
RFP-532	03/15/2007	03/14/2010	\$ 988,365.00
RFP-532-1	03/15/2010	06/14/2011	\$ 77,920.00
RFP-532-2	06/15/2011	06/14/2012	\$ 287,600.00
RFP-532-3	06/15/2012	06/14/2013	\$ 287,600.00
RFP-532-4	06/15/2013	06/14/2014	\$ 129,000.00
RFP-532-5	06/15/2014	06/14/2015	\$ 94,000.00
RFP-532-6	06/15/2015	06/14/2016	\$ 94,000.00
RFP-532-7	06/15/2016	12/31/2017	\$ 141,000.00
L532	01/01/2018	03/31/2019	\$ 265,000.00
		Total	\$ 2,364,485.00

OCA performed a search for commodity code 20562: (Software, Data Base Management Control; Pre-Program) and 20554: (Microcomputers, Handheld, laptop, and Notebook, environmentally certified products) on the Business Management Workforce System's Certified Vendor Directory on January 7, 2019. Listed below are the five (5) local SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned codes.

Network & Communication Services, Inc.	Miami, FL	SBE-G&S
Visual Data Solutions, Inc.	Miami, FL	SBE-G&S
Laser Products, INC.	Miami, FL	SBE-G&S
Network & Communication Services, Inc.	Miami, FL	SBE-G&S
Visual Data Solutions, Inc.	Miami, FL	SBE-G&S

IUC Meeting: December 11, 2018
Research Notes

Item No. 3E
File No. 183022

Researcher: PGE Reviewer: TD

RESOLUTION 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 THE REMAINING TWO, ONE-YEAR OPTION TO RENEW PERIODS FOR CONTRACT NO. BW9640-3/19, ACCELERATED DATA SYSTEM SOFTWARE MAINTENANCE AND SUPPORT SERVICES, WITH AN ALLOCATION OF UP TO \$48,000.00 FOR THE FINANCE 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

ISSUE/REQUESTED ACTION

Whether the Board should waive formal bid procedures by a two-thirds vote of the Board members present and authorize the County Mayor to exercise the remaining two, one-year option to renew periods for *Contract No. BW9640-3/19, Accelerated Data System Software Maintenance and Support Services*, with an allocation of up to \$48,000 for the Finance Department.

APPLICABLE LEGISLATION/POLICY

Section 5.03(D) of the Home Rule Charter states that contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. The Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county.

<http://www.miamidade.gov/charter/library/charter.pdf>

Section 2-8.1 of the County Code requires formal sealed bids for all contracts and purchases when the transaction involves the expenditure of \$250,000 or more, except that the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County.

[https://library.municode.com/fl/miami -
_dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Resolution No. R-477-18, adopted by the Board on May 1, 2018, directed the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&fileAnalysis=false&yearFolder=Y2012>

Resolution No. R-1433-06, adopted by the Board on December 19, 2006, directs the County Mayor to develop an administrative process for review of all contracts for procurement of goods and services for opportunities for small business enterprise participation prior to exercising the option to renew.

<http://intra/gia/matter.asp?matter=063176&file=true&yearFolder=Y2006>

IUC Meeting: December 11, 2018
Research Notes

Resolution No. R-98-12, adopted by the Board on January 24, 2012, directs the County Mayor to negotiate better prices on all awarded contracts for the purchase of goods and services prior to the exercise of any option to renew and delegates to the County Mayor the authority to amend contracts to provide better prices for the County.

<http://intra/gia/matter.asp?matter=112444&file=true&yearFolder=Y2011>

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

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

Implementing Order 3-38 sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources. An emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order.

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item has no procedural history.

ANALYSIS

This item is requesting that the Board waive formal bid procedures by a two-thirds vote of the Board members present and authorize the County Mayor to exercise the remaining two, one-year option to renew periods for *Contract No. BW9640-3/19, Accelerated Data System Software Maintenance and Support Services*, with an allocation of up to \$48,000 for the Finance Department.

This contract was approved in January 2013 under the delegated authority of the Director of the Internal Services Department for a five-year term plus an option to renew of three additional years. The awarded vendor, Accelerated Data Systems, Inc., is nonlocal, having no registration data in sunbiz.org, the official website for the State of Florida Division of Corporations. However, the vendor is registered and in good standing in its state of organization – Colorado.

The initial term, which was effective from January 7, 2013 through January 6, 2018, had a value of \$208,000. The contract is currently in its first, one-year option to renew term, which was approved administratively. The purpose of the contract is for Accelerated Data Systems, Inc. to deliver required maintenance and support services for the licensed AdvantEdge Collections Software System as well as implementation and maintenance of the IAT SMARTDIAL CT Center Predictive Dialing and Inbound Blending Software Solution. The system is used by the Finance Department's Credit and Collections Section to recover monies owed to various County agencies. Note that the initial system was acquired from Accelerated Data Systems, Inc. in 2003 via a competitive procurement.

The contract has a cumulative value of \$238,921.25 and expires on April 6, 2019. The contract's original expiration date was January 6, 2019; however, the contract was administratively extended by three months under the delegated authority of the Director of the Internal Services Department. The current option term is valued at \$30,921.25, which has been released in its entirety, leaving a balance of \$0.00.

Board approval of the requested option terms is required as the value of the contract, including all option terms, exceeds the County Mayor's delegated authority. Under the requested option terms, Accelerated Data Systems, Inc. will continue to provide annual

IUC Meeting: December 11, 2018
Research Notes

software maintenance and support services for AdvantEdge. As the system is proprietary, Accelerated Data Systems, Inc. is the sole provider of the required maintenance and technical support services. The mayoral memorandum indicates that it would be cost prohibitive to switch these services to a new vendor yet the Finance Department is working on a solicitation for a system replacement, which is anticipated to be issued before calendar year 2021.

The commodity code for this procurement is 92045 (Software Maintenance and Support Services). A search on the Business Management Workforce System under that code on January 14, 2019 yielded the following certified small business vendors:

- Amiritech Group LLC
- Computer Based Associate, Inc.
- Insinet Group LLC
- Meridian Partners LLC
- The Ashvins Group, Inc.
- Trust Technology Solutions, Inc.
- Visual Data Solutions, Inc.

**IUC Meeting: December 11, 2018
Research Notes**

**Item 3F
File No. 183017**

Researcher: LE Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE PRE-REGISTRATION AND OTHER AGREEMENTS FOR FLORIDA POWER & LIGHT'S PROPOSED SHARED SOLAR PROGRAM AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AGREEMENTS FOR FUTURE CLEAN ENERGY PURCHASES

ISSUE/REQUESTED ACTION

Whether the Board should authorize pre-registration and other agreements for Florida Power & Light's proposed shared solar program and authorize executing agreements for future clean energy purchases.

APPLICABLE LEGISLATION/POLICY

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Department/Requester: Office of Management and Budget

The proposed resolution has no procedural history.

ANALYSIS

This item is requesting Board authorization to execute pre-registration and other agreements for Florida Power & Light's proposed shared solar program, SolarTogether, and agreements for future clean energy purchases.

There is no fiscal impact as the authorization is for program pre-registration. Once the program is in place, the first year costs are approximately \$293,000. Simple payback will occur between the fifth and seventh year and by the tenth year, the annual savings are estimated to be about more than \$600,000.

In late 2018, FPL announced plans for a shared solar program, SolarTogether, as part of their strategy to achieve solar generation goals. The aim of the voluntary program is to expand solar investments within the FPL service area in a shared cost program which would allow customers to receive direct renewable energy for consumption and assignment of renewable energy credits. FPL also plans on installing 1,200 MW of solar generation across their territory by 2020. It is anticipated that program power will become available to FPL customers sometime in March 2020. Through the installation of 350,000 solar panels in West Dade, 74.5 MW of power will generated as part of the first solar facilities planned for the County.

Pre-registration is available to commercial, industrial, and municipal customers with a pre-registration window beginning on November 29, 2018 and ending January 25, 2019. The pre-registration period serves to estimate program interest in order for FPL to determine submitting the program and tariff to the Florida Public Service Commission for approval. Approval is anticipated by the end of October 2019 and FPL will then be able to establish a program opening date. Subscribers will have ten days to cancel or refrain enrollment if the terms or pricing materially changes.

Participants must subscribe to a specified number of kilowatts (kW) of solar-generated electric power under the program. The subscription charge is \$6.76 per kW and the rate is discounted based on subscription credit that is returned to the customer at \$0.0308 per kW/hour. The average customer is expected to receive simple payback in five to seven years with additional savings in the following years. Participants will be able to increase their KW purchased once a year, subject to available program capacity.

IUC Meeting: December 11, 2018
Research Notes

The subscriber's monthly FPL Account bill will include a monthly subscription charge and a monthly subscription credit which is calculated below:

Monthly Subscription Charge = Subscription Quantity \times \$6.76/kW

Monthly Subscription Credit = \$0.0308/kWh (escalating annually at 1.45%) $\times \frac{\text{Subscription Quantity}}{\text{Program Capacity (kW)}} \times \text{Program Output (kWh)}$

The County will have the options to cancel or reduce its allocation at any time after the opening date and will initially subscribe to 25 percent of total County energy usage, 106.438 MW, subject to modification based on future program development. The first year costs to the County is \$293,000. By the end of the fourth year, the cumulative cost will be \$593,000 where the point credits are expected to exceed cost on an annual basis. The cumulative net savings to the County will be more than \$1 million by the end of the tenth year. If the program is expanded and the County enrolls 100 percent usage, potential savings could reach \$6 million by the end of 10 years.

**IUC Meeting: December 11, 2018
Research Notes**

Item 3G
File No. 183021

Researcher: PGE Reviewer: TD

RESOLUTION REJECTING ALL PROPOSALS RECEIVED IN RESPONSE TO PROJECT NO. E18-DTPW-03 (CONTRACT NO. 20170308) FOR CONSTRUCTION ENGINEERING INSPECTION SERVICES FOR VARIOUS SIDEWALK REPAIRS AND DEBRIS REMOVAL FROM STORM DRAINAGE STRUCTURES RELATED TO HURRICANE IRMA

ISSUE/REQUESTED ACTION

Whether the Board should approve the rejection of all proposals received in response to Project No. E18-DTPW-03 (Contract No. 20170308) for construction engineering inspection services for various sidewalk repairs and debris removal from storm drainage structures related to Hurricane Irma for the Department of Transportation and Public Works (DTPW).

APPLICABLE LEGISLATION/POLICY

Section 287.055 of the Florida Statutes sets forth the Consultants' Competitive Negotiation Act, governing the processes for the acquisition of professional architectural, engineering, landscape architectural or surveying and mapping services.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/0287.html

Section 2-10.4 of the County Code governs the County's acquisition of professional architectural, engineering, landscape architectural or land surveying and mapping services.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Section 2-10.4.01 of the County Code sets forth the County's Small Business Enterprise Architecture and Engineering Program.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR

Section 2-8.3 of the County Code (County Mayor's Recommendation) states that whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Mayor shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action. Such recommendation shall be in writing and shall be filed with the Clerk of the Board, with copies mailed to all participants in the competitive process, no later than 10 days prior to any Commission meeting at which such recommendation is scheduled to be presented. Such recommendation shall be accompanied by a memorandum from the County Mayor that clearly identifies any and all delegations of Board authority contained in the body of the proposed contract.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.3MARE

Implementing Order No. 3-34 establishes procedures for the formation and performance of selection committees in the competitive procurement process, including competitive selection committees utilized in the acquisition of architectural and engineering professional services.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-34.pdf>

Administrative Order No. 3-39 establishes the County's policies and procedures for user departments for the construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-39.pdf>

IUC Meeting: December 11, 2018
Research Notes

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

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works Department

The item has no procedural history.

ANALYSIS

This item is requesting that the Board reject all proposals received for *Project No. E18-DTPW-03 (Contract No. 20170308)* for construction engineering inspection services for various sidewalk repairs and debris removal from storm drainage structures for the DTPW. The damage to these structures was due to Hurricane Irma, which hit southwest Florida on September 10, 2017, battering the state's lower half and leaving a trail of tornadoes and storm-surge flooding as its core slowly moved inland. The value of the rejection is absent from the mayoral memorandum.

On May 11, 2018, the solicitation for construction engineering inspection services for various sidewalk repairs and debris removal from storm drainage structures (Hurricane Irma) was advertised. The scope of services consisted of construction administration and management (e.g., project inspection, technical plan reviews, preparing monthly progress reports and assuring contractor compliance with FEMA requirements) and field observation, (e.g., documenting daily construction activities).

A total of 18 proposals was received by the submittal deadline, May 30, 2018. On June 25, 2018, the Competitive Selection Committee evaluated the 18 proposers and recommended advancing 10 for negotiations. Such negotiations commenced on June 25, 2018 and concluded on June 28, 2018.

Around September 10, 2018, the County was advised by FEMA of a decrease in the percentage of reimbursement it would receive. Consequently, DTPW decided to cancel all related debris removal and sidewalk repair contracts. The proposers were notified of this decision on October 30, 2018.

There is neither information in the mayoral memorandum explaining the delay in this item travelling to the Board, considering FEMA notified the County in September 2018 of the decreased funding, nor information explaining what DTPW intends to do to perform the services that were solicited under this contract.

Note that a search for similar solicitations found a MCC 7360 contract – 20170309 – for debris removal from storm drainage structures (Hurricane Irma).