



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

Public Safety and Rehabilitation
Committee (PSR) Meeting

April 16, 2019
9:30 A.M.
Commission Chambers

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**Item No. 3A (Substitute)
File No. 190861**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 1 WITH GLOBAL TEL*LINK CORPORATION FOR CONTRACT NO. RFP847, PAY PHONES, PAY PHONE SERVICES, PAY PHONE SUBSCRIPTION SERVICES, INMATE TELEPHONE SERVICES, AND JAIL MANAGEMENT SYSTEM FOR THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT, INFORMATION TECHNOLOGY DEPARTMENT, AND THE OFFICE OF MANAGEMENT AND BUDGET FOR A JAIL MANAGEMENT SYSTEM SOLUTION, EXERCISE ALL REMAINING OPTION TO RENEW PERIODS AND TO APPROVE THE OFFENDER 360 SYSTEM TO PROVIDE THE COUNTY WITH A JAIL MANAGEMENT SYSTEM, AS SET FORTH IN THE CONTRACT; 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. 190164]

ISSUE/REQUESTED ACTION

Whether the Board should approve a contract modification to *Contract No. RFP847, Pay Phones, Pay Phone Services, Pay Phone Subscription Services, Inmate Telephone Services and Jail Management System*, to (1) extend the term through all of the remaining option to renew periods, (2) accept the contractor's proposal for the Offender 360 jailhouse management solution in lieu of what was originally agreed to, (3) approve liquidated damages in case the contractor is unable to deliver an acceptable solution, and (4) receipt of additional maintenance and support at no cost to the County for two years following contract expiration.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

The original item (File No. 190164) was placed on the Public Safety and Rehabilitation Committee agenda on February 12, 2019 and deferred, at the request of the Administration, to no date certain. Relating to the deferral, Commissioner Heyman requested that when the item returns to committee that there be an explanation as to why Resolution No. R-391-17, which requires competitive selections instead of expanding the term or services under existing contracts, was not adhered to. She also requested an explanation as to the rationale for allowing a vendor that has defaulted to select its successor and be granted a five-year option to renew.

Note that this substitute item differs from the original version in that: (1) the Mayor's memorandum has been updated to reflect the modification to the agreement previously approved by the Board on July 11, 2014; and (2) the resolution accompanying the Mayor's memorandum has been updated to reflect the authority to exercise the remaining option to renew periods, approve the Offender 360 System and remove previous language extending the contract term by up to five years and modifying the liquidated damages provision.

ANALYSIS

This item is requesting Board authorization of Supplemental Agreement No. 1 to the County's contract with Global Tel*Link (GTL) for pay phones, pay phone services, pay phone subscription services, inmate telephone services and a jail management system. On July 1, 2014, pursuant to Resolution No. R-598-14, the Board authorized execution of a revenue-generating agreement with GTL for the acquisition of pay phones, pay phone services, pay phone subscription services, inmate telephone services and a jail management system for the Corrections and Rehabilitation, Information Technology and Management and Budget departments for an initial five-year term plus three, one-year options to renew.

The contract, which is in its initial term, expires on July 31, 2019. Under the contract, GTL shall deliver the following specific services: (a) the furnishing, installation, servicing and operation of payphones and local and long distance services for the installed

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base of payphone and instruments at current and potentially future County locations; (b) the inmate system and associated services at the Corrections and Rehabilitation Department; and (c) a jail management system, including software, installation, integration, data conversion, training and maintenance and technical support services.

As stated in the mayoral memorandum accompanying Resolution No. R-598-14, the negotiated projected revenue to the County over the initial five-year term is \$16,400,000. Per the contract, GTL agrees to pay the County an amount equal to 67 percent of monthly gross revenues within 10 days following the end of each month during the term. GTL shall pay the County \$2,500,000 as a Minimum Annual Guarantee during year 1. For all subsequent years, GTL guarantees an amount equal to 80 percent of the previous year's commission. Information pertaining to whether GTL has satisfied these financial obligations is absent from this agenda item.

The supplemental agreement is being proposed because GTL has not met its obligation to deliver a jailhouse management solution. In fact, on April 12, 2018, the County issued a Notice to GTL with a demand to cure within 30 days. GTL failed to cure, and hence, on June 8, 2018 a letter of default was sent. Subsequently, GTL agreed to contract with a third-party vendor (DXC Technology) to provide the County the required solution. Under the supplemental agreement, the parties agree to the following:

- The County shall accept the proposal for a jailhouse management solution (i.e., Offender 360 System) provided on November 19, 2018 by the Contractor in lieu of the Contractor's obligation under the contract;
- The Contractor shall not be released of its contractual obligations until full acceptance of the proposed solution by the County; if the Contractor is unable to provide an acceptable solution, the Contractor shall pay the County liquidated damages in the amount of \$7,829,623;
- All remaining option to renew periods are approved to the extent such options extend the term of the contract through July 31, 2022; and
- The Contractor agrees to provide maintenance and support for the solution at no cost to the County for a period of two years following contract expiration.

The provision of the jail management solution by DXC Technology shall be at GTL's sole expense. The solution shall have approximately 3,000 County users and shall include various functional areas, such as Offender, Booking (cases and charges), Facility Management, Housing, Incidents and Offender Requests. The solution will cost GTL \$7,829,623, i.e. \$1,563,600 for Software Licensing; \$2,171,377 for Phase One; \$2,187,350 for Phases Two and Three; and \$1,907,296 for Maintenance and Support Costs. Note that the Proposal Acceptance document provided in the agenda package has neither been signed by GTL nor DXC Technology.

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](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Resolution No. R-716-12, adopted 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>

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Resolution No. R-187-12, adopted 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-598-14, adopted July 1, 2014, authorized execution of an agreement with Global Tel*Link Corporation for the acquisition of pay phones, pay phone services, pay phone subscription services, inmate telephone services and a jail management system for the Corrections and Rehabilitation, Information Technology and Management and Budget departments for an initial five-year term plus three, one-year options to renew.

<http://intra/gia/matter.asp?matter=141307&file=true&yearFolder=Y2014>

Resolution No. R-749-09, adopted June 2, 2009, directed the County Mayor to provide notice to the Board within five business days of when the administration either waives a material breach of a contract awarded by the Board or allows a vendor more than 30 days to cure a material breach of a contract awarded by the Board.

<http://intra/gia/matter.asp?matter=090488&file=true&yearFolder=Y2009>

Resolution No. R-391-17, adopted on April 4, 2017, directed the County Mayor to conduct competitive selections whenever feasible instead of expanding the term or services under existing contracts to include in any recommendation to this Board for the expansion of term or services under existing contracts a written justification of why a competitive process is not feasible as well as including to the maximum extent possible in any such proposed expansion of term or services any requirements of ordinances or resolutions adopted by the Board subsequent to the initial contract award.

<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>

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**Item No. 3B
File No. 190712**

Researcher: LE Reviewer: TD

RESOLUTION APPROVING THE INTERAGENCY AGREEMENT FOR ACCESS TO FCIC/NCIC VIA MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE POLICE DEPARTMENT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE APPROVED AGREEMENT WITH THE CITY OF AVENTURA; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE FUTURE AGREEMENTS, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WITH OTHER GOVERNMENTAL BODIES AND THEIR RESPECTIVE AGENCIES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS, AND TO EXERCISE THE RENEWAL AND TERMINATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve an interagency agreement between Miami-Dade County and the City of Aventura to access Florida Crime Information Center/ National Crime Information Center (FCIC/NCIC) through the Miami-Dade Police Department.

PROCEDURAL HISTORY

Prime Sponsor: Joe A. Martinez, District 11

Department/Requester: Miami-Dade Police Department

This item does not have a procedural history.

ANALYSIS

The purpose of this item is to approve an interagency agreement between Miami-Dade County and the City of Aventura for access to the Florida Crime Information Center/ National Crime Information Center (FCIC/NCIC) via the County and through the Miami-Dade Police Department.

This item has no fiscal impact.

The National Crime Information Center (NCIC) is an electronic crime database used by law enforcement agencies nationwide and operates through shared management between the FBI, federal, state, local, and tribal criminal justice users. The Florida Crime Information Center (FCIC) is a public access system and service that is provided by the Florida Department of Law Enforcement to allow citizens of Florida and authorized internet accessible users help law enforcement agencies in Florida locate missing or stolen property, missing persons and people related to ongoing criminal investigations statewide. The Florida Department of Law Enforcement (FDLE) works with all agencies.

The Miami-Dade Police Department (MDPD) has authorized access to these systems and is the primary agent in managing and monitoring them. A signed and written agreement is required since MDPD is providing access to other authorized criminal justice agencies. Participating agencies must comply with the same policies and responsibilities as MDPD. The agreement allows the City of Aventura to access FCIC/NCIC through MDPD.

Expanding access to NCIC and FCIC will allow for greater mobility and safeguarding of communities in the County. The agreement between the City of Aventura and Miami-Dade County will be valid for five years upon the signing date with one five-year renewal period.

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DEPARTMENTAL INPUT

The Office of the Commission Auditor posed the following questions to the Miami-Dade Police Department on April 15, 2019, and is awaiting answers:

- The Mayor's memorandum indicates that this agreement has no fiscal impact to the County; verify that there is no cost to the County for accessing the FCIC/NCIC/CJNet; also clarify whether there will be a cost to the City of Aventura under the agreement;
- List the municipalities that are currently utilizing such an interagency agreement for access to FCIC/NCIC via MDAD; and
- Verify if this item also delegates to the Mayor the authority to approve future interagency agreements without Board approval or ratification.
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APPLICABLE LEGISLATION/POLICY

N/A

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**Item No. 3C
File No. 190823**

Researcher: TD Reviewer: YM

RESOLUTION RETROACTIVELY APPROVING THE MUTUAL AID AGREEMENT WITH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT AND PARTICIPATING LAW ENFORCEMENT AGENCIES AND MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE POLICE DEPARTMENT, FOR A TERM EFFECTIVE FROM THE DATE ALL PARTIES SIGN THROUGH JANUARY 31, 2024; RETROACTIVELY AUTHORIZING THE ACTION OF THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE IN EXECUTING THE MUTUAL AID AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE AMENDMENTS, RENEWALS, TERMINATION AND OTHER PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a Mutual Aid Agreement with the Florida Department of Law Enforcement (FDLE) and Miami-Dade Police Department (MDPD) for the purpose of locating and apprehending fugitives and sex offenders who violate the sex offender registration requirements.

PROCEDURAL HISTORY

Prime Sponsor: Joe A. Martinez, Prime Sponsor

Department/Requester: Miami-Dade Police

This item has no procedural history.

ANALYSIS

The purpose of this item is to request the Board's retroactive approval of a Mutual Aid Agreement (Agreement) entered into by Miami-Dade Police on March 14, 2019 with the Florida Department of Law Enforcement and other participating law enforcement agencies locating and apprehending fugitives and sex offenders violating sex offender registration requirements. This agreement is effective upon signing and expires January 31, 2024. This Mutual Aid Agreement may be amended as necessary.

There is no fiscal impact associated with this item.

The Agreement provides for the voluntary law enforcement cooperation across jurisdictional lines, establishment of joint operations to combat the law enforcement issue of locating and apprehending fugitives and sex offenders violating mandated sex offender registration requirements and authorizing any and all law enforcement action in investigating, apprehending and arrest while involved in task force operations.

The example provided by the Mayoral memo was one of an unregistered sex offender recently released from state prison. The FDLE and MDPD were able to cooperate and arrest this individual. The lead agency for this Agreement is FDLE.

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Miami-Dade Police Department on April 15, 2019, and is awaiting its answers:

- Why was the Mutual Aid Agreement entered into prior to Board approval?
- What actions have so far been undertaken under the Agreement?
- What other law enforcement agencies are parties to the Agreement?

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APPLICABLE LEGISLATION/POLICY

Chapter 23 Florida Statutes entitled “Florida Mutual Aid Act”, allows the creation of a state law enforcement mutual aid plan providing for the command and coordination of law enforcement planning, operations, and mutual aid to provide for a system for the receipt and dissemination of information, data, and directives pertaining to activities among law enforcement agencies and to preplan distribution and allocation of state resources in support of the overall law enforcement mission.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0023/0023.html

ADDITIONAL INFORMATION

Miami-Dade County, under Chapter 23 of the Florida Statutes, has entered into 39 Mutual Aid Agreements since 1996. Several are listed below:

Resolution R-259-19 adopted 3/5/2019 establishes a Mutual Aid Agreement between Palm Beach County and other jurisdiction to combat auto theft.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2019/190151min.pdf>

Resolution R-129-19 adopted 2/5/2019 establishes a Mutual Air Agreement with Monroe County for the rehabilitation of aviation facilities following an emergency.

<http://www.miamidade.gov/govaction/matter.asp?matter=182721&file=true&fileAnalysis=false&yearFolder=Y2018>

Resolution R-444-18 adopted 5/1/2018 establishing a Money Laundering Task Force between Miami-Dade County and Broward County.

<http://www.miamidade.gov/govaction/matter.asp?matter=180828&file=true&fileAnalysis=true&yearFolder=Y2018>

Resolution R-984-17 adopted 11/7/2017 establishes a Mutual Aid Agreement with Key Largo for emergency medical support during catastrophic event.

<http://www.miamidade.gov/govaction/matter.asp?matter=172028&file=true&fileAnalysis=false&yearFolder=Y2017>

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**Item No. 3D
File No. 190824**

Researcher: IL Reviewer: TD

RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE, AND UTILIZE FREE MEDICAL SUPPLIES FROM THE FLORIDA DEPARTMENT OF HEALTH HELPING EMERGENCY RESPONDERS OBTAIN SUPPORT (HEROS) PROGRAM, SPECIFICALLY, 300 2 MG/2 ML DOSES OF NALOXONE HCL; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS TO THE HEROS PROGRAM APPLICATION; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE, AND UTILIZE ANY ADDITIONAL MEDICAL SUPPLIES THAT MAY BECOME AVAILABLE UNDER THIS PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH CONTRACTS, AGREEMENTS, MEMORANDA OF AGREEMENT, AND AMENDMENTS AS MAY BE REQUIRED BY PROGRAM GUIDELINES, AND TO EXERCISE ANY TERMINATION AND MODIFICATION CLAUSES CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the application, receivership and use of free medical supplies, specifically 300 2 MG/2 ML doses of Naloxone HCL from the Florida Department of Health's "Helping Emergency Responders Obtain Support (HEROS) program.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner: Joe A. Martinez

Department/Requester: Miami-Dade Police Department (MDPD)

There is no procedural history at this time.

ANALYSIS

The purpose of this item is to seek Board approval to use free medical supplies from the State of Florida's Department of Health in order to combat opioid overdoses and assist victims in Miami-Dade County when medical emergencies take place and MDPD is called to respond.

The MDPD applied for the HEROS program on January 29, 2019 to acquire the free medical supplies from the State of Florida. The Naloxone is a key component required by MDPD to create the Naloxone Administration Pilot Program (NAPP). NAPP has the ultimate goal of providing MDPD officers the capability to respond to medical emergencies involving victims of opioid overdoses.

Naloxone is a medication designed to rapidly reverse opioid overdose, it is an opioid antagonist-meaning that it binds to opioid receptors and can reverse and block the effects of other opioids.

<https://www.drugabuse.gov/related-topics/opioid-overdose-reversal-naloxone-narcan-evzio>

This item will not have a negative fiscal impact on the County's general fund.

The NAPP will be six-month pilot program in the South District encompassing a total of 30 uniform officers that will be trained and certified in the NAPP.

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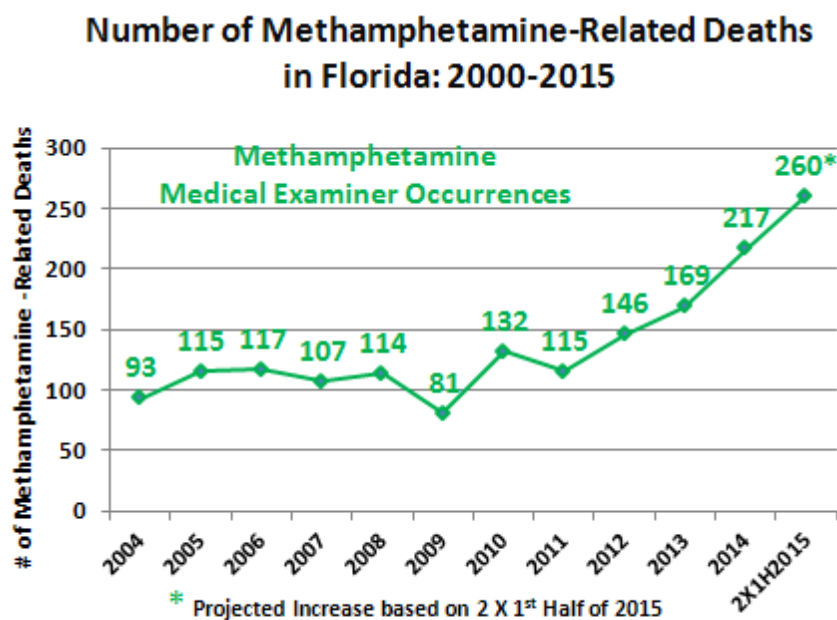
DEPARTMENTAL INPUT:

The following questions were asked to the department on April 15, 2019:

- Why is the program focusing on South District for the pilot?

ADDITIONAL INFORMATION

Below is a chart illustrating the number of Methamphetamine-Related Deaths in Florida 2000-2015.



Source: Florida Medical Examiners Commission Jan 2004-Jun 2015 Reports

<https://education.nova.edu/arsh/research/forms/florida-scs-drug-use-patterns-trends.pdf>

What is the U.S. Opioid Epidemic?

<https://www.hhs.gov/opioids/about-the-epidemic/index.html>

