



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

Health Care and County Operations
Committee (HCCO) Meeting

April 17, 2019
9:30 A.M.
Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor
Office of the Commission Auditor (OCA)
111 N.W. First Street, Suite 1030
Miami, FL 33128
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Research Notes

Item No. 1G1
File No. 190604

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO MEMBERSHIP ON COUNTY BOARDS; AMENDING SECTION 2-11.38 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING A PERSON WHO IS NOT A RESIDENT OF THE COUNTY BUT WHO OWNS A BUSINESS OR IS EMPLOYED FULL-TIME BY A BUSINESS LOCATED IN THE COUNTY TO SERVE ON A COUNTY BOARD; REQUIRING BOARD MEMBERS TO MEET CERTAIN CRITERIA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Miami-Dade County Code Section 2-11.38 to revise the residency requirement and certain criteria to serve on a County board.

PROCEDURAL HISTORY

Prime Sponsor: Barbara J. Jordan, District 1
Department/Requester: None

This item was adopted on first reading during the BCC on March 19, 2019 and is tentatively scheduled for a public hearing during the HCCO meeting on April 17, 2019.

ANALYSIS

The purpose of this item is to amend Section 2-150 of the County Code to revise the residency requirement to authorize a person who is not a resident of the County, to serve on a County Board if they own a business or is employed full-time by a business located in the County.

This item has no fiscal impact.

The proposed changes will expand leadership and service opportunities for those who fit the criteria to serve on County boards and allow for a broader and more diverse selection.

In contrast, according to Section 1-233(b)(1) of the Broward County Code, a person that is appointed to a board must be a resident of Broward County during the term of their appointment. Additionally, a County employee may not be appointed by the Commission to a board, but they may serve as a voting member as long as they are appointed.

The table below shows the original Section 2-11.38 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 2-11.38 of the County Code	Proposed changes to Section 2-11.38 of the County Code
Sec. 2-11.38. – Membership on boards.	Sec. 2-11.38. – Membership on boards.
All members of County boards shall be permanent residents and electors of Miami-Dade County unless the Board of County Commissioners, by a two-thirds vote of its membership, waives this	All members of County boards shall be >>persons who: (1) are<< permanent residents and electors of Miami-Dade County >>; (2) own business located in the County on a full-time basis,<< unless the

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requirement, and should have reputations for integrity and community service. In addition, all board members should have demonstrated an interest in the field, activity or sphere covered by the board. Each board shall include at least one (1) person whose livelihood does not depend on the area regulated, administered or dealt with by the board.

Unless the Board of County Commissioners by two-thirds (2/3) vote of its membership waives the residency requirement, any member of County boards who ceases to be a resident of Miami-Dade County during the term of his or her office shall immediately advise the Clerk of the Board of County Commissioners. Upon being advised by the Clerk of such circumstances, the Board of County Commissioners shall declare the position to be vacant and shall promptly fill the same pursuant to the provisions of section 2-11.38.1.

The primary consideration in appointing board members shall be to provide the board with the needed technical, professional, financial, business or administrative expertise. The membership of each board should be representative of the community at large and should reflect the gender, racial, ethnic and cultural make-up of the community.

No person shall be eligible to serve on a County board if, at the time of appointment to the County board, the person has filed a lawsuit against the County that is pending at the time of appointment and that challenges a policy set by the Board of County Commissioners, unless the Board of County Commissioners by two-thirds (2/3) vote of its membership waives this requirement. No person sitting on a County board may file a lawsuit against the County that challenges a policy set by the Board of County Commissioners without relinquishing his or her seat on the County board unless the Board of County Commissioners by two-thirds (2/3) vote of its membership waives this requirement.

No member of any County board shall become a candidate for elective political office during his or her term. Should any member of a County board qualify as a candidate for elective political office,

Board of County Commissioners, by a two-thirds vote of its membership, waives ~~[[this requirement,]]~~ >>these requirements.<< [[and should have reputations for integrity and community service.]] In addition, all board members should have >>reputations for integrity and community service and have<< demonstrated an interest in the field, activity or sphere covered by the board. Each board shall include at least one ~~[[4]]~~ person whose livelihood does not depend on the area regulated, administered or dealt with by the board.

Unless the Board of County Commissioners by two-thirds ~~[[2/3]]~~ vote of its membership waives the ~~[[residency requirement]]~~ >>requirements set forth above.<<, any member of County boards who ceases to >>(1)<< be a resident of Miami-Dade County >>, (2) own a business in Miami-Dade County, or (3) be employed by a business in Miami-Dade County on a full time basis<< during the term of his or her office shall immediately advise the Clerk of the Board of County Commissioners. Upon being advised by the Clerk of such circumstances, the Board of County Commissioners shall declare the position to be vacant and shall promptly fill the same pursuant to the provisions of section 2-11.38.1.

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such qualification shall be deemed a tender of resignation from such board. No person shall serve on more than two (2) County boards simultaneously, unless the Commission has by unanimous vote approved the appointment after being advised of all other County board(s) upon which the person sits, provided, however, a person serving on any one of the following boards shall not serve on any other County board simultaneously except as provided by ordinance: Community Council; Community Zoning Appeals Board; Planning Advisory Board; Citizens' Independent Transportation Trust; Housing Finance Authority; Independent Review Panel; Industrial Development Authority; Health Facilities Authority; Educational Facilities Authority; Commission on Ethics and Public Trust; Environmental Quality Control Board; The Children's Trust; and the Public Health Trust. Notwithstanding the foregoing, a person is prohibited from serving on a County board where such service would violate federal or state law, the Miami-Dade County Home Rule Charter or county ordinance.

Any Commissioner who has nominated a citizen to a County board as that term is defined in Section 2-11.36 of the Code of Miami-Dade County may at any time, with or without cause, request the Board of County Commissioners to remove said board member from his or her position on a County board and recommend a different person to fill the position.

Regarding those board members that are required to file financial disclosure with the County's Elections Department, the Executive Director of the Miami-Dade County Ethics Commission (the "Ethics Commission") shall notify such members if they have failed to file the required financial disclosure for the previous calendar year by February 1st of each year. The notice shall provide that each such member shall have thirty (30) days from the date of the notice to submit proof to the Ethics Commission that financial disclosure has been filed with the Elections Department within such thirty (30) day period. Such notice shall also provide that these board members will be removed from the

County Commissioners by two-thirds ~~[[2/3]]~~ vote of its membership waives this requirement.

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membership roster of the board on the thirty-first (31st) day from the date of the notice. A copy of this notice shall be provided to the Mayor or designee, the Clerk of the Board (the "Clerk") and the County Attorney. Notwithstanding any provision of the Code or law to the contrary, such member shall not hold over in office until a successor is appointed to fill the vacancy caused by the removal of such board member pursuant to this section. The provisions of this paragraph pertaining to removal for failure to file financial disclosure shall not apply to (1) any County board whose members can only be removed by the Governor of the State of Florida and (2) Community Council members, whose removal shall be governed by Section 20-43.2. Additionally, removal from office is only one penalty for failure to file financial disclosure. Nothing herein prohibits any appropriate authority from taking other lawful action, including the imposition of fines or criminal sanctions, for failing to file financial disclosure.

Regarding those board members that are required to file financial disclosure with the State Commission on Ethics, the Clerk of the Board of County Commissioners (the "Clerk") shall determine the names of such persons and shall notify such members of County boards who have failed to file their required financial disclosure for the previous calendar year by February 1 of each year. The notice shall provide that each such board member has thirty (30) days from the date of the notice to submit proof to the Clerk that financial disclosure has been filed with the State Commission on Ethics within such thirty (30) days period. Such notice shall also provide that these board members will be removed from the membership roster of the board on the thirty-first (31st) day from the date of the notice. A copy of this notice shall be provided to the Mayor or designee, the Clerk of the Board and the County Attorney. Notwithstanding any provision of the Code or law to the contrary, such member shall not hold over in office until a successor is appointed to fill the vacancy caused by the removal of such board member pursuant to this section. The provisions of this paragraph pertaining to removal for failure to file financial disclosure shall not apply to (1) any County board whose members can only be removed

each year. The notice shall provide that each such member shall have ~~[[thirty-(30)]]~~30 days from the date of the notice to submit proof to the Ethics Commission that financial disclosure has been filed with the Elections Department within such ~~[[thirty-(30)]]~~ day period. Such notice shall also provide that these board members will be removed from the membership roster of the board on the ~~[[thirty-first-(31st)]]~~ day from the date of the notice. A copy of this notice shall be provided to the Mayor or designee, the Clerk of the Board (the "Clerk") and the County Attorney. Notwithstanding any provision of the Code or law to the contrary, such member shall not hold over in office until a successor is appointed to fill the vacancy caused by the removal of such board member pursuant to this section. The provisions of this paragraph pertaining to removal for failure to file financial disclosure shall not apply to (1) any County board whose members can only be removed by the Governor of the State of Florida and (2) Community Council members, whose removal shall be governed by Section 20-43.2. Additionally, removal from office is only one penalty for failure to file financial disclosure. Nothing herein prohibits any appropriate authority from taking other lawful action, including the imposition of fines or criminal sanctions, for failing to file financial disclosure.

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County Attorney. Notwithstanding any provision of the Code or law to the contrary, such member shall not hold over in office until a successor is appointed to fill the vacancy caused by the removal of such board member pursuant to this section. The provisions of this paragraph pertaining to removal for failure to file financial disclosure shall not apply to (1) any County board whose members can only be removed by the Governor of the State of Florida and (2) Community Council members, whose removal shall be governed by Section 20-43.2. Additionally, removal from office is only one penalty for failure to file financial disclosure. Nothing herein prohibits any appropriate authority from taking other lawful action, including the imposition of fines or criminal sanctions, for failure to file financial disclosure.

APPLICABLE LEGISLATION/POLICY

Section 2-11.38 of the Miami-Dade County Code currently provides that all members of County boards must be permanent residents and electors of the County unless waived by two-thirds vote of the Commission.

<https://library.municode.com/fl/miami> -

[dade county/codes/code of ordinances?nodeId=PTIIICOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO)

Ordinance No. 80-136, adopted on December 16, 1980, codifies Section 2-11.36 through 2-11.40 of the Miami-Dade County Code to establish standards for the creation and review of County boards.

Section 1-233(b)(1) of the Broward County Code states that a person that is appointed to a board must be a resident of Broward County during the term of appointment. Additionally, a County employee may not be appointed by the Commission to a board, but they may serve as a voting member as long as they are appointed.

[https://library.municode.com/fl/broward-county/codes/code of ordinances?nodeId=P](https://library.municode.com/fl/broward-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH1AD_ARTXIIBOAUAGGE_DIV1GEPR_S1-233TEPRAPBRCOAGAUBOCOCOCOTAFQU)

[TIIICOR_CH1AD_ARTXIIBOAUAGGE_DIV1GEPR_S1-233TEPRAPBRCOAGAUBOCOCOCOTAFQU](https://library.municode.com/fl/broward-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH1AD_ARTXIIBOAUAGGE_DIV1GEPR_S1-233TEPRAPBRCOAGAUBOCOCOCOTAFQU)

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Item No. 3B

File No. 190801

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE THE REMAINING TWO, ONE-YEAR OPTION TO RENEW PERIODS FOR LEGACY CONTRACT NO. L603, SOCIAL SERVICES INFORMATION SYSTEM MAINTENANCE AND SUPPORT SERVICES, FOR THE INFORMATION TECHNOLOGY DEPARTMENT FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$399,000.00; 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 the remaining two one-year option to renew periods for a legacy contract providing social services information system maintenance and support services in an amount not to exceed \$399,000 for the Information Technology Department (ITD).

PROCEDURAL HISTORY

Prime Sponsor:

Department/Requester: Internal Services Department

There is no procedural history for this item.

ANALYSIS

The purpose of this item is for the Board to approve the two, one-year options to renew for Legacy Contract No. L603. This contract is intended to provide social services information system maintenance and support services to ITD. The awardee of the legacy contract is Bowman Systems LLC.

The time line below is intended to show the life of this type of service under two different contracts with Miami-Dade County.

Time Line

Contract Type	Effective Date	Expiration	Value
RFP-603	09/15/2008 (Original) 1 year with 5 one year option-to-renew	09/14/2009	\$ 500,000.00
RFP-603-1	09/15/2009 (OTR)	09/14/2010	\$ 146,237.00
RFP-603-2	09/15/2010 (OTR)	09/14/2011	\$ 268,074.00
RFP-603-3	09/15/2011 (OTR)	11/14/2012	\$ 85,000.00
RFP-603-4	11/15/2012 (OTR)	11/14/2013	\$ 132,000.00
RFP-603-5	11/15/2013 (OTR)	03/14/2015	\$ 194,982.67
L-603	06/23/2016 Original 5 year with two one-year options to renew	06/22/2019	\$ 228,705.00
L-603-1	06/23/2019	06/22/2020	\$ 170,000.00
		Total	\$ 1,724,998.00

The table below illustrates the Blanket Purchase order amounts in the Bid Tracking System.

Department	Allocation Amount	Released Amount	Balance
ITD	\$228,705.00	\$226,080.00	\$2,625.00

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Bowman Systems LLC, provided the Community Action and Human Services Department with a customized System, there are no other vendors that can provide the required maintenance and technical support, nor any future upgrades to the system. Continuing to utilize this open competitive contract rather than entering into a non-competitive agreement with the vendor results in healthier negotiations and reduced pricing.

Under the contract, Bowman Systems LLC will perform the following :

- Provision of known error corrections by delivery of available patches via electronic communication and for download via the internet;
- Provision of available minor updates (bundling of several error corrections in one version for download via the internet);
- Provision of available medium upgrades (version with additional/enhanced functions) for download via the internet;
- Provision of available major upgrades (version with substantially enhanced volume of functions), and new product releases;
- Information via electronic communication (email) when new minor/medium/major updates are available; and
- Licensor hosted hardware maintenance and repairs.

The Office of the Commission Auditor (OCA) conducted a review on April 16, 2019 of Bowman Systems LLC, and found that it has an inactive status on Sunbiz, (the official website of the Division of Corporations of the State of Florida) with a principal address of 750 Warrenville Rd Suite 301, Lisle, IL 60532 and no account with the Tax Collector's office.

The market research and the agenda item indicates that it would be cost prohibitive for the County to compete this project despite the availability of competition. The contract's Commodity Code is 20554 (Microcomputers, Handheld, Laptop, and Notebook, Environmentally Certified Products). Three local SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned code. (See below)

Vendor	Location	Certification
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

DEPARTMENTAL INPUT

OCA posed the following questions to the Internal Services Department on April 16, 2019.

- What would the cost be to develop a new social services system?
- Can a system be developed that is "open source" to be compatible with multiple vendor platforms?

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=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 2-8.1(b)(2) of the County Code provides for legacy purchases upon a majority vote of the Board members present. A legacy purchase is defined as a purchase of goods and services where competition is unavailable, impractical or constrained as a result of the need to continue to operate an existing County system which may not be replaced without substantial

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expenditure. In any legacy purchase award recommendation, the County Mayor shall include a statement as to the need for such purchase and the provisions taken to reduce or eliminate the future need for legacy purchases for the particular good or service.

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 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-1011-15, adopted 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>

Resolution No. R-477-18, adopted 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>

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>

ADDITIONAL INFORMATION.

Bowman Systems LLC has a contract for Data Entry Services with the Department of Veterans Affairs under contract D-303, https://www.va.gov/oal/docs/library/VA_ServiceContractActInventory-fy2011.xlsx

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**Item No. 3C
File No. 190817**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01063 IN A TOTAL AMOUNT UP TO \$24,275,000.00 FOR THE PURCHASE OF FIRE RESCUE EQUIPMENT AND ACCESSORIES FOR MULTIPLE DEPARTMENTS FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should authorize the establishment of *Prequalification Pool RTQ-01063* for the purchase of fire rescue equipment and accessories for multiple County departments in an amount of up to \$24,275,000 for a term of five years.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item has no procedural history.

ANALYSIS

The purpose of this item is to establish *Prequalification Pool RTQ-01063* for the Aviation, Corrections and Rehabilitation and Fire Rescue departments to purchase fire rescue equipment and accessories to support their operations. The total allocation for the five-year period is \$24,275,000. The Fire Rescue Department will be the largest user of the pool, accounting for \$23,625,000 of the total allocation.

Some of the items to be purchased through this pool are: chemical booster hoses, fire hoses and parts, nozzles, ladders, fire-fighting foam, self-contained breathing apparatus, radios and alerting equipment, hydraulic tools, saws, extrication and rescue equipment, and chemical storage and transport equipment. All items to be purchased under the pool shall be in accord with applicable government and industry standards, including but not limited to, those issued by the Occupational Safety and Health Administration and the National Fire Protection Association. Note that to qualify for the pool, the vendor shall be an authorized dealer or distributor for the solicited brands (e.g., Dupont, Hale, Hatch, Angus, Amerex, Buckeye and Evac Systems). Although the solicitation identifies specific brands to be purchased, additional brands may be added during the term of the pool. Lastly, the solicitation includes a SBE set-aside for up to \$100,000 where there are three or more certified firms available.

The solicitation was advertised on December 11, 2018, and 21 vendors responded. Of the respondents, 16 are being recommended for inclusion in the pool. Of the 16 prequalified vendors, six have a local address and three are certified small business enterprises.

The current pool (*No. 2121-2/13*) is valued at \$29,156,247 for a term of 12 years and 5 months, expiring on July 28, 2019. The original expiration date of the current pool was February 28, 2019; the current July 28, 2019 expiration date reflects a five-month administrative extension. Per Resolution No. R-718-17, the Administration must commence the planning for re-procurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchase of goods and services. As explained in the Mayor's memorandum, the replacement pool value of \$24,275,000 for a five-year term is significantly higher on an annualized basis than the current pool to account for major events such as the Super Bowl and Extrication Team Competition.

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Per the Market Research for this solicitation, the current pool has 32 prequalified vendors, representing approximately 237 distinct manufacturers. The Market Research concludes that a replacement pool is the recommended re-procurement method as it provides maximum competition for each purchase, resulting in the most favorable pricing available.

An April 16, 2019 Business Management Workforce System search for the solicitation's commodity code – 34072, Rescue Equipment, Supplies and Accessories Including Confined Space Hard Line Communications Systems, Rescue Nets, Power Extractors, Rope and Life Harnesses – yielded the following certified local small business enterprises:

- Aaron Industrial Safety, Inc.
- Dan Enterprises Team, LLC
- Pancar Industrial Supply Corp.

It is important to mention that Dan Enterprises Team, LLC is a recommended prequalified vendor.

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=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIIICOR_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-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>

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the County Mayor to conduct a full review prior to the re-procurement of replacement contracts for goods and services of the scope of services or goods requested to ensure such contracts reflect the current needs of the County and include such information in recommendations to the Board.

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

Resolution No. R-718-17, adopted by the Board on July 6, 2017, directs the Administration to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services.

<http://intra/gia/matter.asp?matter=171632&file=true&yearFolder=Y2017>

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Research Notes

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.

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

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Research Notes**

**Item No. 3D
File No. 190838**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING AWARD OF CONTRACT NO. D7289-0/24 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 ORACLE MASTER PURCHASING AGREEMENT AND AMENDMENT 1 IN AN AMOUNT NOT TO EXCEED \$44,000,000.00 FOR THE INFORMATION TECHNOLOGY 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 waive formal bid procedures by a two-thirds vote of the Board members present and award a designated purchase of *Contract No. D7289-0/24, Oracle Master Purchasing Agreement and Amendment 1*, to Oracle America, Inc. in an amount of up to \$44,000,000 for a five-year term for the Information Technology Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item has no procedural history.

ANALYSIS

The purpose of this designated purchase is for the County to establish a long-term master purchasing agreement with Oracle for provision of a suite of Oracle products and services, including, but not limited to, software licenses, hardware, cloud, training and consulting services and maintenance and technical support, to support the County's vast information technology infrastructure. The master agreement governs the County's use of the products and service offerings ordered from Oracle. This award to Oracle America, Inc. is for a five-year term with an allocation of \$44,000,000. The mayoral memorandum does not set forth slated departmental purchases, making it unclear what the requested allocation will specifically support.

According to the Information Technology Department, the County has invested more than 20 years and in excess of \$82,000,000 since it made Oracle the standard distributed database. Oracle is now the copyright holder for the County's Customer Care & Billing platform used by WASD as well as the ERP PeopleSoft platform used by HR. Oracle products support mission-critical systems countywide, such as 311, EAMS, and EDMS/Documentum.

Per the Market Research conducted for this procurement, the use of Oracle products and services is vital to County operations. While competition is available amongst Oracle resellers, entering into a non-competitive contract with Oracle allows the County to have control over the terms and conditions which will govern the purchase and use of these products and services. Due to the critical nature of the products and services and the high level of risk exposure that the application based on Oracle products present to the County, it is critical that the County establish terms and conditions that adequately address and mitigate liability exposure. Therefore, it is recommended that the County enter into a non-competitive agreement with Oracle in order to achieve the best value for Miami-Dade County, including pricing and protection from risk.

The County has purchased Oracle products and services on two separate contracts. The County has historically purchased Oracle hardware, licenses, and consulting services from Oracle America, Inc. under *Contract No. BW7289-4/08*, which expired on March 31, 2019, and was valued at \$99,640,000 for a term of 16 years. This contract does not allow the purchase of Oracle

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cloud licenses and associated services. The County accesses Maricopa County *Contract No. 13120-RFP*, expiring April 30, 2019 and valued at \$495,467.84, for cloud-based products and services. The awarded vendor under this contract is DLT Solutions, LLC.

Pursuant to Resolution No. R-279-18, adopted by the Board on March 20, 2018, a designated purchase to Oracle America, Inc. was authorized under *Contract No. BW7289-4/08, Oracle Licenses, Maintenance, Training and Technical Services*, to increase expenditure authority by \$3,265,000 and extend the contract term by one year to enable the County to complete negotiations of a long-term Master Agreement with Oracle. The extension was needed as negotiations between the County and Oracle for a replacement contract resulted in impasse relating to inclusion of certain County requirements, i.e., Implementing Order No. 3-9 regarding Accounts Receivable, compliance with local, state and federal laws and the First Source Hiring Referral Program. Per the mayoral memorandum, the proposed designated purchase reflects a successful resolution of that impasse as the Master Agreement now includes those County requirements.

The Commodity Code for this solicitation is 20562, Motherboards, Environmentally Certified Products. An April 16, 2019 search on the Business Management Workforce System under this code yielded the following local certified small business enterprises:

- Network & Communication Services, Inc.
- Visual Data Solutions, Inc.

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)

Section 2-8.1(b)(3) of the County Code sets forth procedures for purchases when competitive procedures are not practicable. This provision defines a designated purchase as a purchase when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (1) sole source purchases; (2) services where no competition exists such as public utility services; (3) where purchases or rates are fixed by law or ordinance; (4) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act; (5) purchase of goods and services necessary to address an emergency or where additional formal competition would not be practicable; and (6) 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

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a Designated Purchase by a two-thirds vote of the members present. Such adoption shall be deemed for all purposes to constitute a determination by the Board of County Commissioners that formal sealed bids are not practicable for this purchase and that it is in the best interest of the County to waive competitive bidding.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_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-140-15, adopted by the Board on February 3, 2015, directs the County Mayor to conduct a full review prior to the re-procurement of replacement contracts for goods and services of the scope of services or goods requested to ensure such contracts reflect the current needs of the County and include such information in recommendations to the Board.

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

Resolution No. R-718-17, adopted by the Board on July 6, 2017, directs the Administration to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services.

<http://intra/gia/matter.asp?matter=171632&file=true&yearFolder=Y2017>

Resolution No. R-1011-15, adopted by the Board on November 3, 2015, directed 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>

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>

Resolution No. R-279-18, adopted by the Board on March 20, 2018, authorized a designated purchase to Oracle America, Inc. under *Contract No. BW7289-4/08, Oracle Licenses, Maintenance, Training and Technical Services*, to increase expenditure authority by \$3,265,000 and extend the contract term by one year to enable the County to complete negotiations of a long-term Master Agreement with Oracle.

<http://intra/gia/matter.asp?matter=181064&file=false&yearFolder=Y2018>

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>

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Item No. 3E

File No. 190880

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$4,100,000.00 FOR A TOTAL MODIFIED CONTRACT AWARD OF \$15,090,000.00 FOR CONTRACT NO. 060B2490021 FOR THE PURCHASE OF COMMERCIAL OFF THE SHELF SOFTWARE FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO COUNTY CODE SECTION 2-8.1 AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority of up to \$4,100,000 for the purchase of commercial off-the-shelf software for the Information Technology Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item has no procedural history.

ANALYSIS

The purpose of this item is to authorize \$4,100,000 in additional expenditure authority to *Contract No. 060B2490021, Commercial Off-the-Shelf Software*—the third Board-approved modification since accessing the established State of Maryland contract in May 2016. The contract, originally for \$990,000, was established under the Mayor's delegated authority. The contract is currently valued at \$10,990,000 after the following modifications:

Mode of Modification	Date	Amount
BCC	12/06/2016	\$4,600,000
Delegated Authority	11/21/2017	\$250,000
Delegated Authority	12/14/2017	\$250,000
BCC	3/6/2018	\$4,400,000
Delegated Authority	3/15/2019	\$500,000
TOTAL		\$10,000,000

Additional expenditure authority is needed to fund the purchase of commercial off-the-shelf software, installation, training, maintenance and support services, as well as the purchase of new software licenses required by various County departments for Fiscal Year 2018-2019. It is the intent of the department to present additional modifications of this contract to the Board on an annual basis as software needs for future years are identified. The contract expires September 30, 2027.

According to the contract's Blanket Purchase Order, of the \$10,990,000.00 allocated, \$10,186,869.38 has been released leaving a balance of \$803,130.62. With the requested additional expenditure of \$4,100,000, the contract value will increase to \$15,090,000.

The contract provides access to a current pool of six prequalified vendors for the purchase of a diverse array of software products used by County staff to support critical County function, including providing protection of the County's networks and infrastructure against cyber-attacks. While all the vendors are non-local, all are active and registered to do business in the

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State of Florida per Sunbiz.org, the official State of Florida Division of Corporations website. Since this is a competitively accessed State of Maryland contract, the County does not have control of vendor participation.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code of Miami-Dade County (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 \$250,000.00; (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 Implementing Order (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-1137-16, adopted December 6, 2016, approved additional expenditure authority in the amount of \$4,600,000 to *Contract No. 060B2490021, Commercial Off-the-Shelf Software*.

<http://intra/gia/matter.asp?matter=162308&file=true&yearFolder=Y2016>

Resolution No. 212-18, adopted March 6, 2018, approved additional expenditure authority in the amount of \$4,400,000 to *Contract No. 060B2490021, Commercial Off-the-Shelf Software*.

<http://intra/gia/matter.asp?matter=180197&file=true&yearFolder=Y2018>

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-391-17, adopted April 4, 2017, directs the Mayor to conduct competitive selections whenever feasible instead of expanding the term or services under existing contracts, to include in any recommendation to the Board for the expansion of term or services under existing contracts a written justification of why a competitive process is not feasible, to include to the maximum extent possible in any proposed expansion of term or services any requirements of Ordinance or Resolutions adopted by the Board subsequent to the initial contract and to report to the Board in the recommendation which requirements were adopted and rejected.

<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 (ISD); 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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Research Notes**

**Item No. 3G
File No. 190536**

Researcher: TD Reviewer: YM

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AMENDMENT TO CONTRACT NO. BU3BSR28 WITH BEHAVIORAL SCIENCE RESEARCH CORPORATION TO EXTEND SUCH CONTRACT FOR AN ADDITIONAL 12 MONTHS WITH AN EFFECTIVE DATE OF MARCH 1, 2019, FOR THE PURPOSE OF PROVIDING STAFF SUPPORT SERVICES FOR THE MIAMI-DADE HIV/AIDS PARTNERSHIP, AND QUALITY MANAGEMENT SERVICES FOR THE RYAN WHITE PART A AND MINORITY AIDS INITIATIVE PROGRAMS, INCLUDING A TRAINING PROGRAM FOR DIRECT SERVICE PERSONNEL, TO EXPEND AN AMOUNT UP TO \$1,400,000.00 IN FEDERAL GRANT FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION IN ORDER TO FUND THE CONTRACT WITH BEHAVIORAL SCIENCE RESEARCH, AND TO EXERCISE AMENDMENTS, MODIFICATIONS, CANCELLATION, AND TERMINATION CLAUSES CONTAINED IN SUCH CONTRACT; AND WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-130-06

ISSUE/REQUESTED ACTION

Whether the Board should approve the extension of the contract with Behavioral Science Research Corporation for support services for the Miami-Dade HIV/AIDS Partnership and quality management for the Ryan White Part A Minority Aids Initiative (MAI) Programs.

PROCEDURAL HISTORY

Prime Sponsor:

Department/Requester: Office of Management and Budget

This item has no procedural history.

ANALYSIS

The proposed item requests Board approval of a designated purchase extending the County's contract with Behavioral Science Research Corporation for an additional 12 months in an amount up to \$1,400,000 for the delivery of staff support services for the Ryan White Part A and MAI Programs, including a training program for direct service personnel. The item also requests a waiver of Resolution No. R-130-06 requiring the underlying contract to be executed by the non-County party and attached to the agenda item prior to placement on the Board's agenda.

The current contract with Behavioral Science Research Corporation was effective on March 1, 2012 with the current contract expiring on February 28, 2019. Accordingly, this item is also requesting retroactive approval of the extension, commencing on March 1, 2019. The mayoral memo neither relays information regarding Behavioral Science Research Corporation's performance under the contract nor the total amount expended.

The mayoral memo indicates that due to changes in federal grant guidelines and restrictions related to administrative costs, ongoing discussions with multiple representatives from the U.S. Department of Health and Human Services regarding various interpretations of the proper classification of administrative support costs, and staff turnover in the Office of Management and Budget (OMB), the Ryan White Program staff has been unable to develop and complete the Request for Proposal (RFP) process before the current contract expired in accordance with Resolution No. R-718-17. The extension affords OMB time to finalize the RFP process, including advertisement and contract award.

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APPLICABLE LEGISLATION/POLICY

Ryan White HIV/AIDS Treatment Extension Act of 2009 The Ryan White HIV/AIDS Program legislation was first enacted in 1990 as the Ryan White Comprehensive AIDS Resources Emergency Act; it has been amended and reauthorized four times in 1996, 2000, 2006 and 2009; the extension Act of 2009 delineates the statutory requirements of the program; highlights of the extension Act include: (1) MAI funds under Parts A and B are distributed according to a formula based on the distribution of populations disproportionately impacted by HIV/AIDS and coincide with grant cycles under each Part; (2) Part A authorizes grant awards to eligible metropolitan areas and transitional grant areas; and (3) Part A and B grant recipients must develop comprehensive plans that include a strategy for identifying individuals with HIV who do not know their status and helping them seek medical services.

<http://legcounsel.house.gov/Comps/PHSA-merged.pdf>

Article LXXX of the County Code sets forth the County's HIV/AIDS Partnership; the purpose of the partnership is to enable the County and other governmental entities to apply for, receive, plan for, assess, and allocate financial assistance under Title XXVI of the Public Health Service Act as amended by the Ryan White HIV/AIDS Treatment Modernization Act of 2006, Healthy Communities 2010 Objectives, AIDS Housing Opportunity Act, and Housing and Community Development Act of 1992, State of Florida General Revenue Care and Treatment Allocations, and other HIV/AIDS related funding as it becomes available; and to advise the Board of County Commissioners, the Mayor, and other governmental entities on HIV/AIDS related issues.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTLXXXMIDECOHIAIPA

Resolution No. R-31-12, adopted January 24, 2012, approved a contract to Behavioral Science Research Corporation for staff support services for the Miami-Dade HIV/AIDS Partnership in the amount of \$510,300 under the HIV/AIDS Treatment Extension Act of 2009, Part A Funds and for quality management services in the amount of \$494,00 in Part A Funds and \$104,750 in MA1 Part A Funds for a term on one year subject to automatic renewal on an annual basis for five years from the end of the initial term.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2011/112433.pdf>

Resolution No. R-400-18, adopted May 1, 2018, approves the extension of Contract No. BU3BSR27 with Behavioral Science Research Corporation to provide staff support services for the Miami-Dade HIV/AIDS Partnership, and quality management services for the Ryan White Part A and Minority Aids Initiative Programs, including a training program for direct service personnel for an additional time of 12 months.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2018/180832.pdf>

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

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

Resolution No. R-130-06, adopted January 24, 2006, requires that proposed agendas items seeking an approval of a contract or conveyance shall not be placed on any committee or commission agenda unless the underlining contract or conveyance is completely negotiated, in final form, and executed by all non-County parties.

http://www.miamidade.gov/govaction/matter_report.asp?matter=060239&file=false&fileAnalysis=false&yearFolder=Y2006

Resolution No. R-718-17, adopted 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.

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<http://intra/gia/matter.asp?matter=171632&file=true&yearFolder=Y2017>

ADDITIONAL INFORMATION

Miami-Dade County's Ryan White Program distributes federal grant funds to HIV/Aids service organizations, community-based clinics, hospitals and public institutions. Approximately 10,000 people in Miami-Dade County are living with HIV or AIDS are served. Program services include outpatient medical care, prescription drugs, oral health care, mental health counseling, legal assistance and outreach services.

https://www8.miamidade.gov/global/service.gage?Mduid_service=ser1482944607068715&Mduid_location=org1462994438372631&Type_collection=&Mduid_organization=org1462994438372631

The Miami-Dade HIV/AIDS Partnership is organized to eliminate disparities and improve health outcomes for all people living with or at risk for HIV/AIDS. The Partnership obtains input on community needs, sets priorities and allocates funds for Ryan White Part A/MAI, plans for services and housing and makes recommendations for Ryan White Part B, General Revenue and Housing Opportunities for people with AIDS. In addition, it serves as an advisory board to the County Mayor and County Commission.

<http://aidsnet.org/#>

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**Item No. 3H
File No. 190537**

Researcher: TD Reviewer: YM

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS TO THE CONTRACTS WITH 14 SUBRECIPIENTS CURRENT GRANT FISCAL YEAR 2018 CONTRACTS APPROVED BY RESOLUTION NOS. R-1072-12 AND R-1177-17, IN ORDER TO EXTEND SUCH CONTRACTS FOR AN ADDITIONAL 12 MONTHS WITH AN EFFECTIVE DATE OF MARCH 1, 2019 FOR HEALTH AND SUPPORT SERVICES FOR PERSONS LIVING WITH HIV/AIDS, TO EXPEND AN ADDITIONAL AMOUNT NOT TO EXCEED A COMBINED TOTAL OF \$24,838,500.00 IN FEDERAL GRANT FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION, TO EXERCISE AMENDMENTS, MODIFICATIONS, CANCELLATION, AND TERMINATION CLAUSES CONTAINED IN SUCH CONTRACTS; AND WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-130-06

ISSUE/REQUESTED ACTION

Whether the Board should approve the execution of amendments with 14 sub recipients for Fiscal Year 2018 for health and support services for persons living with HIV/AIDS.

PROCEDURAL HISTORY

Prime Sponsor:

Department/Requester: Office of Management and Budget

This item has no procedural history.

ANALYSIS

The purpose of this item is in four parts: (1) Authorize the Mayor to execute amendments to the contracts with 14 sub recipients having current Grant Fiscal Year 2018 contracts approved by Resolutions R-1072-12 and R-1177-17 to extend them for an additional 12 months extending March 1, 2020 , (2) Authorizes the Mayor to expend an amount not to exceed a combined total of \$24,838,500.00 which is a portion of the federal grant from the Department of Health and Human, Health Resources and Services Administration's FY 2019-2020 grant.

There is no fiscal impact to the County as this is a Federal Grant requiring no matching funds.

The impact of this resolution is countywide. The Ryan White Program serves approximately 10,000 low-income people living with HIV or AIDS in Miami-Dade County. The local Ryan White Program provides eligible clients with a range of HIV-related health and support services. Those services include:

- Outpatient/Ambulatory Health Services
- Medical Case Management (including Treatment Adherence Services)
- Health Insurance Assistance
- AIDS Pharmaceutical Assistance (prescription drugs)
- Oral Health Care
- Mental Health Services
- Medical Transportation
- Substance Abuse Services (Residential)
- Substance Abuse Outpatient Care

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- Food Bank Services
- Outreach Services
- Other Professional Services (Legal Assistance and Permanency Planning).

On December 18, 2012, the Board adopted Resolution No. R-1072-12, awarding contracts to 15 sub recipients, to provide on-going core medical and support services without gaps in care for approximately 10,000 low-income people who are living with HIV or AIDS in Miami-Dade County. One sub recipient organization, Helen B. Bentley, Inc., was awarded a contract under Resolution No. R-1072-12, but is no longer in business. On December 17, 2017, the Board adopted Resolution No. R-1177-17, in part authorizing the County Mayor to execute continuation contracts with those service providers previously awarded contracts pursuant to Request for Proposal No. 0313 “Health and Support Services for Persons Living with HIV/AIDS” and Resolution No. R-1072-12.

The contracts awarded under Resolution Nos. R-1072-12 and R-1177-17, include five, one-year options to renew. The final option to renew expired on February 28, 2019. Due to several factors listed in the Mayoral Memo, the local Ryan White Program office was unable develop and complete the Request For Proposal (RFP) process before the current options to renew expires.

DEPARTMENT INPUT

The following question has been posed to the Department:

- Has the local Ryan White office failed in the past to develop and complete Request for Proposal (RFP) in a timely manner?

APPLICABLE LEGISLATION/POLICY

Ryan White HIV/AIDS Treatment Extension Act of 2009 Ryan White HIV/AIDS Treatment Extension Act of 2009: the Ryan White HIV/AIDS Program legislation was first enacted in 1990 as the Ryan White Comprehensive AIDS Resources Emergency Act; it has been amended and reauthorized four times in 1996, 2000, 2006 and 2009; the extension Act of 2009 delineates the statutory requirements of the program; highlights of the extension Act include: (1) MAI funds under Parts A and B are distributed according to a formula based on the distribution of populations disproportionately impacted by HIV/AIDS and coincide with grant cycles under each Part; (2) Part A authorizes grant awards to eligible metropolitan areas and transitional grant areas; and (3) Part A and B grant recipients must develop comprehensive plans that include a strategy for identifying individuals with HIV who do not know their status and helping them seek medical services.

<http://legcounsel.house.gov/Comps/PHSA-merged.pdf>

Article LXXX of the County Code sets forth the County’s HIV/AIDS Partnership; the purpose of the partnership is to enable the County and other governmental entities to apply for, receive, plan for, assess, and allocate financial assistance under Title XXVI of the Public Health Service Act as amended by the Ryan White HIV/AIDS Treatment Modernization Act of 2006, Healthy Communities 2010 Objectives, AIDS Housing Opportunity Act, and Housing and Community Development Act of 1992, State of Florida General Revenue Care and Treatment Allocations, and other HIV/AIDS related funding as it becomes available; and to advise the Board of County Commissioners, the Mayor, and other governmental entities on HIV/AIDS related issues.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTLXXXMIDECOHIAIPA

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Resolution No. R-1072-12 adopted December 18, 2012, approved the Mayor's recommendation for award of contracts in the total amount of \$19,000,000 for healthy support services for persons living with HIV/AIDS under Part A and Minority Aids initiative of the Ryan white Treatment Extension Act.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2012/122352.pdf>

Resolution No. R-1177-17 adopted December 5, 2017, ratifies the Mayor's action in applying for approximately \$27,963,028.00 in fiscal Year 2018-19 HIV Emergency Relief Project (Ryan White Part A and Minority Aids Initiative) grant funding for comprehensive health and support services for low income persons living with HIV/AIDS.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2017/172345.pdf>

Resolution No. R-130-06, adopted January 24, 2006, requires that proposed agenda items seeking approval of a contract or conveyance shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-County parties.

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

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>