



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

Government Operations Committee (GOC) Meeting

November 14, 2017
1:30 P.M.
Commission Chambers

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

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Item No. 1G2

Prime Sponsor: Audrey M. Edmonson

File No. 171854

Researcher: BM

Reviewer: PGE

ORDINANCE RELATING TO ENVIRONMENTAL PROTECTION; AMENDING SECTIONS 24-44 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING THE POSTING OF NOTICE OF CONTAMINATION ON PROPERTY WHERE ANY PERSON RESIDES OR ON VACANT PROPERTY; REQUIRING CERTAIN INFORMATION TO BE INCLUDED IN THE POSTED NOTICE; REQUIRING LABORATORY RESULTS AND OTHER INFORMATION TO BE PROVIDED TO THE COUNTY; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING FOR DELAYED ENFORCEMENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 171654]

ISSUE/REQUESTED ACTION

Whether the Board should amend Sections 24-44 and 8CC-10 of the Code in the following ways: (1) require the posting of notice of contamination on property where any person resides or a vacant property; (2) require certain information be included in the posited notice; (3) requiring laboratory results and other information be provided to the County; and (4) provide enforcement by civil penalty for parties responsible for site rehabilitation.

APPLICABLE LEGISLATION/POLICY

Section 22-44 of the County Code Clean-up Target Levels (CTLs and Procedures for Site Rehabilitation Actions).

The intent is to protect human health, public safety and environmental resources using risk-based corrective action strategies and to establish the point at which a site rehabilitation action is determined to be accomplished.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=CD_MIAMI-DADE CO FLORIDA](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA)

[CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR ARTIIWASOQU DIV3COSICL S24-44.1SRCOTE](#)

Section 8CC-10 of the County Code Schedule of civil penalties provides guidance for applicable code sections depending on the subject matter that may carry civil penalties. The proposed ordinance would amend this section of the Code to establish civil penalties for failure to: (1) post a notice, (2) provide laboratory results, and (3) other violations of the new provisions regarding site rehabilitation.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIIICOR_CH8CCCOEN_S8CC-10SCCIPE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH8CCCOEN_S8CC-10SCCIPE)

PROCEDURAL HISTORY

This item was adopted by on first reading on 7/18/2017. Municipalities were notified of public hearing on 7/27/17. This item was deferred at the 10/10/17 meeting until 11/14/17.

FISCAL IMPACT

Implementation of this ordinance is not anticipated to create a fiscal impact to Miami-Dade County, as it will not result in additional staffing needs. The cost of non-compliance will be borne by the party responsible for the site rehabilitation.

ANALYSIS

This item is requesting the Board to authorize an amendment to sections 24-44 and 8CC-10 of the County Code to: (1) require the posting of notice of contamination on property where any person resides or a vacant property; (2) require

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certain information be included in the posited notice; (3) requiring laboratory results and other information be provided to the County; and (4) provide enforcement by civil penalty.

The substitute version differs from the original in that it: (1) includes the terms “vacant properties” and “surrounding areas” to the proposed ordinance; and (2) the item also requires that laboratory results, notice, and a site sketch of the location of the notice be forwarded to the County.

Currently, there are no requirements for responsible parties of site rehabilitation to post a notice on the subject site and to notify the County. Implementing the proposed ordinance will increase residents’ awareness of the contaminations, its location, and possibly prevent potential for contamination exposure.

The proposed ordinance recommends that the posted notice be clearly visible, easily readable, and immediately apparent upon viewing. It must be at least 8.5 inches by 11 inches and use at least 12-font size. It shall indicate the contaminants in excess of CTLs that are present.

The proposed ordinance provides a schedule of civil penalties summarized in the table below:

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
	* * *	
>>24-44(2)(j)(v)	Failure to post notice of contaminated site	500.00
	Failure to provide Department with laboratory results	500.00
	Other violations of subsection 24-44(2)(j)(v)	500.00<<

ADDITIONAL FINDINGS

Broward County provides a website to inventory the Contaminated Site Locations. See link:

<http://www.broward.org/Environment/CONTAMINATEDSITES/Pages/SiteLocations.aspx>

Interactive map. See link:

<http://bcgis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=5d9ec5c1eb614c8b88d8990f48b15b7a>

Broward County has the following information regarding civil penalties: violations that do not cause substantial pollution or degradation of the environment and/or are not substantial violations of this chapter may alternatively be enforced by the issuance of citations subject to the schedule of civil penalties for citations. The maximum civil penalty which may be levied pursuant to the issuance of a citation shall not exceed five hundred dollars (\$500.00) per violation.

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Item No. 1G3

Prime Sponsor: Vice Chairwoman Audrey M. Edmonson

File No. 172144

Researcher: PGE

Reviewer: TD

ORDINANCE RELATING TO THE MISCELLANEOUS CONSTRUCTION CONTRACTS PROGRAM; AMENDING SECTION 2-8.2.7.01 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; UPDATING REFERENCES TO CONFORM PROGRAM TO EXISTING SMALL BUSINESS ENTERPRISE PROGRAMS AND PROCEDURES; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend the Miscellaneous Construction Contracts Program to align it with the current Small Business Enterprise Program, Board directives and the countywide departmental consolidation.

APPLICABLE LEGISLATION/POLICY

Section 2-8.2.7.01 of the County Code sets forth the Miscellaneous Construction Contracts Program, which is intended to enhance the construction contracting opportunities of certified or prequalified small business enterprises through a set-aside plan and an open competitive plan.

Implementing Order No. 3-53 sets forth the policies and procedures for use of the Miscellaneous Construction Contracts Program by contractors and County departments; the Implementing Order establishes a structure for use of the program's 7040 and 7360 Plans.

PROCEDURAL HISTORY

This ordinance was adopted by the Board on first reading at the October 3, 2017 meeting.

FISCAL IMPACT

As stated in the item's Fiscal Impact Section, implementation of this ordinance will not have a fiscal impact to the County.

ANALYSIS

On November 3, 2009, the Board adopted Ordinance No. 09-101, revising and codifying the Miscellaneous Construction Contracts (MCC) Program. The program governs the prequalification, registration and award of small-scale construction contracts to local small business enterprises. There are two contracting plans under the program – (1) the 7040 Plan, which is a rotational set-aside for certified construction firms and (2) the 7360 Plan, which is an open competitive plan that requires bidders to be prequalified prior to award. The Small Business Development Division of the Internal Services Department administers and monitors the program. The MCC process has a direct beneficial impact on all Commission Districts by accelerating small construction projects, facility repairs and neighborhood improvements valued up to \$2.5 million.

To participate in the MCC Program, a firm must satisfy the following:

1. Be a licensed construction contractor;
2. Be registered and active in the Florida Department of State Division of Corporations;
3. Be a registered vendor with the County's Internal Services Department, Procurement Management Services Division;
4. Complete the MCC Registration process online through the Vendor Portal; and

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5. Provide proof of insurance for general liability, workers compensation and automobile liability.

The MCC Program Ordinance has been previously amended as follows:

- (1) Ordinance No. 16-19, adopted by the Board on February 2, 2016, amended the MCC Program to require contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for mayoral approval.
- (2) Ordinance No. 17-27, adopted by the Board on May 2, 2017, amended the MCC Program to except non-compensatory time extensions from the requirement that contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for mayoral approval.

This item proffers to further amend the MCC Program Ordinance, as codified in Section 2-8.2.7.01 of the County Code, to conform the program to existing small business enterprise program requirements, Board directives and the countywide departmental consolidation. The suggested changes, if approved, would necessitate, for consistency purposes, the same changes to Implementing Order No. 3-53, Policies and Procedures for Usage of the OCI Miscellaneous Construction Contracts Program.

Bulleted below is a summary of the proposed amendments to the MCC Program Ordinance:

- Replaces the Office of Capital Improvements with the Small Business Development Division of the Internal Services Department as the County department responsible for administering the program, including developing specifications and contracting procedures;
- Updates CSBE (Community Small Business Enterprises) with SBE-Con (Small Business Enterprise-Construction) as the required certification category for program participation;
- For the 7040 Plan, SBD replaces the SBD Review Committee as the entity that determines the Community Workforce Program (CWP) goal applicable to each contract in accordance with applicable CWP requirements; the requirement of applying goals to contracts with construction costs of more than \$100,000 has been removed;
- For the 7360 Plan, CWP goals shall be established for each award by SBD, not the SBD Review Committee; and
- Replaces the Office of Strategic Business Management with the Office of Management and Budget or its successor office as the entity that reviews and approves operational considerations in the award or rejection of bids, including the Notice to Proceed, for construction contracts.

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Item No. 1G6 SUB

Prime Sponsor: Commissioner Jean Monestime

File No. 171993

Researcher: SM

Reviewer: PGE

ORDINANCE RELATING TO THE LIVING WAGE; AMENDING SECTION 2-8.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCREASING WAGE AND HEALTH BENEFIT RATES; PROVIDING FOR APPLICABILITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 2-8.9 of the County Code relating to the Living Wage Ordinance to increase wage and health benefit rates. The proposed ordinance would equalize the living wage rate for all covered Miami-Dade County service contractors' employees effective January 1, 2018.

APPLICABLE LEGISLATION/POLICY

Section 2-8.9 of the County Code – Provides that County service contractors for covered services shall pay employees a living wage.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOEM

PROCEDURAL HISTORY

The original item was approved by Board on first reading at the October 3, 2017 meeting.

FISCAL IMPACT

The fiscal impact could be substantial; this is due to the fact that the service contract costs that are covered under the Living Wage Ordinance will increase. The total fiscal impact of the proposed ordinance can only be quantified on a contract by contract basis.

ANALYSIS

This ordinance relates to amending Section 2-8.9 of the County Code increasing wage and health benefit rates for covered employees of County service contractors. This substitute item differs from the original in that it changes the effective date for the revised living wage and health benefit plan rates as follows:

From	To
October 1, 2017	January 1, 2018

The Living Wage Ordinance in 1999 established a Living Wage of no less than \$8.56 per hour with health benefits or a wage rate of \$9.81 per hour without health benefits which meant that the cost of qualifying health benefits was set at \$1.24 per hour. Since 1999, the wage rate and health benefit differential of the Living Wage Ordinance has been adjusted annually utilizing the Consumer Price Index calculated by the U.S. Department of Commerce as applied to the County of Miami-Dade. The indexed wage rate has effectively kept pace with inflation, ensuring wages are sufficient to permit workers to live above the poverty line.

In a 2014 health benefits survey, the Kaiser Family Foundation found that “the average annual premiums for employer-sponsored health insurance are \$6,025 for single coverage and \$16,834 for family coverage.” Assuming a 40 hour workweek, this translates to a minimum of \$2.89 per hour for a health benefit plan.

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Additional Information - Living Wage Rate Reports

Contracts awarded pursuant to the provisions of Miami-Dade County's Living Wage Ordinances stipulate that all covered employees providing service pursuant to the service contractor's contract will be paid a living wage of no less than a stipulated dollar amount per hour inclusive of a stipulated dollar amount per hour for health benefits, such health benefits will consist of a set dollar value per hour towards the provisions of health care benefits for employees and their dependents. <http://www.miamidade.gov/smallbusiness/living-wage-reports.asp>

In the event of any underpayment of the required wage rates, the contractor will be liable to the underpaid employee for the amount of such underpayment. Underpayment by a service contractor or subcontractor to the stipulated wages constitutes a wage violation under the provisions of the Living Wage.

On May 7, 2014, the Internal Services Department Small Business Development Division issued a notice for living wage rates for FY 2014-2015. According to the notice, effective October 1, 2014 through September 30, 2015 the Living Wage rate required was to be no less than \$12.46 per hour with a qualifying Health Benefits Plan (HBP) valued at no less than \$1.81 per hour, or \$14.27 per hour if no qualifying HBP is provided by the Service Contractor to its covered employees.

According to ISD's website (<http://www.miamidade.gov/smallbusiness/living-wage-reports.asp>), the Living Wage applies to contracts valued greater than \$100,000 and all service contractors at Miami-Dade Aviation Department facilities regardless of contract value for various covered services as defined in the provisions of Miami-Dade County's Living Wage Ordinances, Section 2-8-9 of the Code.

	Living Wage Paid (Service Contractors)		Health Benefits (Covered employer)	
	Current	Proposed	Current	Proposed
Miami-Dade	\$12.63 (with health) \$15.52 (without health)	\$13.20 (with health) \$16.35 (without health)	\$2.89 (per hour per employee)	\$3.16 (per hour per employee)
Broward	\$12.03 (with health) \$13.59 (without health)		\$1.56 (per hour per employee)	

<http://www.broward.org/Purchasing/Documents/Living%20Wage%20Rate%20Poster.pdf>

Living wage for contracts for covered services entered into, extended (by exercise of option to renew or otherwise), amended, or modified on or after October 1, 2016 and all service contractors operating under permits at Aviation department facilities: \$12.99 per hour with qualifying health benefits valued at least \$3.16 per hour, otherwise \$16.15 per hour. <http://www.miamidade.gov/smallbusiness/library/reports/living-wage-notice-october-december-2017.pdf>

Additional Information – Relevant Legislation:

On November 3, 2015, the BCC, through Resolution NO. R-1022-15, opposed Senate Bill 598 and House Bill 181, or similar legislation that would: (a) preempt local governments from requiring contractors on public works projects where state funds are involved to pay employees a predetermined amount of wages or wage rate, provide employees a specified type or amount of employee benefits, control or limit staffing, or recruit, train, or hire employees from a designated or restricted source; or (b) preempt local governments from restricting qualified bidders from submitting bids, being awarded any bid or contract, or performing work on public works projects. However, SB 598 and HB 181 did not pass during the 2016 legislative session.

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Additional Information – Articles found online:

An article found online that was published July 19, 2017 states that more than 300 food workers have filed complaints alleging their employers have been underpaying them.

“Workers with LSG Sky Chefs and Gate Gourmet said the underpayments date back to 2006. The employees of these companies, contractors of major airlines - Sky Chef's main client is American Airlines - say their employers are violating the Living Wage Ordinance” <http://news.wgcu.org/post/more-workers-miami-international-airport-claim-employers-violate-living-wage-ordinance>

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Item No. 1G7

Prime Sponsor: Commissioner Dennis C. Moss

File No. 172032

Researcher: SM

Reviewer: PGE

ORDINANCE EXTENDING THE SUNSET DATE OF THE MIAMI-DADE MILLENNIAL TASK FORCE CREATED BY RESOLUTION NO. R-1058-16 FOR A CERTAIN PERIOD OF TIME; PROVIDING FOR MEMBERSHIP, ORGANIZATION AND PROCEDURES SETTING FORTH PURPOSE, FUNCTION, RESPONSIBILITY, AND SUNSET PROVISION; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should extend the sunset date of the Miami-Dade Millennial Task Force (Task Force) for approximately six months.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1058-16 adopted by the Board on November 1, created the Miami-Dade Millennial Task Force; providing for membership, organization and procedures; and setting forth purpose, function, responsibility, and sunset provision.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-1058-16.pdf>

Section 2-11.36.1- Requires that County boards created for more than one year be created by ordinance.

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

[dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36.1DEBO](https://library.municode.com/fl/miami_-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36.1DEBO)

PROCEDURAL HISTORY

November 1, 2016, this Board adopted Resolution No. R-1058-16 creating the Miami-Dade Millennial Task Force (Task Force), responsible for developing strategies to attract, retain, and assist millennials in Miami-Dade County through, among other things, housing, career, and transportation opportunities or incentives.

The item was adopted on first reading at the Board's October 3, 2017 meeting.

FISCAL IMPACT

For every dollar of income earned by the lowest 20 percent in the County, those in the top five percent earn \$40, revealing a 40-1 income gap in the County, above the national average of 29-1, according to the 2016 County Prosperity Initiatives Feasibility Study conducted by Florida International University (FIU) Metropolitan Center

https://metropolitan.fiu.edu/research/services/economic-and-housing-market-analysis/prosperity-initiative-research-study_final.pdf

ANALYSIS

The purpose of the proposed ordinance is to extend the sunset date of the Task Force until May 9, 2018. This would allow the Task Force sufficient time to prepare the required comprehensive report on the issues millennials face within Miami-Dade County (County). The Task Force has the purpose of developing strategies to attract, retain, and assist millennials in Miami-Dade County through, among other things, housing, career, and transportation opportunities or incentives, however, that being said they are only advisory and do not possess any power of authority to commit the County or any of its agencies or instrumentalities to any policies, incur any financial obligations, or create any liability. They cannot enter into contractual agreements either on behalf of the County.

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The Task Force must consist of 26 members. The Task Force shall meet within 15 days of the appointment of its membership, and additional meetings may be held at the discretion of the Task Force. The members shall serve without compensation. The Task Force must provide their findings and recommendations to the Board within 90 days from the date of the Task Force's initial meeting. The report must include a comprehensive assessment of the issues that millennials face within the County, and what factors are contributing them to move elsewhere, what strategies and solutions to attract, retain, and assist millennials in the County must also be included in the report.

"Millennials" is a term that refers to people born within early 1980s through the early 2000s. Many different studies found that this group of young professionals have a difficult time to find a job that pays enough to sustain housing without living with their respective parents.

ADDITIONAL ONLINE RESEARCH FOUND

Miami has the highest percent of millennials stuck at home, with 45 percent of young people still living with their parents according to a study by the apartment-finding service Adobo. According to this study, Millennials make up one-third of the country's population, and that the majority of them who live at home are employed. The national unemployment rate for the group is 5.5 percent according to Adobo. The price of renting is not acceptable as Millennials in Miami would have to spend 90 percent of their income on rent.

The research study uses the median monthly income of millennials in each city when it comes to determining the income to rent ratio. Adobo's study found that the income/salary the group is taking home is less than the previous generations of young people due to the fact that an average student who graduates from a University will have a student loan of circa \$30,000.

Therefore it seems that most young professionals whom are millennials simply cannot afford another option even though it is the most educated generation in history with 60 percent having gone to College.

<https://www.abodo.com/blog/millennials-living-at-home/>

Other articles found in the Sun Sentinel writes about how Broward County has approximately 59 percent of renters that are considered to be cost burdened, compared to Miami-Dade County's 63 percent. This in turn forces entry level graduates to relocate in addition to turning down job offers once they find out the cost of living.

See the link below for information pertaining to other metropolitan cities where these young professionals choose to relocate to since the high cost of housing is unsustainable as it relates to their income.

<http://www.sun-sentinel.com/local/palm-beach/fl-pn-affordable-housing-summit-20170531-story.html>

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Item No. 2B

Prime Sponsor: Senator Javier D. Souto

File No. 172382

Researcher: SM

Reviewer: PGE

RESOLUTION AMENDING IMPLEMENTING ORDER 4-82 RELATING TO SCHEDULE OF FEES FOR COUNTY PARKING FACILITIES

ISSUE/REQUESTED ACTION

Whether the Board should amend Implementing Order (IO) No. 4-82 relating to the Schedule of Fees for County Parking Facilities.

APPLICABLE LEGISLATION/POLICY

IO 4-82 – Schedule of Fees for County Parking Facilities

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO4-82.pdf>

PROCEDURAL HISTORY

IO-4-82 was ordered September 17, 2014 and effective October 1, 2014.

FISCAL IMPACT

The following fees are for Miami-Dade County Cultural Center Garage, West Lot Garage, Garage #5, 140 West Flagler Garage, and Overtown Transit Village Garage; the table includes the proposed rates.

Fees	Current	Proposed rates
Current rates per half hour or portion thereof	\$3.00	First two hours of parking will be free of charge for County residents attending BCC meetings or a committee of the Board
Current fee for >2.5 hours or all day	\$14.00	
Lost ticket rate	\$14.00	
Juror parking	\$0	
Disabled parking	\$0	

ANALYSIS

This amendment of IO 4-82 relates to the schedule of fees for the various County parking facilities. If a County resident wishes to be heard in front of the Board, they would need to drive downtown and park in one of the various facilities the County offers. The item aims to unburden a resident who seeks to participate in a County public meeting by allowing that resident to park for free.

Florida Statutes Section 286.0114 provides that members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0286/Sections/0286.0114.html

This amendment would provide that any County resident that wishes to park in the County-owned Hickman garage, West lot garage or Cultural Center garage to attend a meeting of the BCC or one of its committees will not be charged any fee to park for the first two hours.

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ADDITIONAL RESEARCH: BROWARD COUNTY

The following fees are established for parking in or on the following Broward County-owned or operated parking facilities:

Broward County Governmental Center Garage, per hour or portion thereof, up to a maximum of \$12.00 per entry. There shall be no charge for any portion of the first hour which is less than ten minutes:

- First Hour - \$2.00
- Per Hour Thereafter - \$1.00
- Monthly Parking Pass, per month - \$150.00

Persons operating vehicles that display a Florida Toll Exempt permit, or vehicles with specialized equipment, such as ramps, lifts, or foot and hand controls, for use by a person who has a disability, will be provided with free parking, subject to Facilities Management Division verification process.

https://library.municode.com/fl/broward_county/codes/administrative_code?nodeId=CH38FEOTCHPUWO_PTIFAMA_38.1PAFE

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Item No. 3A

Prime Sponsor: GOC

File No. 171442

Researcher: PGE

Reviewer: TD

ORDINANCE RELATED TO BOND UNDERWRITERS; AMENDING SECTION 2-10.6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING MECHANISM BY WHICH UNFILLED POSITIONS ON INITIAL TEAMS FOR NEGOTIATED BOND TRANSACTIONS MAY BE FILLED AT DISCRETION OF COUNTY MAYOR OR DESIGNEE; CLARIFYING THAT EACH OF THE FIRMS SELECTED TO THE COUNTY'S UNDERWRITING POOL MAY SERVE AS SENIOR MANAGER FOR ANY TRANSACTION WITH A PAR AMOUNT EQUAL TO OR LESS THAN \$125 MILLION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend the ordinance related to the County's bond underwriting pool to accomplish the following: (1) provide a mechanism whereby open positions on initial teams for negotiated bond transactions may be filled by the Mayor or Mayor's designee; and (2) clarify that any of the firms in the County's underwriting pool may serve as Senior Manager for any transaction with a par amount equal to or less than \$125 million.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 16-64 adopted by the Board on June 7, 2016 repealed Section 2-10.6 of the County Code related to underwriters, creating a new Section 2-10.6 that replaces the provisions pertaining to the selection of underwriting firms for negotiated bond transactions with new provisions to create an underwriting pool based on each firm's capital strength and ability to underwrite bonds. The new underwriting pool shall consist of three segments – (1) national firms; (2) regional firms; and (3) small business firms. The ordinance also authorized the County Mayor to prepare and issue a Request for Qualifications for the selection of underwriting firms.

Ordinance No. 99-73, adopted by the Board on June 22, 1999, provides that all general obligation, special obligation and revenue bonds of the County be sold at a competitive public sale, unless waived; established the Manager's Finance Committee (MFC) and its composition; and created a new underwriting pool divided into two divisions.

Ordinance No. 04-202, adopted by the Board on November 30, 2004, amended Ordinance No. 99-73 to increase the representatives to the MFC and add a new provision for suspension or removal of firms from the underwriting pool.

PROCEDURAL HISTORY

The item was adopted on first reading at the July 6, 2017 Board meeting. At the October 10, 2017 GOC meeting, the item was deferred to the next committee meeting.

FISCAL IMPACT

The mayoral memo indicates that the proposed amendments to the ordinance will not have fiscal ramifications to the County.

ANALYSIS

This item proposes to amend Section 2-10.6 of the County Code (Competitive Bidding Requirement for all County Bond Transactions) to (1) ensure that if a situation has occurred in which fewer than the anticipated number of firms have applied under a particular segment of the underwriting pool, the Mayor or the Mayor's designee may fill any open slots on one of the three teams with any other firms that have responded to the RFQ, regardless of the segment under

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which such firms have applied; and (2) clarify that each of the firms selected to participate in the County's underwriting pool may serve as Senior Manager for any transaction with a par amount equal to or less than \$125 million.

On July 18, 2017, the Board adopted Resolution No. R-746-17, which rejected all proposals received for the County's municipal bond underwriting pool. A successful award would have pre-qualified firms to serve as members of the County's bond underwriting pool on all negotiated bond transactions on a non-exclusive, as-needed basis. Thirty-one proposals were received in response to the solicitation. The rejection was based on the elimination of firms due to non-responsiveness determinations by the County Attorney's Office. The item stated that a successor solicitation was being developed to allow for the inclusion of additional firms.

The specific substantive amendments proffered are as follows:

- A new Section 2-10.6(8)(c) that reads as follows: *In the event not enough firms have applied under a particular Segment such that one or more of the three teams cannot be filled as provided above, the Mayor or his designee may fill any remaining slots on the three teams with other firms that have responded to the RFQ regardless of the Segment under which such firms have applied; and*
- A revised Section 2-10.6(9)(c)(ii) that reads as follows: *A Segment 1 firm, ~~or~~ a Segment 2 firm or a Segment 3 firm may be the Senior Manager ~~but must have an Eligible Amount greater than or equal to 60 percent of the par amount of the transaction.~~ A Segment 3 firm may be the Senior Manager on any transaction with a par amount equal to or less than \$125,000,000.00, or if the firm has an Eligible Amount greater than or equal to 60 percent of the par amount of the transaction.*

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Item No. 3B

Prime Sponsor: Government Operations Committee

File No. 172347

Researcher: SM

Reviewer: PGE

RESOLUTION APPROVING A USER AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE) TO ACCESS STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORDS DATABASES OF THE FDLE AND FEDERAL BUREAU OF INVESTIGATION, IN COMPLIANCE WITH FLORIDA STATUTES SECTION 125.5801 AND SECTION 2-30 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT AND TERMINATION PROVISIONS AS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the User Agreement for Non-Criminal Justice purposes between Miami-Dade County and the State of Florida Department of Law Enforcement (FDLE) to access state and national fingerprint based criminal history records databases of the FDLE and the Federal Bureau of Investigation (FBI).

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 125.5801- Criminal history record checks for certain county employees and appointees.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.5801.html

County Code Section 2-30- Criminal history record checks for certain county employees, appointees, and contractors.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIVPE_DIV1PEDE_S2-30CRHIRECHCECOEMAPCO

PROCEDURAL HISTORY

On January 25, 2005, Miami-Dade County entered into an Intergovernmental Agreement with FDLE to conduct criminal history background checks, which specifically identified the use of the Volunteer and Employee Criminal History System (VECHS) as the mechanism to conduct the background screenings, under the National Child Protection Act of 1993, as amended and Florida Statute Section 943.0542, which identifies individuals who have access to children, disabled or elderly persons.

On March 17, 2015, the Board adopted Ordinance 15-20 that created Section 2-30 of the Code, which authorizes the County to utilize FDLE and FBI databases to conduct criminal history background checks for employees, volunteers, interns, contractors and contractual temporary personnel prior to the commencement of employment or service with the County.

<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2015/15-20.pdf>

Florida Statute Section 943.0542-Access to criminal history information provided by the department to qualified entities.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0943/Sections/0943.0542.html

FISCAL IMPACT

There is no fiscal impact as a result of a new user agreement with FDLE. The fees associated with criminal history background checks are incurred by the user departments and the rate is \$36.00 for applicants, contractors and contractual temporary personnel, and \$28.75 for volunteers and non-paid interns. These rates are established by FDLE.

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https://www.fdle.state.fl.us/cms/Criminal-History-Records/Documents/BackgroundChecks_FAQ.aspx

ANALYSIS

The proposed resolution would approve the User Agreement between the County and the Florida Department of Law Enforcement so that the County can continue to obtain fingerprint based criminal history records checks by accessing the FDLE and FBI databases. It is a requirement by FDLE to enter into this new User Agreement if the County wishes to continue conducting level 2 criminal history background checks.

Based on the adoption of County Ordinance 16-135, dated December 6, 2016, a new User Agreement is required and the 2005 Intergovernmental Agreement is no longer applicable.

<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2016/16-135.pdf>

The Ordinance 15-20 was forwarded by the FLDE to the FBI on April 9, 2015 as required so the County could continue accessing criminal history information from the FDLE and FBI databases, however the FDLE notified the County that the FBI had not accepted Ordinance 15-20. There was a revised draft of the Ordinance submitted to the FDLE and FBI which was subsequently approved. The proposed amendment eliminated any reference to Implementing Order 7-41, Pre-Employment Finger-Based Criminal History Records Checks.

FDLE agrees to provide the following:

- Assist User concerning the privacy and security requirements imposed by regulations, state, and federal laws.
- Provide User with such state criminal history records and information as reported to, processed, and contained in its systems and legally available to User.
- Act as an intermediary between User and the United States Department of Justice, securing for the use and benefit of User such federal and multi-state criminal history records or information as may be available to User under federal laws and regulations.

Either FDLE or User may suspend the performance of services under this agreement when, in the reasonable estimation of FDLE or User, the other party has breached any material term of agreement.

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Item No. 3C

Prime Sponsor: Xavier L. Suarez

File No. 171891

Researcher: PGE

Reviewer: TD

RESOLUTION WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; DECLARING SURPLUS A 22,100 SQUARE FOOT PARCEL OF COUNTY-OWNED REAL PROPERTY LOCATED AT 85 W. ENID DRIVE, KEY BISCAYNE, FLORIDA; AUTHORIZING THE CONVEYANCE OF SAME TO THE VILLAGE OF KEY BISCAYNE, A MUNICIPAL CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF FLORIDA, IN ACCORDANCE WITH FLORIDA STATUTES SECTION 125.38 FOR A PRICE OF \$1,400,000.00; AUTHORIZING THE CHAIRPERSON OR VICE CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH SUCH CONVEYANCE AND TO ENFORCE THE PROVISIONS SET FORTH IN SAID COUNTY DEED

ISSUE/REQUESTED ACTION

Whether the Board should authorize the sale by deed of County property totaling 22,100 square feet located at 85 West Enid Drive, Key Biscayne, Florida to the Village of Key Biscayne for an appraised price of \$1,400,000 for the Village to use the property as a municipal parking garage.

APPLICABLE LEGISLATION/POLICY

Section 125.38 of the Florida Statutes governs the sale of county property, allowing municipalities that desire any real property that may be owned by any county or by its board for public or community interest and welfare to apply to the board for a conveyance or lease of such property; such board, if satisfied that such property is required for such use and is not needed for county purposes may thereupon convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, regardless of the actual value of the property.

Administrative Order (AO) No. 8-4 prescribes the County's policy relating to the sale, lease or other disposal of County-owned real property. Under the AO, if property owned by the County is desired by another public agency for the same public purposes as held by the County and it is determined by the Board that the property is not needed by the County for such use, it may be conveyed at a nominal cost.

Resolution No. R-380-17 requires the Administration to provide written notification to the District Commissioner wherein County-owned property lies no less than four weeks prior to (1) any issuance of a Request for Proposals or Expression of Interest regarding the sale, lease or development of such property and (2) placement of any item on an agenda of the Board or any Committee of the Board requesting the approval of the sale, lease or surplus of County-owned property.

Resolution No. R-333-15 requires the disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

Resolution No. R-974-09, approved by the Board on July 21, 2009, requires any resolution authorizing the acceptance or execution of a deed, easement, covenant, reverter or mortgage creating or reserving a real property interest in favor of the County contain language that such instrument, after proper execution, be recorded in the public records of the county within which the real property is located.

Resolution No. R-1022-02, approved by the Board on September 24, 2002, amended the lease agreement between the County and the Village of Key Biscayne for property located at 85 West Enid Drive, Key Biscayne, Florida; the

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amendment authorized the demolition of the existing structure on the property to construct a new municipal parking facility. The amendment also reduced the lease term from 30 to 14 years, expiring on June 14, 2007 and provided the Village with an option to purchase the property at a purchase price to be established by appraisal.

Also see Resolution No. R-1275-93, ratifying the initial lease between the County and the Village of Key Biscayne on October 5, 1993 for a 30-year term.

PROCEDURAL HISTORY

This item was deferred to the next committee meeting at GOC's October 10, 2017 meeting. The published agenda shows that a withdrawal has been requested.

FISCAL IMPACT

The sale of the property will generate \$1,400,000 in revenue to the County.

ANALYSIS

The Village of Key Biscayne has leased this property from the County's Water and Sewer Department since 1993. In 2006, the Village notified the County of its intent to purchase the property and an appraisal was obtained by the County, valuing the property at \$2,400,000. However, the Village and the County did not agree on the sale price and thus the transaction did not transpire. The Village continues to occupy the property on a monthly basis as a holdover tenant as its lease has expired. The leased property is currently used for municipal parking purposes. An appraisal conducted on March 6, 2016 values the property at \$1,400,000 if it is unavailable for development and at \$4,350,000 if it is a developable site.

The County Deed restricts the Village's use to: (1) providing public or governmental parking; and/or (2) any other uses permitted under 125.38 of the Florida Statutes; if the Village seeks to use the property for a permitted use other than the parking use, the Village shall provide the County Mayor with written notice describing the intended permitted use of the property and must obtain written approval from the County before the property can be used for any purpose other than the parking use.

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Item No. 3D**File No. 171875****Researcher: SM****Reviewer: PGE**

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$285,000.00 FOR PREQUALIFICATION POOL NO. 7831-0/13 FOR PURCHASE, REPAIR AND MAINTENANCE OF FITNESS APPARATUS AND EQUIPMENT FOR COUNTY DEPARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority in an amount up to \$285,000 for prequalification pool 7831-0/13 for purchase, repair and maintenance of fitness apparatus and equipment for county departments.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally).

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order No. 3-38, setting forth policies and procedures pertaining to the authority to award and modify contracts for goods and services.

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

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

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2012/R-187-12.pdf>

PROCEDURAL HISTORY

This item was deferred at the October 10, 2017 GOC to the next GOC meeting.

FISCAL IMPACT

The term of this pool expires June 30, 2018. This prequalification pool was established by the County for a two-year term on June 20, 2011. The pool is currently in its five-year extension term. The awarded value is \$200,000 with a current value of \$1,000,000 and a new value of \$1,285,000, if this modification is approved. The additional expenditure is needed by Miami-Dade Aviation and the Corrections and Rehabilitation departments to support their operational needs through the remainder of the pool term. The table below shows expenditure usage under the pool as of November 13, 2017 according to the Bid Tracking System.

Department	Allocation Amt.	Released Amt.	Current Balance	Additional Funds Requested
Aviation	\$130,000	\$118,087.94	\$11,912.06	\$35,000
Corrections and Rehabilitation	\$200,000	\$199,991.2	\$8,80	\$250,000
Fire Rescue	\$275,000	\$216,937.65	\$58,062.35	
Parks, Recreation, and Open Spaces	\$55,000	\$0	\$55,000	
Police	\$340,000	\$210,317.66	\$129,682.34	
Total	1,000,000	\$745,334.45	\$254,665.55	\$285,000

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ANALYSIS

The proposed resolution would authorize additional expenditure authority to Prequalification Pool No. 7831-0/13, Purchase, Repair and Maintenance of Physical Fitness Apparatus and Equipment, for multiple County departments.

Aviation and Corrections and Rehabilitation are the two departments requesting additional funding in the amount of an accumulated \$285,000. There were five prequalified vendors, two of which had south Florida as their principal address. Each department have experienced unforeseen expenses. Corrections and Rehabilitation has determined that the department needs an additional \$250,000 after review of its past, current and future projections. The additional funding would be used to maintain the current equipment and replace the equipment which has surpassed their useful life. Aviation experienced similar issues in that it needs to replace old equipment beyond repair.

The justification from the procurement management system states that Aviation needs to replace their cardio equipment in addition to their benches and storage racks for the free weights. The bicep curl machine and triceps extension machine are broken and cannot be repaired. The department had requested repairs for the existing equipment, however most of them were beyond repairs.

Resolution No. R-349-13, adopted on May 7, 2013, authorized modifying this pool for an additional 60 months and \$465,000 in spending authority so the Fire Rescue, Police and Aviation Departments could purchase and maintain physical fitness equipment.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2013/R-349-13.pdf>

ADDITIONAL RESEARCH

Articles online write about how to minimize gym equipment failures, one specific cause of equipment failure relates to the cleaning of the equipment. Spraying fitness equipment could lead to cost related repair and maintenance as this could lead the circuit boards being shorted, in addition to that it could lead to the life of the equipment being reduced. Spraying the towel instead of the gym equipment would be a simple solution as the liquid would be kept under control.

<http://thecleanestimage.com/fitness-equipment-cleaning>

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Item No. 3E

File No. 172315

Researcher: BM

Reviewer: PGE

RESOLUTION AUTHORIZING 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 AWARD OF ADDITIONAL TIME UP TO ONE YEAR AND ADDITIONAL ALLOCATION IN THE AMOUNT OF \$2,100,000.00 FOR CONTRACT NO. RFP724 FOR THE PURCHASE OF AN EMPLOYEE GROUP LEGAL SERVICES PROGRAM FOR THE HUMAN RESOURCES 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 approve an extension of Contract No. RFP724, Employee Group Legal Services Program, by up to one year and additional expenditure authority in the amount of \$2,100,000.00 for the Human Resources Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally), governing the authority to award contracts for goods and services. This section requires formal sealed bids for purchases over \$250,000 and describes the circumstances under which non-competitive purchases may be approved.

Section 2-8.1(b)(3) of the County Code (Contracts and Purchases Generally), governing Designated purchases. Designated Purchases are for when the use of a formal seal bid is not practicable or where additional formal competition is not practicable. 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](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Implementing Order No. 3-38, setting forth policies and procedures for the award of competitive, emergency and non-competitive procurement contract awards for goods and services as well as contract modifications.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Resolution No. R-841-06, which speaks to the timeframe for presenting replacement contracts to the Board for approval.
<http://intra/gia/legistarfiles/Matters/Y2006/061720.pdf>

PROCEDURAL HISTORY

This item does not have procedural history.

FISCAL IMPACT

The contract has an existing cumulative allocation of \$17,349,000 for seven years. The \$2,100,000 in increased spending authority for the one-year extension period would increase the contract value to \$19,449,000.

ANALYSIS

This item recommends a designated purchase that will extend the contract with ARAG Insurance Company, an out-of-state vendor, for the delivery of an Employee Group Legal Services Program until December 31, 2018 and increase the cumulative contract value to \$19,449,000. This extension is to ensure the continuity of services until a replacement

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contract is awarded. As stated in the mayoral memorandum, it is anticipated that the replacement award will be presented for Board approval in April 2018.

The contract was approved by the Board on September 21, 2010 through Resolution No. R-943-10 for a five-year term plus a two-year option to renew for a value of \$17,349,000. The original term expired on December 31, 2015 and the option term expires on December 31, 2017. Under the contract, ARAG Insurance Company is required to do the following: (1) provide pre-paid legal services to employees and their eligible dependents, excluding retirees; and (2) provide legal assistance to include, but not limited to, wills and estate planning, real estate transactions, financial education and counseling, identity theft, personal bankruptcy, and trial representation. The program provides County employees and their eligible dependents with a fully-insured legal service plan. Employees who participate pay the full-cost of the premium.

Below is a list of the County's SBE vendors under the same commodity code for Legal Services (96150):

DE LEON & DE LEON, PA.
DEBORAH MORDECAI EDWARDS, P.A.
FELIX M. LASARTE P.L. D/B/A THE LASARTE LAW FIRM
SER & ASSOCIATES, PLLC

The premiums for employees and their dependents are summarized below. See link:

<http://www.miamidade.gov/humanresources/group-legal-services.asp>

After-tax Rates

Level of Coverage / Bi-weekly Premium
Employee Only - \$7.29
Employee & One Dependent - \$9.34
Employee & Family - \$9.61

ADDITIONAL INFORMATION

ARAG Insurance Company, provides long-term services to comparable large entities such as: Miami-Dade County Public Schools District, the State of California, and the State of New Mexico. Broward County offers its employees Prepaid Legal Insurance through U.S. Legal Services.

<http://www.broward.org/Benefits/OtherPlans/Pages/Legal.aspx>

QUESTIONS SENT TO THE INTERNAL SERVICES DEPARTMENT

The following questions were sent to the Internal Services Department on November 13, 2017. Once the responses are received, they will be incorporated into the Board Meeting notes scheduled for December 5, 2017.

1. The contract expires December 31, 2017 and the Board was asked to approve an extension for one-year; in which stage is the replacement contract;
2. Why was there a delay in the renewal of the contract; and
3. Has the user department considered SBE participation under the replacement solicitation

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Item No. 3F**File No. 172317****Researcher: BM****Reviewer: PGE**

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00585 IN A TOTAL AMOUNT UP TO \$3,500,000.00 FOR FLAT SHEET AND QUALITY OFFSET PRINTING SERVICES FOR THE INTERNAL SERVICES DEPARTMENT FOR A TERM OF FIVE YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should authorize the establishment of a prequalification pool, RTQ-00585, Flat Sheet and Quality Offset Printer Services, for a five-year term in the amount of \$3,500,000 for the Internal Services Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive acquisitions may be approved; and establishes the requirements for legacy and designated purchases.

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

Implementing Order No. 3-38 sets forth processes and procedures relating to the purchase of goods and services, including professional services.

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

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the Administration to conduct a full review of a contract's scope of services prior to re-procurement of the contract to ensure such contract reflects the County's current needs.

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

PROCEDURAL HISTORY

This item does not have procedural history.

FISCAL IMPACT

The fiscal impact for the five-year term is \$3,500,000. The funding source is Internal Service Funds.

Below is a table summarizing the current allocation and balance amount per the Miami-Dade County Bid Tracking System as of November 9, 2017:

<u>Allocation Amt.</u>	<u>Released Amt.</u>	<u>Balance</u>
\$2,100,000.00	\$1,713,101.87	\$386,898.13

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ANALYSIS

The current pool, 7607-1/18, is valued at \$4,200,000 and expires on March 31, 2018. The current pool includes the vendors listed below:

Existing Pool of Approved Vendors	Proposed Prequalification Pool
DUTTON PRESS INC SOLO PRINTING INC COLONIAL PRESS INTERNATIONAL INC ASSOCIATED PRINTING PRODUCTIONS INC 3 DIMENSION GRAPHICS INC	3 DIMENSION GRAPHICS INC ASSOCIATED PRINTING PRODUCTIONS INC COMMERCIAL PRINTERS INC SOLO PRINTING INC

The proposed prequalification pool differs from the existing pool in that it excludes Colonial Press International, Inc. as an approved vendor. Colonial Press International, Inc. did not submit the required documentation to satisfy the prequalification criteria. However, upon submission of the required documents, Colonial Press International, Inc. can be added to the prequalification pool. Vendors can be added at any time to the pool as this is an open prequalification pool. The proposed prequalification pool contains three vendors located within Miami-Dade County and one located in Broward County.

Per the Market Research file associated with the replacement award, the number of vendors that can provide these services has multiplied over the last six years. Several local vendors were identified as capable of providing these services: A.C. Graphics, Aquarius Press, Inc., Arch Press & Design, and Cowen Design. ISD and the Procurement Division have contacted the Beacon Council and the Greater Miami Chamber of Commerce to assist in identifying other local vendor capable of providing these services.

The replacement pool was advertised on June 08, 2017. Seven bids were received in response to the solicitation, including one "No Bid." Two vendors did not satisfy the prequalification criteria. Four vendors are being recommended for inclusion of the pool.

ADDITIONAL INFORMATION

A search of the Small Business Development Certified Firms List dated October 26, 2017 revealed the following vendors registered under the commodity code for these services:

- Archipress & Design, Inc.
- Matrix 2, Inc.

QUESTIONS SENT TO THE INTERNAL SERVICES DEPARTMENT

The following question was sent to the Internal Services Department on November 13, 2017. Once the response is received, it will be incorporated into the research notes when this item travels to the Board.

1. There are two certified small business vendors (Archipress & Design, Inc. and Matrix 2, Inc.) under this commodity code (96652) on the SBD Certified Firms List dated November 7, 2017 that are not present in the recommended prequalified vendors list in mayoral memorandum; were these vendors notified of the opportunity to participate in this pool; if so, how is notice provided.

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Item No. 3G**File No. 172341****Researcher: BM****Reviewer: PGE**

RESOLUTION AUTHORIZING 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 AWARD OF ADDITIONAL TIME OF UP TO TWO YEARS FOR CONTRACT NO. BW8488-5/17-5 FOR THE PURCHASE OF MAINTENANCE AND SUPPORT SERVICES FOR MIAMI-DADE COUNTY VOTING SYSTEMS IN AN AMOUNT NOT TO EXCEED \$500,000.00 FOR THE ELECTIONS 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 approve a designated purchase to Election Systems & Software, LLC for the County's Voting Systems contract (BW8488-5/17-5), extending the contract up to two years and increasing the expenditure authority in a total of \$500,000 for the Elections Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally), governing the authority to award contracts.

[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)

Implementing Order No. 3-38, setting forth processes and procedures for the purchase of goods and services.

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

Section 2-8.1(b)(3) of the County Code (Contracts and Purchases Generally), governing Designated purchases.

Designated Purchase are for when the use of a formal seal bid is not practicable or where additional formal competition is not practicable. 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](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Florida Statute 101.56075, relates to Voting Methods and Procedures. This statute explains that by 2020, persons with disabilities shall vote on a voter interface device that meets the voter accessibility requirements for individuals with disabilities

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0101/Sections/0101.56075.html

PROCEDURAL HISTORY

This item does not have procedural history.

FISCAL IMPACT

The contract has an existing cumulative allocation of \$26,002,000 for ten years. The \$500,000 requested expenditure to extend the contract for two years until January 13, 2020 would increase the contract value to \$26,502,000. The funding source is the General Fund.

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Department	Existing Cumulative Allocation	Additional Allocation Requested	Modified Allocation	Funding Source
Elections	\$26,002,000	\$500,000	\$26,502,000	General Fund

ANALYSIS

This item recommends a designated purchase that will extend the contract with Election Systems & Software, LLC for Miami-Dade County Voting Systems until January 13, 2020 and would increase the modified cumulative contract value to \$26,502,000. This extension is to ensure the continuity of services until a replacement contract is awarded. Pursuant to Florida Statute 101.56075, the County will be required to replace the existing voting equipment with such that comply with the requirements of the Americans with Disabilities Act by 2020.

The contract was approved by the Board on November 6, 2007 through Resolution Number R-1232-07 for a five-year term with five, one-year options to renew. The five options to renew have been exercised. The contract is currently in its final option to renew term.

A summary of the scope of service to be provided by the vendor on behalf of Miami-Dade County is detailed below:

- **Project Management** – overall planning, communication, management and coordination of Contractor services; documentation of all phases of system testing; oversight of technical elections procedures, results reporting and post elections activities; provide ballot design requirements, creation and oversight for the County's Contractor equipment and software.
- **Other Election Support Services** – includes providing technical systems training for elections staff; assisting with ballot creation, coding, and proofing; and providing Election Day and Election Central Technical support.

ADDITIONAL INFORMATION

The contract provides the County with maintenance and support for the election coding and tabulation software and optical scan system for scanning ballots. Broward County also uses Election Systems & Software as their Voting System provider. Election Systems & Software operates in 33 Florida counties, including some of the most populous: Miami-Dade, Broward, Pinellas and Orange. Just two counties, Palm Beach and Indian River, use Sequioa Voting Systems equipment. Diebold operates in 32 counties, many of them small. The exception: the fourth-most populous county, Hillsborough (Tampa). <http://www.hartintercivic.com/News/voting-machine-monopoly-seen-florida>.

QUESTIONS SENT TO THE INTERNAL SERVICES DEPARTMENT

The following questions were sent to the Internal Services Department on November 13, 2017. Once the responses are received, they will be incorporated into the notes for the item when it travels to a Board agenda.

1. The vendor's principal address is in Omaha, NE and it has no local address; how are maintenance and support services delivered;
2. Who are the three state-certified vendors for provision of the tabulation software; and
3. Does this requested extension fall under the County Code's legacy provision, Section 2-8.1(b)(2).

Office of the Commission Auditor

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Item No. 3H

Prime Sponsor: Sally A. Heyman

File No. 172375

Researcher: BM

Reviewer: PGE

RESOLUTION RATIFYING THE EXECUTION OF CONTRACT NO. GC911 BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND MIAMI-DADE COUNTY FOR STORAGE TANK SYSTEM COMPLIANCE VERIFICATION FOR A TERM OF 10 YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL RIGHTS CONTAINED THEREIN (Regulatory and Economic Resources)

ISSUE/REQUESTED ACTION

Whether the Board should ratify the action of the County Mayor's designee in executing Contract No. GC911 with the Florida Department of Environmental Protection for storage tank system compliance verification on a fee schedule/cost reimbursement basis for activities covered under the contract for a ten-year term.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-796-07, relating to the contract with the Florida Department of Environmental Protection Agency for storage tank system compliance verification. This resolution was approved by the Board on July 10, 2007 and it provides for a contract between the Florida Department of Environmental Protection and Miami-Dade County to provide storage tank compliance and construction inspection services.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2007/071649min.pdf>

PROCEDURAL HISTORY

This item relates to item number 8(D)(1)(A) Contract Number CG678 which was approved by the Board on July 10, 2007 through resolution number R-796-07.

FISCAL IMPACT

This item is to establish a reimbursement Contract between the Florida Department of Environmental Protection Agency and Miami-Dade County for compliance verification of storage tank systems Countywide for a ten-year term.

Miami-Dade County is to receive approximately \$420,000 from the Florida Department of Environmental Protection Agency for FY 2017-18. Throughout the ten-year Contract term, Miami-Dade County may receive funds not to exceed \$5,277,336 from the Florida Department of Environmental Protection Agency.

No Matching Funds are required of Miami-Dade County for this Contract.

ANALYSIS

This item seeks approval from the Board to execute Contract Number GC911 with the Florida Department of Environmental Protection Agency for storage tank system compliance verification for a ten-year term. This resolution, if approved, will be retroactive to July 1, 2017. The current contract expired June 30, 2017. The Contract was received on April 24, 2017 from the Florida Department of Environmental Protection Agency but was negotiated through the end of June 2017. The contract was executed by the Mayor's designee prior to the expiration date.

Miami-Dade County is to receive approximately \$420,000 from the Florida Department of Environmental Protection Agency for FY 2017-18 and up to \$5,277,336 throughout the ten-year Contract term. Invoices shall be submitted on a monthly basis.

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Miami-Dade County shall perform routine compliance inspections within its geographical boundaries. Relatedly, Miami-Dade County shall perform closure inspections, installation inspections, discharge inspections, re-inspections, and compliant inspections as applicable.

ADDITIONAL INFORMATION

Guidance Documents for compliance to the Contract regarding Storage Tanks can be found at the link below:

<https://floridadep.gov/waste/permitting-compliance-assistance/content/storage-tank-compliance>