



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

Public Safety and Rehabilitation (PSR)
Committee Meeting

June 11, 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
(305) 375-2524

THIS PAGE INTENTIONALLY LEFT BLANK

PSR Committee Meeting: June 11, 2019
Research Notes

Item No. 3A
File No. 191389

Researcher: LE Reviewer: TD

RESOLUTION AUTHORIZING AFFILIATING AGREEMENTS WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS FOR THE PROVISION OF EDUCATIONAL CLASSES FOR JUVENILES AND SPECIAL EDUCATIONAL CLASSES FOR YOUNG ADULTS IN THE CUSTODY OF THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE AGREEMENTS, INCLUDING ANY CANCELLATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve affiliating agreements with Miami-Dade County Public Schools (MDCPS) to provide educational classes for juveniles and special educational classes for young adults in custody of the Miami-Dade Corrections and Rehabilitation Department.

PROCEDURAL HISTORY

Prime Sponsor: Joe Martinez, District
Department/Requester: Corrections & Rehabilitation

This item does not have a procedural history.

ANALYSIS

The purpose of this item is to approve affiliating agreements (Agreements) between the County and Miami-Dade County Public Schools (MDCPS) to provide educational services for juvenile inmates in grades 6 through 12 that are under the age of 18, who are incarcerated at the Turner Guilford Knight Correctional Center, and special education to young adults between ages 18-22 incarcerated at the Metro West Detention Center.

The Miami-Dade Department of Corrections and Rehabilitation provides residential incarceration to juveniles and young adults in grades 6-12 who are in detention and awaiting final disposition of criminal cases at the Turner Guilford Knight Detention Center.

The educational programs provided through the Agreements has no negative fiscal impact to the County. MDCPS will be reimbursed by the State of Florida according to full-time equivalency the county based on the number of full-time students enrolled per course.

Since 1983, MDCPS has provided educational courses for juvenile and young adult inmates with special needs incarcerated in County jail facilities. Pursuant to Section 1003.52 of the Florida Statutes, MDCPS must offer educational services to juveniles who have not graduated from high school and to eligible students with disabilities. The educational services will be provided based on the student's estimated time in the facility and their current level of functioning.

As per the terms of the agreement, MDCPS Educational Alternative Outreach Program will provide the following:

- An educational program designed for students in grade 6-12 and for those who are special education students between the ages of 18-22.
- Administrator(s) to monitor compliance of the educational program and assist instructional and support personnel

PSR Committee Meeting: June 11, 2019
Research Notes

Item No. 3A

File No. 191389

Researcher: LE Reviewer: TD

- Certified teachers that are consistent with the School Board's established teacher-student ratio for alternative education
- Instructional materials and equipment
- Personnel responsible for entering student attendance in the electronic gradebook and maintenance of educational records
- An initial development of a Progress Monitoring Plan (PMP) for general education students, a Limited English Proficient (LEP) Plan for English Language Learners (ELL), and an Individualized Education Plan (IEP) for special needs students, and an Educational Plan (EP) for gifted students.
- Personnel for the administration of State and District mandated assessments.

As per the terms of the agreement, the respective detention facility will provide the following:

- Staff member liaison responsible for the administration and implementation of the agreement.
- Personnel to coordinate efforts with the School Board to provide assistance in preparing and planning student movement in and between programs, and written notice of a student's discharge.
- Security staff present at the facility at all times.
- Classrooms with a minimum of 25 usable square feet per pupil, furniture, storage, space for staffing, meetings and teacher planning.
- Custodial services.
- Written assurance of full compliance with Section 1000.05 of the Florida Statutes.
- General drug screening for all applicants for non-instructional positions.

The affiliating agreement will be for a three-year term effective July 1, 2019 to June 30, 2022.

ADDITIONAL INFORMATION

The Educational Alternative Outreach Program serves thousands of students annually with a standard core academic program with emphasis on improving student attendance, achievement, graduation rates, and basic skills. The centers in the Outreach Program are composed of the Department of Juvenile Justice residential and day treatment centers, correctional detentions centers, drug/alcohol rehabilitation centers, shelters, specialized centers, and other alternative educational opportunities.

<https://deoamdcps.org/educational-alternative-outreach-program/>

DEPARTMENTAL INPUT

OCA sent out the following questions on June 10, 2018 and are awaiting a response:

- **Approximately how many students will be enrolled in the educational program at each detention facility?**
- **For the past 10 years how many juvenile and young adult inmates used the educational services?**
- **How much funding reimbursement has MDCPS received from the state?**
- **How many students have successfully received a diploma/GED/other certification from the educational program?**

APPLICABLE LEGISLATION/POLICY

Section 1003.52 of the Florida Statutes states that the Department of Education and Department of Juvenile Justice will train, collaborate, and coordinate with district school boards and related boards and providers to implement educational programming for juvenile and young adult inmates who have been incarcerated.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=juvenile%20educational%20services&URL=1000-1099/1003/Sections/1003.53.html

PSR Committee Meeting: June 11, 2019
Research Notes

Item No. 3A

File No. 191389

Researcher: LE Reviewer: TD

Section 1000.05 of the Florida Statutes prohibits discrimination against students and employees in K-12 public education system.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&Appmode=Display_Statute&Search_String=1000.05&URL=1000-1099/1000/Sections/1000.05.html

PSR Committee Meeting: June 11, 2019
Research Notes

Item No. 3C
File No. 191418

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING THE TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF AN AMENDMENT TO LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND DORAL 8240 OFFICE, LLC, FOR THE PREMISES LOCATED AT 8240 NW 52 TERRACE, MIAMI, FLORIDA TO LEASE AN ADDITIONAL 822 RENTABLE SQUARE FEET OF OFFICE SPACE FOR USE BY THE MIAMI-DADE COUNTY POLICE DEPARTMENT, AND TO EXTEND THE LEASE TERM AND ADJUST THE RENTAL RATE, ANNUAL PERCENTAGE INCREASES, AND OTHER TERMS WITH A TOTAL FISCAL IMPACT TO THE COUNTY ESTIMATED TO BE \$1,478,790.56 FOR A FIVE YEAR TERM, WITH ONE, FIVE YEAR OPTION TO RENEW; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should authorize execution of an amendment to the Lease Agreement between Doral 8240 Office, LLC (Landlord) and the County (Tenant) for property located in District 12 to allow for leasing additional office space in the building, adjustment of the rental rate and annual percentage increases, and establishment of a lease term of five years, with one, five-year option to renew.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12
Department/Requester: Internal Services Department

This item has no procedural history.

ANALYSIS

The purpose of this item is to facilitate amendment of the Lease Agreement for property located at 8240 NW 52 Terrace, leased by Miami-Dade Police Department (MDPD) since 2013 for its Psychological Services Section. The lease, initiated in March 2013 for five years with one five-year renewal period, expired on April 30, 2018. At this time the County elected to exercise its option to renew. Among the modifications is a notable increase in the proposed annual rent as a result of MDPD's election to lease additional 822 square feet of office space. The total square footage is now 3,963 square feet. The second factor affecting the rent is an increased rental rate, from \$19.32 per square foot to \$31 per square foot. A comparable property in the area has a rental rate of \$32 per square foot on an annual basis. A determination was made that remaining in the space would result in a lower financial impact than relocating the MDPD operation.

The fiscal impact to the County for the initial year of the lease term is estimated to be \$132,612.67 with the base rent of \$122,853 including operating expenses such as electricity, water, and waste disposal services. The County retains responsibility for telephone services.

The proposed lease term of five years, with one, five-year option to renew (OTR) presents a total estimated fiscal impact to the County of \$1,278,790.56 for the duration of the lease and exercised OTR. This amount reflects a 3% annual base rent increase per the amended lease terms and amounting to a \$497,752.96 increase in estimated fiscal impact from the original lease. The County is responsible for holdover rent from May 1, 2018 through July 31, 2018 for the existing premises.

PSR Committee Meeting: June 11, 2019
Research Notes

Item No. 3C

File No. 191418

Researcher: JFP Reviewer: TD

Per the amended Lease Agreement, the landlord will perform all necessary renovations to the additional office space at its own cost and expense. Any upgrades and improvements beyond what the landlord provides will be at the County's expense. The termination clause of the original lease agreement has been deleted, thus eliminating the County's right to terminate the lease.

The leasing company, Doral 8240 Office, LLC, underwent a name change from Doral P1 Phase, LLC on April 12, 2018. Doral 8240 Office LLC is active and registered to do business in Florida per Sunbiz.org, the State's official Division of Corporations website. The Limited Liability Company is listed with a local principal place of business of 2020 Salzedo Street, 5th Floor, Coral Gables, FL 33134.

Below is an image of the subject property located in District 12.



APPLICABLE LEGISLATION/POLICY

Resolution No. R-139-13, adopted February 20, 2013, approved terms of and authorized execution by the County Mayor of a Lease Agreement in the Doral area, with Doral P1 Phase, LLC, a Delaware Limited Liability company, for premises to be utilized by the Miami-Dade Police Department as administrative offices, with a total fiscal impact to the County estimated to be \$781,037.60 for the initial five-year term of the lease and the additional five-year renewal option period.

<http://intra/gia/matter.asp?matter=130089&file=true&yearFolder=Y2013>

PSR Committee Meeting: June 11, 2019
Research Notes

Item No. 3D
File No. 191358

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING AWARD OF A LEGACY CONTRACT FOR DNA TESTING EQUIPMENT, SUPPLIES, MAINTENANCE AND TRAINING FOR THE MIAMI-DADE POLICE DEPARTMENT, CONTRACT NO. BW6636-0/23, TO LIFE TECHNOLOGIES CORPORATION FOR A FIVE-YEAR TERM IN A TOTAL AMOUNT NOT TO EXCEED \$4,000,000.00 AND APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND 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 a legacy contract award to Life Technologies Corporation (LTC) for DNA testing equipment, supplies, maintenance and training services in an amount of up to \$4,000,000 for a five-year term for the Miami-Dade County Police Department (MDPD).

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

The item has no procedural history.

ANALYSIS

The purpose of this item is for MDPD to continue receiving DNA testing, equipment, supplies, maintenance and training services from LTC, the incumbent vendor, to ensure no interruption in the department's Crime Laboratory operations. The current legacy contract (*BW6636-0/18*) is valued at \$2,200,000 for a five-year term, from February 15, 2014 through August 31, 2019. Note that the original expiration date was February 28, 2019; the contract has been extended, administratively, by six months under the County Mayor's delegated authority. LTC has been delivering the contract services to MDPD since August 2006.

This replacement award is valued at \$4,000,000 for a five-year term. The increase in allocation under this contract is attributable to MDPD's decision to no longer outsource DNA services. Under this award, MDPD continues to receive the following specific services:

- HID systems equipment, DNA testing supplies and software supplies;
- HID systems and software maintenance and repair; and
- HID systems and software training.

These services are for the LTC equipment currently in operation at MDPD's Crime Laboratory.

This contract is used to conduct analysis on biological evidence submitted to the Crime Laboratory. LTC is the sole manufacturer and distributor of the Applied Biosystems Genetic Analyzers, real time thermal cyclers and associated software used in MDPD's DNA testing program. The equipment and supplies provided by LTC has been validated through an extensive testing process required for the department's accreditation and for coordination with the FBI's national DNA database.

PSR Committee Meeting: June 11, 2019
Research Notes

Item No. 3D
File No. 191358

Researcher: PGE Reviewer: TD

As documented in the Market Research compiled by the Administration, there is competition in the market for DNA testing equipment, e.g., Promega Power Quant System, ABI 7500, and PowerPlex Fusion 5C. However, as suggested in the mayoral memorandum, if the MDPD Crime Laboratory were to transition to a new vendor, it would require shutting down the current DNA testing program (which has a sizeable caseload), retraining staff and reconfiguring instruments and software systems, and testing products for effectiveness prior to the completion of any casework. Such a transition to a new manufacturer is estimated to cost over \$3,000,000. LTC is the only vendor capable of delivering the services needed by MDPD to maintain the department's existing DNA testing program.

Pursuant to Section 2-8.1(b)(2) of the County Code, the County Mayor shall include, in any legacy purchase award recommendation, 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. While this item sets forth the case for the need to continue purchasing DNA testing equipment and services from LTC, it does not explain what MDPD intends to do, long-term, to reduce or eliminate the future need for a legacy purchase for the contracted services.

ADDITIONAL INFORMATION

Life Technologies Corporation was acquired by ThermoFisher Scientific in January 2014.

<https://www.thermofisher.com/us/en/home/brands/life-technologies.html>

See the link to the December 13, 2018 Washington Post article titled "FBI plans Rapid DNA network for quick database checks on arrestees." The article explains the quick turnaround from use of the Rapid DNA machine, which is manufactured by ANDE 6C. The machine can produce DNA profiles in less than two hours.

https://www.washingtonpost.com/crime-law/2018/12/13/fbi-plans-rapid-dna-network-quick-database-checks-arrestees/?noredirect=on&utm_term=.f8e8fcd516e6

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 (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

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

Section 2-8.1(b)(2) of the County Code defines a legacy purchase as the 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 expenditure. Such legacy purchases may be awarded by the Board of County Commissioners upon a majority vote of those Board members present. The County Mayor shall include, in any legacy purchase award recommendation, 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.

PSR Committee Meeting: June 11, 2019
Research Notes

Item No. 3D
File No. 191358

Researcher: PGE Reviewer: TD

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTIINGE S2-8.1COPUGE](https://library.municode.com/fl/miami-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Resolution No. R-716-12, adopted September 4, 2012, requires identification of a firm's small business enterprise program certification in any procurement item submitted for Board approval.

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

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-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>

Resolution No. R-1011-15, adopted 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-737-13, adopted September 17, 2013, approved award of a legacy contract to Life Technologies Corporation for DNA testing equipment, supplies, maintenance and training for a five-year term for a value of \$2,000,000.

<http://intra/gia/matter.asp?matter=131540&file=true&yearFolder=Y2013>

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>