



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

Parks, Recreation and Cultural Affairs (PRCA)
Committee Meeting

September 11, 2019
9:30 A.M.
Commission Chambers

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Research Notes

Item No. 3A
File No. 192084

Researcher: MF Reviewer: TD

RESOLUTION RESCINDING FURTHER PURCHASING AUTHORIZATION IN RESOLUTION NO. R-320-18 AND RESOLUTION NO. R-357-17 WHICH APPROVED WAIVER OF COMPETITIVE BIDDING FOR THE PURCHASE OF PROFESSIONAL PERFORMERS, INDIVIDUAL ARTISTS, EXHIBITIONS AND ASSOCIATED EXPENSES; AND AUTHORIZING, PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS (2/3) VOTE OF THE BOARD MEMBERS PRESENT, WAIVER OF FORMAL BID PROCEDURES FOR THE PURCHASE OF PROFESSIONAL ENTERTAINMENT, ARTIST SERVICES, AND ASSOCIATED EXPENSES IN AN AMOUNT NOT TO EXCEED \$125,000 PER PERFORMANCE OR EXHIBITION AND \$7,466,000 IN THE AGGREGATE OVER A TIME PERIOD NOT TO EXCEED TWO YEARS; AUTHORIZING THE COUNTY OR COUNTY MAYOR'S DESIGNEE TO AWARD AND EXECUTE SUCH AGREEMENTS AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should rescind purchasing authorization for an approved waiver of competitive bidding for the purchase of professional performers, individual artists, exhibitions and ancillary expenses and authorize a waiver of formal bid procedures for same in an amount up to \$125,000 per performance and \$7,466,000 during a two-year period.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

ANALYSIS

The proposed resolution requests Board approval to rescind previous purchase authorizations via Resolution Nos. R-320-18 and R-357-17, which approved a waiver of competitive bidding, and instead approve a waiver of formal bid procedures for the purchase of professional entertainment, artist services, and associated expenses. The reason for the waiver, according to ISD, is to facilitate the planning and programming of arts and cultural activities and services countywide.

The fiscal impact is \$7,466,000 for a two-year waiver. OCA conducted a review of the Bid Tracking System (BTS) of Contract No. BW8970-4/14-4, under the previously adopted Resolution Nos. R-320-18 and R-357-17, which are being rescinded via this request. As of September 9, 2019, BTS showed the allocated Blank Purchase Order of \$1,574,000, of which \$393,029.60 remain. The effective date of the original allocation was August 26, 2013 and it is set to expire on November 25, 2019.

The contracting of the performers, artist services, and ancillary expenses will require annual authorization of the budgets for each department. The budget for the waiver was derived from the annual projected budgets of the following cultural arts facilities: African Heritage Cultural Arts Center; Joseph Caleb Auditorium; Miami-Dade County Auditorium; and South Miami-Dade Cultural Arts Center. Below is a summary of the departmental allocation funding sources:

Dept. Allocation Source	Allocation Amount
Cultural Affairs	\$6,500,000
Parks, Recreation and Open Spaces	\$400,000
Aviation	\$266,000
Library	\$300,000
TOTAL	\$7,466,000

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Given the nature of the artistic value of the work and unique services, the County's formal bid procedures are not needed, being that both the Aviation and Library departments use a selection committee. Such committee consists of staff and representatives from the arts to conduct market research and identify and select those artists and performers that best fit the objectives and programming of County functions.

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-320-18, adopted April 10, 2018, authorizes pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code by a two-thirds (2/3) vote of the Board Members present, waiver of formal bid procedures for the purchase of professional entertainment and artist services and associated expenses in an amount not to exceed \$125,000 per performance or exhibition and \$5,100,000 in the aggregate over a time period not to exceed two years.

<http://www.miamidade.gov/govaction/matter.asp?matter=180382&file=true&fileAnalysis=true&yearFolder=Y2018>

Resolution No. R-357-17, adopted April 4, 2017, authorizes additional expenditure authority in a total amount up to \$827,000 for contract No. BW8970-4/14-4 for artists, performers and exhibitions services for the public library system and Aviation Department.

<http://www.miamidade.gov/govaction/matter.asp?matter=170452&file=true&fileAnalysis=false&yearFolder=Y2017>

Resolution No. R-807-14, adopted September 16, 2014, authorizes time extension and additional expenditure authority of a contract for Scada Radio System in a total amount not to exceed \$2,100,000 and extension of a prequalification pool contract for artists and exhibition services in a total amount not to exceed \$325,000.

<http://www.miamidade.gov/govaction/matter.asp?matter=141811&file=true&fileAnalysis=false&yearFolder=Y2014>

Section 5.03(D) of the Miami-Dade County Code, Financial Administration. 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. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board. 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.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH_ART5ADORPR_S5.03FIAD](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH_ART5ADORPR_S5.03FIAD)

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Research Notes

Item No. 3B
File No. 192092

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$2,655,000.00 FOR PREQUALIFICATION POOL NO. 8073-1/20-1 FOR PURCHASE OF VETERINARY SUPPLIES AND PHARMACEUTICALS FOR THE ANIMAL SERVICES DEPARTMENT AND THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT (Internal Services)

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority of \$2,655,000 for *Prequalification Pool No. 8073-1/20-1, Veterinary Supplies and Pharmaceuticals*, to support continued operations at the Animal Services and Parks, Recreation and Open Spaces departments for the remainder of the option term.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

There is no procedural history for this item.

ANALYSIS

The purpose of this item is for the Animal Services Department (ASD) and the Parks, Recreation and Open Spaces Department (PROS) to gain Board authorization to increase spending by \$2,655,000 under *Prequalification Pool No. 8073-1/20-1, Veterinary Supplies and Pharmaceuticals*, to support operational requirements through the remainder of the option term, January 31, 2022. The pool's initial term was from February 1, 2012 through January 31, 2017 and was approved under the County Mayor's delegated authority for \$500,000. That approval included a single, five-year option to renew term. The initial term was modified by \$3,750,000, resulting in a cumulative allocation of \$4,250,000 for the initial term. The pool is relied on by ASD, the biggest user, and PROS to purchase various veterinary medical and pharmaceutical supplies as well as miscellaneous and emergency items to meet their requirements. There are over 500 supplies and items covered under this pool.

The pool is currently in its option term, effective from February 1, 2017 through January 31, 2022, with a value of \$4,320,000. If this request for additional spending of \$2,655,000 is approved, the pool will have a total cumulative value of \$11,225,000 (i.e., initial term of \$4,250,000; option term of \$4,320,000; and request for increased spending of \$2,655,000). As of September 10, 2019, the Bid Tracking System (BTS) shows, of the \$4,320,000 allocated to the option term's Blank Purchase Order (BPO), a total of \$4,312,778 has been released, leaving a balance of \$7,222.

ASD was allocated \$4,165,000 for the option term. Of that amount, \$4,160,997 has been released, leaving a balance of \$4,003. Yet the pool is only in its 31st month of the 60-month term. ASD explains that it has experienced a burn rate of approximately \$100,000 per month. Expenditures have increased from the time the contract was initiated as a result of new and improved no-kill programming and the expansion of lifesaving efforts. Increased expenditure activity is directly attributed to pharmaceutical and medical supply needs required to provide low-cost and free vaccination and sterilization services to the public, improved standards of veterinary care for more than 30,000 shelter animals annually, nursing and supportive care required for victims of animal cruelty or neglect, heartworm treatment for adopted pets, as well as enhanced vaccination protocols to prevent the spread of disease. These needs were not forecasted when ASD's allocation was established for the option term.

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Researcher: PGE Reviewer: TD

It is important to mention that on July 16, 2019, the Internal Services Department Chief Procurement Officer approved processing an emergency modification for ASD in the amount of \$250,000 under this pool to ensure no interruption in clinical services.

PROS was allocated \$155,000 for the option term. Of that amount, \$151,781 has been released, leaving \$3,219. Yet the pool is only in its 31st month of the 60-month term. PROS is requesting \$100,000 annually as that reflects its operational requirements under this pool through the remainder of the term. PROS explains that over the past five years, animal collection services has continued to grow, especially with the addition of the new Mission Everglades exhibit that opened in 2016. Also contributing to the burn rate is Zoo Miami's aging animal collection, which requires increased medical services.

A September 10, 2019 search on the Business Management Workforce System for the pool's Commodity Code (875, *Veterinary Equipment and Supplies*) yielded one local certified small business vendor – Inversiones IGMC LLC dba IGMC Medical Technology Group. The vendor is not prequalified under this pool. As of September 10, 2019, Diamondback Drugs of Delaware LLC, one of the prequalified vendors, shows an inactive status on Sunbiz.org, the website for the State of Florida Division of Corporations.

ADDITIONAL INFORMATION

The Animal Services Department is an open intake shelter that takes in about 30,000 dogs and cats each year, regardless of age, breed, medical condition or temperament. The stray and abandoned animals in the department's care receive the same high-quality veterinary care as pets visiting private veterinarians. The Animal Services Department first achieved a no-kill status in 2015, saving greater than 90 percent of animals entering the shelter and has made tremendous strides in a no-kill mission. No healthy or treatable animals are euthanized even when the shelter is full.

https://www8.miamidade.gov/global/news-item.page?Mduid_news=news156520350522773

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

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

Resolution No. R-187-12, adopted 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 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-806-14, adopted September 16, 2014, authorized additional expenditure authority of \$2,250,000 under *Prequalification Pool No. 8073-1/20, Veterinary Supplies and Pharmaceuticals*, for the Animal Services Department to continue purchasing a variety of medical supplies through the remainder of the initial term.

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Item No. 3B
File No. 192092

Researcher: PGE Reviewer: TD

<http://intra/gia/matter.asp?matter=141812&file=true&yearFolder=Y2014>

Implementing Order 3-38 sets forth the County's policies 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. 3C
File No. 192105

Researcher: JFP Reviewer: TD

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; RATIFYING AN EMERGENCY PURCHASE IN AN AMOUNT NOT TO EXCEED \$1,042,500.00 TO CONTRACT NO. E-10030 FOR THE PURCHASE OF SEAWEED REMOVAL SERVICES FOR THE PARKS, RECREATION AND OPEN SPACES 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 ratify an emergency contract award—*Contract No. E-10030-0/19, Seaweed Removal Services*—to Beach Raker, LLC in the amount of \$1,042,500 for the Parks, Recreation and Open Spaces Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item has no procedural history.

ANALYSIS

The purpose of this item is for the County to ratify an emergency contract award to Beach Raker, LLC for the removal of seaweed from three County beaches for three months. The awarded contract is in response to an emergency declaration made by the Parks, Recreation and Open Spaces (PROS) director on July 25, 2019 regarding the excessive amounts of seaweed washing ashore, particularly at the beaches of Bal Harbour, Haulover Park, and Miami Beach. The award to Beach Raker, LLC for the daily collection, removal, and disposal of seaweed during the three month emergency period (July 30, 2019 to October 29, 2019) is for \$1,042,500. The contract's Blanket Purchase Order shows that the entire allocation has already been released, leaving a zero balance. Retroactive approval of this emergency contract would allow PROS to continue the seaweed removal at the three beaches on a routine basis, seven days a week, (until October 29, 2019) while the department drafts and awards a competitive solicitation for these services.

Areas for seaweed removal include:

Haulover Park (Rock Jetty): \$85,000 per month

Bal Harbour (Rock Jetty): \$55,000 per month

Government Cut (Inlet north for 600 yards): \$85,000 per month

29th St. (27th – 32nd): \$122,500 per month

The County Mayor issued a memorandum on July 23, 2019 authorizing PROS to work with ISD to contract immediately to remove seaweed from particularly critical at "hot spots" where jetties and breakwaters cause large amounts of seaweed to wash ashore. The Mayoral Memorandum states that an emergency declaration, and expediting these services, was necessary to ensure the health, safety, and welfare of the public who utilize County beaches. According to the Florida Department of Health, two common species of seaweed, *Sargassum natans* and *Sargassum fluitans*, began washing up on beaches along the Florida coast in massive quantities in 2011. *Sargassum* produces hydrogen sulfide, which is an irritant to the respiratory system and can cause irritation to eyes, nose, and throat. Because small

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organisms like jellyfish larvae can live in seaweed, some people have also experienced skin rashes and blisters from these organisms.

In an attempt to access available municipal contracts, the department performed market research to identify municipalities contracting for these services. While there were no municipal contracts available that met the size and scope of the services necessary for the County, it was found that seven municipalities have utilized Beach Raker LLC for beach maintenance services in the past. Beach Raker, LLC is a Florida Limited Liability Company with its principal place of business at 220 NE 13th St., Pompano Beach, FL 33060 and no local address. As reported pursuant to Resolution No. R-1011-15, Beach Raker, LLC employs seven Miami-Dade County residents, which is 25% of its workforce.

A September 10, 2019 search on the Business Management Workforce System under the solicitation's commodity code, 98856 - Litter Removal Services (Including Beach Cleaning), yielded the following local certified small business enterprises:

- A Wright Approach LLC
- Accusource Corp, dba Accusource Cleaning Service
- Besu Services, Inc.
- Dunol Construction Management, (DCM), LLC, dba Dunol Engineering Corporation
- Gum Hunters Carpet & Tile Cleaning Services Corp.
- Howard Seal Coating & Land Clearing, Inc.
- Pack Plus, Inc., Db a Josmar Medical Staffing
- RJR Construction, Inc.

ADDITIONAL INFORMATION

***Sargassum* Frequently Asked Questions**

[http://www.floridahealth.gov/environmental-health/beach-water-quality/ documents/sargassum-factsheet-app-final.pdf](http://www.floridahealth.gov/environmental-health/beach-water-quality/documents/sargassum-factsheet-app-final.pdf)

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

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

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Researcher: JFP Reviewer: TD

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

Resolution No. R-477-18, adopted 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 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-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-716-12, adopted 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>

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File No. 192105

Researcher: JFP Reviewer: TD

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. In the event a department director or authorized designee determines that an emergency purchase is necessary, a contract may be awarded without utilizing the competitive bid procedures regardless of the amount of expenditure. Within five (5) working days after the purchase, the County department shall submit the post award requisition to ISD specifying the circumstances which justified the emergency contract award. When the expenditure is in excess of \$250,000, the ISD Director shall forward the documented circumstances to the County Mayor for presentation to the Board of County Commissioners for ratification.

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