



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

Transportation and Finance (TAF) Committee Meeting

November 14, 2019
2:00 P.M.
Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor
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**TAF Meeting: November 13, 2019
Research Notes**

**Item No. 3A
File No. 192574**

Researcher: VW Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$900,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00313 FOR PURCHASE OF MANAGEMENT CONSULTING SERVICES FOR THE OFFICE OF MANAGEMENT AND BUDGET

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority in the amount of up to \$900,000 for *Prequalification Pool No. RTQ-00313, Management Consulting Services Pool*, for the Office of Management and Budget.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

ANALYSIS

The purpose of this item is to gain Board approval to increase spending authority by \$900,000 under *Prequalification Pool No. RTQ-00313, Management Consulting Services*, to ensure the continued receipt of consulting services by the Office of Management and Budget (OMB). The pool is administered by OMB on behalf of the County and used by multiple departments ranging from the Public Housing and Community Development Department (PHCD) to Port Miami.

The pool was established under delegated authority on June 15, 2016 for \$950,000 for a term of six years, expiring June 30, 2022. The pool is used by OMB to purchase management consulting services such as staffing, cost allocation, six sigma, market and industry analyses, policy and regulation development. When a need for services arises, the requester department will issue spot market quotations to the prequalified vendors for specified services.

Of the pool's current cumulative allocation of \$950,000, a total \$810,870 has been released, leaving a balance of \$139,130 per information seen in the Bid Tracking System on November 13, 2019. Note that the pool has 19 months still remaining in the term. The largest user of the pool is the Miami-Dade Public Housing and Community Development Department (PHCD) with \$400,000 of the \$950,000 allocated amount followed by the OMB with \$269,623. PHCD has exhausted its allocation. If the request for increased spending of \$900,000 is approved, the pool will have a modified cumulative allocation of \$1,850,000.

OMB justifies this request for additional expenditure based on the number of work orders issued under the first three years of the pool, which total roughly \$935,000. The department explains that given the pool's expiration date in 2022, it is anticipated that additional funding will be needed to ensure that departments continue to have expedited access to management consulting services that will improve the County's efficiency and effectiveness and support management decision-making. For example, County departments have recently expressed needs for consulting services related to consolidated planning for CAHSD and construction and maintenance policies and procedures at Seaport.

There are 23 prequalified vendors in the pool, 11 have local addresses and 9 are certified Small Business Enterprise Firms. The Purchase Orders in BTS were issued for the following vendors: ISF, Inc. totaling \$269,626, Process Design & Development, LLC totaling \$16,244, and Tag Associates of Florida, LLC totaling \$400,000. The cumulative value of the purchase orders is \$810,870.

TAF Meeting: November 13, 2019
Research Notes

Item No. 3A
File No. 192574

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Pursuant to Resolution No. R-718-17, the County is required to commence planning for re-procurement of contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration. Given the current pool's expiration date of June 30, 2022, the County will be required to commence planning for re-procurement no later than December 30, 2020.

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

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

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

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department (ISD); the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

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

**TAF Committee Meeting
November 14, 2019
Research Notes**

Item No. 3B
File No. 192598

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING A DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AN ADDITIONAL THREE YEAR TERM, WITH ONE, TWO-YEAR OPTION TO RENEW TERMS BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE FOR CONTRACTS NO. RFP-8270A/B/C/D/E IN AN AMOUNT UP TO \$16,645,000 FOR THE FINANCE DEPARTMENT AND THE CLERK OF THE COURTS FOR PURCHASE OF BANKING SERVICES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize a designated purchase for an additional three-year term, with one two-year option to renew terms for *Contracts No. RFP-8270A/B/C/D/E* in an amount up to \$16,645,000 for the Finance Department and Clerk of the Courts to purchase banking services.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

There is no procedural history for this item at this time.

ANALYSIS

The purpose of this item is for the Board to approve an additional three-year term, with one two-year option to renew, terms for *Contracts No. RFP-8270A/B/C/D/E* in an amount up to \$16,645,000 for the Finance Department and Clerk of the Courts to purchase banking services. The requested extension will serve to ensure continuity for County banking services until the County transitions to implement a variety of projects, including PeopleSoft Enterprise Resource Planning (ERP) and the modernization of the Criminal Justice Information System (CJIS).

The fiscal impact is \$9,987,000 for the three-year extension. The existing contracts have a cumulative value of \$33,290,000 for ten years, expiring March 31, 2020. If the County were to select the one two-year option to renew the above-mentioned contract, the additional value would bring the total to \$16,645,000, bringing the modified cumulative allocation to \$49,935,000 for 15 years.

OCA examined the Bid Tracking System (BTS) on November 13, 2019 pertaining to current Contract No. RFP-8270A/B/C/D/E, initially awarded on April 1, 2010 and originally expired on March 31, 2015, and valued at \$17,000,000.

OCA performed due diligence on November 13, 2019 pertaining the awarded vendors; the results are shown below.

**TAF Committee Meeting
November 14, 2019
Research Notes**

**Item No. 3B
File No. 192615**

Researcher: MF Reviewer: TD

Awarded Vendors & Group Categories	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
City National Bank (Sub-Group B-1 & Sub-Group B-2)	Trademark Active Principal Address: 25 W. Flagler St. Miami, FL Filed: August 18, 2016	Status: Paid Business Address: 25 W. Flagler St. Miami, FL	Status: Active Licenses: Certified General Appraiser	Nothing found
Elavon, Inc. (Merchant Processor Services)	Foreign Profit Corporation Active Principal Address: 2 Concourse Pkwy NE Suite 800 Atlanta, GA Mailing Address: 800 Nicollet Mall BC-MN-H210 Minneapolis, MN 55402 Filed: November 28, 1994	Status: Pending amounts due Business Address: 2 Concourse Pkwy NE Suite 800 Atlanta, GA	No account on file	<i>Goodale v. Elavon, Inc.</i> ; Case No. 3:19-CV-00409; Filed on October 16, 2019 in the U.S. District Court, Eastern District of Tennessee (Knoxville). Allegation: Job discrimination; The defendant discriminated against the plaintiff based upon her age and retaliated for making complaints of age discrimination by involuntary termination. Status: Open
TD Bank, N.A. (Sub-Group B-2)	Designation of Agent Active Principal Address: Two Portland Square Portland, ME Mailing Address: Two Portland Square Portland, ME 04112 Filed: July 28, 2008	No account on file	No account on file	Nothing found
Wells Fargo, N.A. (Groups A & C)	Not Active Principal Address: 420 Montgomery St. San Francisco, CA	No account on file	No account on file	<i>Reeves et al v. Safeguard Properties, et al.</i> ; Case No. 1:19-CV-10210; Filed on October 31, 2019 in the U.S. District Court, Southern District of New York (Foley Square); Allegation: Defendants made fraudulent misrepresentation to induce plaintiff to enter into an agreement; Plaintiff seeks

**TAF Committee Meeting
November 14, 2019
Research Notes**

**Item No. 3B
File No. 192615**

Researcher: MF Reviewer: TD

				<p>\$15 million in general punitive damages, \$10 million in compensatory damages and costs. Status: Open</p> <p><i>Cunningham v. Wells Fargo N.A., et al</i>; Case No. 3:19-CV-00528; Filed on October 11, 2019 in the U.S. District Court, Western District of North Carolina (Charlotte); Allegation: Defendant discriminated and deprived of plaintiff civil rights based on disability by failing to provide nonhostile work environment in violation of civil rights. Status: Open</p>
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APPLICABLE LEGISLATION/POLICY

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

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

Implementing Order (I.O.) 3-38 (Purchasing of Goods and Services) Governs the County's processes and procedures for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. Contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

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

Resolution No. R-828-19, adopted July 23, 2019, established a County policy for disclosure of past and present discrimination lawsuits in solicitation submissions; requiring the following: 1) implementing a policy of disclosure of discrimination lawsuits; 2) requiring in competitive and non-competitive solicitation documents the disclosure of lawsuits that include allegations of discrimination and dispositions of such lawsuits for a 10-year period through the date of the solicitation or non-competitive award recommendation; and 3) provide a report to the Board.

<http://www.miamidade.gov/govaction/matter.asp?matter=190936&file=true&fileAnalysis=false&yearFolder=Y2019>

Resolution No. R-642-18, adopted June 19, 2018, approved award of Contract No. RFP-00200, Enterprise Resource Planning Solution implementation, integration, and related services to Accenture, LLP, with an estimated cost to the County in a total amount up to \$48,283,000 for the term of the agreement.

<http://www.miamidade.gov/govaction/matter.asp?matter=181546&file=false&fileAnalysis=false&yearFolder=Y2018>

**TAF Committee Meeting
November 14, 2019
Research Notes**

Item No. 3B

File No. 192615

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

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

Resolution No. R-227-10, adopted March 2, 2010, authorizes execution of an agreement with Wachovia Bank, N.A., to obtain banking services for Group A General.

<http://www.miamidade.gov/govaction/matter.asp?matter=100231&file=true&fileAnalysis=false&yearFolder=Y2010>

Resolution No. R-220-10, adopted March 2, 2010, authorizes execution of agreements with City National Bank to obtain banking services for Sub-Groups B-1 and B-3 Clerks' Accounts and TD Bank, N.A. to obtain banking services for Sub-Group B-2 Clerks Accounts.

<http://www.miamidade.gov/govaction/matter.asp?matter=100111&file=true&fileAnalysis=false&yearFolder=Y2010>

Resolution No. R-1046-10, adopted October 19, 2010, authorizes execution of an agreement in the amount of \$190,000 with Wells Fargo Bank, N.A. to obtain banking services for Group C accounts.

<http://www.miamidade.gov/govaction/matter.asp?matter=101989&file=true&fileAnalysis=false&yearFolder=Y2010>