



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

Board of County Commissioners Meeting

November 19, 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

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 7D
File No. 192000**

Researcher: MF Reviewer: PGE

ORDINANCE EXTENDING AMNESTY PERIOD CREATED BY ORDINANCE NO. 11-64, AS SUBSEQUENTLY AMENDED, FOR AN ADDITIONAL ONE YEAR TERM FROM JULY 12, 2019; PROVIDING FOR A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR BUILDING CODE VIOLATIONS UPON A HOMEOWNER'S COMPLIANCE WITH THE BUILDING CODE; PROVIDING SEVERABILITY; EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the extension of the amnesty period, created pursuant to Ordinance No. 11-64 to provide a limited exception from civil penalties and liens for Building Code violations upon a homeowner's compliance with the code, for an additional one year term, retroactively starting July 12, 2019 through July 12, 2020.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Department/Requester: N/A

The proposed ordinance was adopted on first reading at the September 4, 2019 meeting of the Board of County Commissioners. The item was heard at the Infrastructure and Capital Improvements Committee meeting of October 16, 2019 and forwarded to the BCC with a favorable recommendation. The following exchange transpired prior during the October meeting:

- Commissioner Barbara Jordan pointed out that this was the ninth year of the amnesty, and that she would support the item so long as the amnesty is not permanent.
- Commissioner Rebeca Sosa stated the amnesty would assist homeowners during financial hardship periods and agreed it would not be forever.

ANALYSIS

The purpose of this item is for the Board to approve the extension of the amnesty period created under Ord. No. 11-64 for one year, giving homeowners in violation of the Building Code a reprieve from civil penalties and liens in order to bring their structures into compliance. The first amnesty period commenced on August 2, 2011 and ended on January 2, 2012. Since then, the Board has approved extending the initial amnesty period eight times.

The last amnesty extension was approved by the Board pursuant to Ordinance No. 18-65 extending the amnesty period through July 12, 2019. This item retroactively extends the amnesty period by an additional year, from July 12, 2019 through July 12, 2020, making it the ninth extension since the 2011 amnesty ordinance was first adopted.

The total fiscal impact for the waived penalties from 2011 through 2018 is not known at this time. However, the estimated fiscal impact from waived fees for the period of August 2011 through April 2014 was estimated at \$9,675,000, depending on the number of homeowners that opted to be covered during the respective amnesty period (refer to Table 1).

OCA conducted a search pertaining to best practices regarding jurisdictions that have implemented similar amnesty programs. Below is a summary of the findings.

**BCC Meeting:
November 19, 2019
Research Notes**

Item No. 7D

File No. 192000

Researcher: MF Reviewer: PGE

- *City of Hialeah, Florida* – Adopted the Building Relief program that offers building code amnesty for three years from February 27, 2018 – February 27, 2021.
<https://www.hialeahfl.gov/685/Amnesty-Program>
- *City of Miami Beach, Florida* – Has extended its Building Permit Reprieve Program, pursuant to Ordinance No. 2019-4262, until April 30, 2020. In 2017, the City adopted Ordinance No. 2017-4088, which created the reprieve program for a one-year period from May 1, 2017 through April 30, 2018. Since then, the City has approved two one-year extensions to the program.
<https://www.miamibeachfl.gov/city-hall/building/>
- *City of Plantation, Florida* – Has a Code Amnesty Program that expires February 1, 2020 and applies to liens received prior to December 31, 2017. The amnesty program involves a reduction in the amount of the liens owed. For example, a property owner with a lien between \$1 and \$50,000, under the amnesty program, would pay 15% of the total owed, which means a maximum of \$7,500 (\$50,000 x 15% = \$7,500).
<http://www.plantation.org/code-amnesty.html>

Table 1 displays the totals for the number of cases, the total civil penalties and liens owed, the settlement amount and the amount of relief to property owners, since Ordinance No. 11-64 was adopted August 2, 2011 through July 31, 2019.

Table 1*

| Number of Cases | Civil Penalties & Liens Owed | Settlement Amount | Relief to Property Owners |
|------------------------|---|--------------------------|----------------------------------|
| 4,534 | \$52,433,201.11 | \$4,806,128.40 | \$47,107,243.93 |

**Figures provided to OCA by the Department of Regulatory and Economic Resources*

As per Ordinance No. 11-64, the amnesty period extension is not applicable in cases where the County has commenced civil actions to collect on penalties or foreclosure proceedings. In order to apply for the Amnesty, the homeowner must meet the following criteria:

- ✓ Homeowner must present evidence of ownership;
- ✓ A permit issued to bring the structure into compliance with the Building Code within the Amnesty Period;
- ✓ The structure in question is brought into compliance with the Building Code within the period provided in the Building Code for completion of the work under the permit obtained within the amnesty period; and
- ✓ All direct costs of the Building Division related to prior enforcement in connection with the structure, as documented by the Division, shall be satisfied in full (these may include inspections, photographs, research, recordation and enforcement recovery cost).

DEPARTMENTAL INPUT

OCA inquired with RER on October 23, 2019 about the information below; RER responded on October 24, 2019 and November 14, 2019; the response is shown in bold.

**BCC Meeting:
November 19, 2019
Research Notes**

Item No. 7D

File No. 192000

Researcher: MF Reviewer: PGE

- Since adoption of Ordinance No. 11-64, provide the total number of amnesty cases completed and total amount waived through September 30, 2019, categorized in the following manner:
 - time period
 - number of cases completed
 - civil penalties and liens owed
 - settlement amount; and
 - amount of relief to property owners

RER staff stated the Department issues monthly reports on amnesty cases to the BCC. The report, issued in August 2019, had figures through July 2019, which covers the period of the last extension through Ordinance No. 18-65. There is an ordinance extending the amnesty period for an additional year from July 2019 on the November 19 BCC agenda. Therefore, the reports will continue once the ordinance extending the program is adopted.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 18-65, adopted June 5, 2018, extends the amnesty period created by Ordinance No. 11-64, as subsequently amended, for an additional year commencing July 12, 2018.

<http://www.miamidade.gov/govaction/matter.asp?matter=180572&file=true&fileAnalysis=true&yearFolder=Y2018>

Ordinance No. 17-77, adopted October 3, 2017, extends the amnesty period created by Ordinance No. 11-64, as subsequently amended for an additional year commencing July 12, 2017.

<http://www.miamidade.gov/govaction/matter.asp?matter=171718&file=true&fileAnalysis=false&yearFolder=Y2017>

Ordinance No. 16-133, adopted December 6, 2016, extends the amnesty period created by Ordinance No. 11-64, as subsequently amended, for an additional year commencing July 12, 2016.

<http://www.miamidade.gov/govaction/matter.asp?matter=161606&file=true&fileAnalysis=false&yearFolder=Y2016>

Ordinance No. 15-34, adopted May 5, 2015, extends the amnesty period created by Ordinance No. 11-64 for an additional one year commencing July 12, 2015.

<http://www.miamidade.gov/govaction/matter.asp?matter=150402&file=true&fileAnalysis=false&yearFolder=Y2015>

Ordinance No. 14-66, adopted July 1, 2014, extends the amnesty period created by Ordinance No. 11-64 for an additional one-year period commencing July 11, 2014.

<http://www.miamidade.gov/govaction/matter.asp?matter=140761&file=true&fileAnalysis=false&yearFolder=Y2014>

Ordinance No. 13-61, adopted July 2, 2013, extends the amnesty period for an additional one year commencing July 12, 2013.

<http://www.miamidade.gov/govaction/matter.asp?matter=131224&file=true&fileAnalysis=false&yearFolder=Y2013>

**BCC Meeting:
November 19, 2019
Research Notes**

Item No. 7D

File No. 192000

Researcher: MF Reviewer: PGE

Ordinance No. 12-59, adopted June 28, 2012, extends the amnesty period created by Ordinance 11-64 for an additional year commencing July 8, 2012.

<http://www.miamidade.gov/govaction/matter.asp?matter=121359&file=true&fileAnalysis=false&yearFolder=Y2012>

Ordinance No. 12-06, adopted February 7, 2012, extends the amnesty period created by Ordinance 11-64 for an additional year commencing February 17, 2012.

<http://www.miamidade.gov/govaction/matter.asp?matter=112561&file=true&fileAnalysis=false&yearFolder=Y2011>

Ordinance No. 11-64, adopted August 2, 2011, creates an amnesty period, creating a limited exception from civil penalties and liens for building code violations upon a homeowner's compliance with the building code.

<http://www.miamidade.gov/govaction/matter.asp?matter=111577&file=true&fileAnalysis=false&yearFolder=Y2011>

BCC Meeting: November 19, 2019
Research Notes

Item No. 8B1

File No. 192298

Researcher: VW Reviewer: PGE

RESOLUTION APPROVING MEMORANDUM OF AGREEMENT WITH LOCAL JURISDICTIONS FOR ESTABLISHING AND MAINTAINING INMATE HOUSING AND SUPPORT DURING AN ACTUAL OR ANTICIPATED EMERGENCY; AND AUTHORIZING THE COUNTY MAYOR TO EXECUTE THE AGREEMENT IN SUBSTANTIALLY THE FORM ATTACHED HERETO, AND TO EXERCISE THE RENEWAL, AMENDMENT, CANCELLATION, AND TERMINATION PROVISIONS CONTAINED HEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a Memorandum of Agreement between Broward, Palm Beach, and Collier Counties and the Miami-Dade Corrections and Rehabilitation Department to provide housing for inmates in the event of an actual or anticipated emergency for a five-year term plus a five-year option to renew.

PROCEDURAL HISTORY

Prime Sponsor: Joe A. Martinez, District 2

Department/Requester: Corrections and Rehabilitation Department

The item was presented at the Public Safety and Rehabilitation Committee meeting on October 16 wherein it was forwarded to the Board with a favorable recommendation.

ANALYSIS

The purpose of this item is to approve a Memorandum of Agreement (MOA) between local jurisdictions – Broward, Palm Beach and Collier Counties – and the Miami-Dade Corrections and Rehabilitation Department (MDCR) for inmate housing and support during an actual or anticipated emergency, including prior to, during, or immediately after a hurricane or other natural or man-made disaster. For purposes of this agreement, the agency in need of emergency inmate housing shall be referred to as the “Evacuating Agency” and the agency accepting and housing inmates as the “Housing Agency.”

Under the MOA, upon written or oral notification of an imminent emergency situation, the Housing Agency, on a first-come, first-served basis, shall deliver the following support services: temporary housing, food, laundry services, and provision of hygiene items.

The duties of the Housing Agency under the MOA are as follows: (1) assist in the evacuation of the Evacuating Agency’s inmates; (2) notify the Evacuating Agency as the number of inmates that can be provided with emergency housing; (3) identify suitable inmate housing locations based on availability at the time of the emergency; (4) provide a supervisory representative to serve as a liaison at the temporary housing facility at all times; (5) provide food services (three meals a day), laundry services, and basic hygiene items to inmates; and (6) assist with medical issues to the extent necessary to prevent imminent death or serious bodily injury in any life threatening emergency.

The Evacuating Agency will perform the following duties in support of the agreement: (1) assign a liaison to the Housing Agency’s command staff; (2) ensure that all appropriate inmate classifications, medical records, supplies, and equipment are transported with inmates; (3) be responsible for inmate transportation and security of respective inmates; (4) assume all responsibilities for its inmates and site security at the Housing Agency’s temporary housing facility; (5) supply the appropriate number of emergency medical staff to manage and provide medical care to inmates; (6) maintain responsibility for daily medical issues of its inmates; (7) be responsible for provision and costs of any

BCC Meeting: November 19, 2019
Research Notes

Item No. 8B1

File No. 192298

Researcher: VW Reviewer: PGE

healthcare, including medical, dental, and mental health to its inmates; and (8) identify in writing whether there are any inmates with special dietary needs.

The Evacuating Agency will reimburse the Housing Agency the costs associated with basic inmate needs including food services for three meals a day, laundry services, and basic hygiene items. General Fund monies will be utilized to pay for these services.

The term of each Agreement shall begin on the date on which it is signed by both parties and shall remain in effect for five years from the date of execution with an option to renew for one additional five-year term. The Agreement may be terminated at any time upon the mutual written consent of both parties and unilaterally by either party upon no less than thirty calendar days' notice.

Such emergency agreements between corrections departments already exist at the state level. MDCR approved an interagency agreement with the Florida Department of Corrections (FDOC) on May 5th, 2015 per Resolution No. R-380-15 to provide temporary housing and support for MDCR inmates in the event of an emergency.

ADDITIONAL INFORMATION

The MDCR had a previous similar agreement with the Florida Department of Corrections (FDOC) to house MDCR inmates at FDOC facilities (but not vice versa) in the case of an emergency since 2008 which expired on March 3rd, 2015 and was approved again on May 5th, 2015.

Resolution No. R-380-15, adopted by the Board on May 5th, 2015, approves an interagency agreement between Miami-Dade Corrections and Rehabilitation Department (MDCR) and the Florida Department of Corrections (FDOC) to provide temporary housing and support for MDCR inmates during an actual or anticipated emergency. The agreement expired on May 5th, 2018 and had the option of being renewed for an additional three-year term.

<http://intra/gia/matter.asp?matter=150546&file=true&yearFolder=Y2015>

DEPARTMENTAL INPUT

The following questions were posed to the Miami-Dade Corrections and Rehabilitation Department (MDCR) on November 4, 2019. Responses are depicted in bold.

- The mayoral memorandum indicates that General Fund monies will be used to pay for the emergency inmate housing services; specify the amount budgeted for such services for the current Fiscal Year, 2019-20. **As expenditures would only be incurred under exigent circumstances such as the need to evacuate based on a hurricane, these funds are not budgeted but would be expended and then funding reallocated within the General Fund, as appropriate**
- In the absence of a previous such agreement as requested in File No. 192298 what measures did Corrections take in the past to provide emergency inmate housing in the event of a hurricane? **Florida Statutes Chapter 252 allows for operational assistance such as the provision of emergency inmate housing when a state of emergency is declared by the Governor and a written agreement waived up to 90 days after the declaration (See Fla. Stat. 23.1225 Mutual aid agreements). However, MDCR has developed an agreement identifying and stipulating important provisions to govern the process in the event emergency housing for inmates is needed. This will facilitate the ability to provide emergent housing in an expeditious manner and ensure the expectations of both jurisdictions are clearly delineated in the agreement**

BCC Meeting: November 19, 2019
Research Notes

Item No. 8B1

File No. 192298

Researcher: VW Reviewer: PGE

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 163.01, Florida Interlocal Cooperation Act of 1969: It is the purpose of this section to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0163/Sections/0163.01.html

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8D2
File No. 192303**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING SELECTION OF J.P. MORGAN CHASE BANK, N.A. TO PROVIDE CAPITAL IN AN AMOUNT NOT TO EXCEED \$70,000,000.00 FOR LEASE/PURCHASE OF VEHICLES AND/OR EQUIPMENT TO BE UTILIZED BY THE TRANSIT DEPARTMENT AND TO PAY FINANCING COSTS; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES, WHICH ARE IN THE ORIGINAL PEOPLE'S TRANSPORTATION PLAN; APPROVING TERMS OF RELATED COMMITMENT LETTER; WAIVING PROVISIONS OF RESOLUTION NO. R-130-06, AS AMENDED; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO CONSUMMATE THE LEASE/PURCHASE, INCLUDING ENTERING INTO RELATED AGREEMENTS AND DOCUMENTS WITH TERMS CONSISTENT WITH THOSE SET FORTH IN THE COMMITMENT LETTER

ISSUE/REQUESTED ACTION

Whether the Board should authorize: (1) the selection of J.P. Morgan Chase, N.A. (JP Morgan) to provide capital in an amount not to exceed \$70,000,000 over a one-year period for the lease/purchase and the payment of related financing costs of Compressed Natural Gas (CNG) buses and optional components for the Transportation and Public Works Department; (2) approval of the terms of the JP Morgan commitment letter; (3) waiver of Resolution No. R-130-06, which requires that any contracts of the County with third parties be executed and finalized prior to their placement on an agenda for Board consideration; and (4) use of Charter County Transportation Surtax funds to make lease payments and financing costs.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Finance Department

The item was considered at the TAF Committee meeting on October 24, 2019 wherein it was forwarded to the Board with a favorable recommendation.

ANALYSIS

The purpose of this item is for the County to establish a fixed-rate, fully amortizing, privately placed tax-exempt lease-purchase agreement with JP Morgan to finance the acquisition of 120 CNG buses, including associated optional components. Under the agreement, JP Morgan shall provide capital in an amount not to exceed \$70,000,000 over a one-year period for the lease/purchase and the payment of related financing costs for the CNG buses. The associated commitment letter sets forth that funding will occur over a one-year period at an indicative interest rate of 1.94 percent for a 12-year term. The financing shall be repaid solely from the County's transit system sales surtax revenues, which the County will contractually covenant to budget and appropriate on an annual basis for lease payments. It is important to note that the legal title to the buses will vest with the County during the term of the agreement.

The interest rate and payments are based on current market rates as indicated by the 7 Year Interest Rate Swap, which was 1.369 percent as of September 6, 2019. For every change in the Index Rate, an adjustment will be made to the interest rate and payment in order to maintain JP Morgan's economics. Under the agreement, lease payments will occur on January 1 and July 1 each year of the financing term, with the first payment beginning on July 1, 2020.

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8D2
File No. 192303**

Researcher: IL Reviewer: PGE

This item is also requesting waiver of Resolution No. R-130-06, which requires that any contracts of the County with third parties be executed and finalized prior to their placement on an agenda for Board consideration, as JP Morgan has not signed the commitment letter and financing documents.

On August 28, 2019, PFM Financial Advisors, LLC (PFM), the County's financial advisor, requested proposals from financing firms for a tax-exempt annual appropriation master bus lease purchase financing for the County's transit system. The RFP indicated that DTPW anticipates issuing up to \$70 million in total under the Master Bus Lease with an initial draw to purchase buses for the County's transit system, with additional tranches issued for a period of one year after the closing date. The solicitation noted the initial draw at closing is expected to be issued in an estimated amount of \$8.6 million. The solicitation required that respondents provide proposed interest rates/formulas for 12- and 15-year terms. DTPW shall use the proceeds from the Master Bus lease to finance buses for the County's transit system. The request for the Master Bus Lease was circulated to over 50 firms, composed primarily of financial institutions and vehicle lease providers.

On August 9, 2019, five proposals were received in response to the solicitation from the following firms:

- Banc of America Public Capital Corp
- JP Morgan Chase
- PNC Equipment Finance LLC
- Raymond James Capital Funding, Inc.
- SunTrust Equipment Finance & Leasing Corp.

Proposers all provided for a master lease structure, where the lending institution would fund and control the County's immediate needs at the outset and distribute the balance of the funding upon requisition from the County and delivery of the equipment. JP Morgan provided the most favorable rates, terms and conditions on the master bus lease for the 12 to 15 year terms, i.e., 1.94 interest rate for 12 years and 1.98 interest rate for 15 years. PFM recommended that the County engage JP Morgan for the master bus lease program. Note that the recommended awardee's proposal assumes that the Lessee will issue more than \$10 million in tax-exempt obligations this calendar year and that the Lessee will not designate the lease as a qualified tax-exempt obligation.

Under the agreement, JP Morgan's suggested escrow agent is Deutsche Bank. Moreover, JP Morgan will assign the transaction to its affiliate, DNT Asset Trust, and lessor will remain as the servicing agent. A November 15, 2019, search of registered County vendors on the Bid Tracking System (BTS) reflected that DNT Asset Trust is a registered vendor.

**BCC Meeting:
November 19, 2019
Research Notes**

Item No. 8D2

File No. 192303

Researcher: IL Reviewer: PGE

The table below captures the due diligence review conducted by OCA on October 21, 2019 for this item.

| Awarded Firms | Corporate Registration | Tax Collectors Offices | Florida DBPR | Westlaw |
|-------------------------|--|-----------------------------------|--|----------------|
| J.P. Morgan Chase, N.A. | Designation of Agent JP Morgan Chase Bank, N.A. Active Principal Address: 1111 Polaris Pkwy Columbus, OH Filed: April 3, 2017 | Nothing found | One account on file Certified Residential Appraiser Current/Active | Nothing found |
| DNT Asset Trust | Statutory Trust Active Principal Address 1209 Orange Street, Wilmington, DE Filed: April 17, 1998 | Nothing found | Nothing found | Nothing found |

ADDITIONAL INFORMATION

Prior Board approvals of similar resolutions:

Resolution No. R-872-18, adopted September 5, 2018, approving selection of J.P. Morgan Chase, N.A. to provide capital in an amount not to exceed \$155,000,000.00 for lease/purchase of vehicles and/or equipment to be utilized by the transit department and to pay financing costs.

<http://www.miamidade.gov/govaction/matter.asp?matter=181668&file=true&fileAnalysis=true&yearFolder=Y2018>

DEPARTMENTAL INPUT

The following questions were posed to the Finance Department on November 13, 2019; the responses are below in bold:

- How many buses will be covered under the first payment? **15 CNG buses**
- What is the bus acquisition schedule for DTPW? **Delivery is expected for the first 15 buses between now and 12/2/19**
- What is the repayment schedule for this loan? **Please see attached amortization schedule for the first draw**

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 517.061(7) states that the offer or sale of securities to a bank, trust company, savings institution, insurance company, dealer, investment company as defined by the Investment Company Act of 1940,

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8D2
File No. 192303**

Researcher: IL Reviewer: PGE

pension or profit-sharing trust, or qualified institutional buyer as defined by rule of the commission in accordance with Securities and Exchange Commission Rule 144A (17 C.F.R. s. 230.144(A)(a)), whether any of such entities is acting in its individual or fiduciary capacity, provided that such offer or sale of securities is not for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of this chapter.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0517/Sections/0517.061.html

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 29-124(f) of the County Code sets forth the role of the Citizens' Independent Transportation Trust and provides that no surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two-thirds (2/3) vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR

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

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

Resolution No. R-35-17, adopted January 24, 2017, approved award of a Master Developer Agreement for a CNG Program to Trillium Transportation Fuels, LLC in a total amount of up to \$428,773,000 for an initial 10-year term with an option to renew of 10 years.

<http://intra/gia/matter.asp?matter=162416&file=true&yearFolder=Y2016>

Resolution No. R-1262-18, adopted December 4, 2018, directs the County Mayor to (1) issue a purchase order pursuant to the terms and conditions of the Central Florida Regional Transportation Authority d/b/a Lynx contract no:

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8D2
File No. 192303**

Researcher: IL Reviewer: PGE

14-C09 for the purchase of Compressed Natural Gas buses to replace Metrobuses that have reached their useful life span of 12 years and/or 500,000 miles of service in a number up to the maximum amount of available funds budgeted for this purpose in the fiscal year 2018-2019 budget and programmed for fiscal year 2019-2020 as set forth in the fiscal year 2018-2019 multi-year capital plan, subject to this resolution becoming effective prior to the contract expiration date; (2) submit, to the extent required, the subject purchase order to the Citizens' Independent Transportation Trust for its review and recommendation and to this board for subsequent approval; (3) examine the availability of additional contracts that could be accessed for the purchase of additional compressed natural gas buses in order to replace Metrobuses that have reached their useful life span of 12 years and/or 500,000 miles of service; and (4) to provide status reports.

<http://www.miamidade.gov/govaction/matter.asp?matter=182875&file=false&fileAnalysis=false&yearFolder=Y2018>

Resolution No. R-99-19, adopted January 23, 2019, approving purchase order no. pomt1900555 with Gillig LLC in the amount of \$69,210,520.00 for the purchase of 120 low-floor 40-foot Compressed Natural Gas (CNG) buses through the Central Florida Regional Transportation Authority d/b/a Lynx Contract No: 14-C09; and authorizing the use of charter county surtax funds for such purposes

<http://www.miamidade.gov/govaction/matter.asp?matter=190042&file=true&fileAnalysis=false&yearFolder=Y2019>

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/pdf/files/IO3-38.pdf>

Municipal Securities Rulemaking Board (MSRB) No. G-34: Establishes requirements relating to CUSIP numbers for dealers and, in competitive offerings, municipal advisors; requires underwriter participation in the New Issue Information Dissemination Service (NIIDS); and requires submission of certain information and documents related to auction rate securities and variable rate demand obligations to the SHORT system.

<http://www.msrb.org/Rules-and-Interpretations/MSRB-Rules/General/Rule-G-34.aspx>

Amortization Schedule **12 Years**

| | | | | | | |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Quote 12 Years | | | | | | |
| Aggregate average life (lending) 6.568 years | | | | | | |
| Rate 1.94000000% | | | | | | |
| | starting | | debt | | | remaining |
| Date | balance | takedowns | service | Interest | principal | balance |
| 12/3/2019 | \$ - | \$ 8,600,000.00 | \$ - | \$ - | \$ - | \$ 8,600,000.00 |
| 7/1/2020 | \$ 8,600,000.00 | \$ - | \$ 403,990.38 | \$ 96,396.44 | \$ 307,593.94 | \$ 8,292,406.06 |
| 1/1/2021 | \$ 8,292,406.06 | \$ - | \$ 403,990.38 | \$ 80,436.34 | \$ 323,554.05 | \$ 7,968,852.02 |
| 7/1/2021 | \$ 7,968,852.02 | \$ - | \$ 403,990.38 | \$ 77,297.86 | \$ 326,692.52 | \$ 7,642,159.50 |
| 1/1/2022 | \$ 7,642,159.50 | \$ - | \$ 403,990.38 | \$ 74,128.95 | \$ 329,861.44 | \$ 7,312,298.06 |
| 7/1/2022 | \$ 7,312,298.06 | \$ - | \$ 403,990.38 | \$ 70,929.29 | \$ 333,061.09 | \$ 6,979,236.97 |
| 1/1/2023 | \$ 6,979,236.97 | \$ - | \$ 403,990.38 | \$ 67,698.60 | \$ 336,291.79 | \$ 6,642,945.18 |
| 7/1/2023 | \$ 6,642,945.18 | \$ - | \$ 403,990.38 | \$ 64,436.57 | \$ 339,553.82 | \$ 6,303,391.36 |
| 1/1/2024 | \$ 6,303,391.36 | \$ - | \$ 403,990.38 | \$ 61,142.90 | \$ 342,847.49 | \$ 5,960,543.88 |
| 7/1/2024 | \$ 5,960,543.88 | \$ - | \$ 403,990.38 | \$ 57,817.28 | \$ 346,173.11 | \$ 5,614,370.77 |
| 1/1/2025 | \$ 5,614,370.77 | \$ - | \$ 403,990.38 | \$ 54,459.40 | \$ 349,530.99 | \$ 5,264,839.78 |
| 7/1/2025 | \$ 5,264,839.78 | \$ - | \$ 403,990.38 | \$ 51,068.95 | \$ 352,921.44 | \$ 4,911,918.34 |
| 1/1/2026 | \$ 4,911,918.34 | \$ - | \$ 403,990.38 | \$ 47,645.61 | \$ 356,344.78 | \$ 4,555,573.57 |
| 7/1/2026 | \$ 4,555,573.57 | \$ - | \$ 403,990.38 | \$ 44,189.06 | \$ 359,801.32 | \$ 4,195,772.25 |
| 1/1/2027 | \$ 4,195,772.25 | \$ - | \$ 403,990.38 | \$ 40,698.99 | \$ 363,291.39 | \$ 3,832,480.85 |
| 7/1/2027 | \$ 3,832,480.85 | \$ - | \$ 403,990.38 | \$ 37,175.06 | \$ 366,815.32 | \$ 3,465,665.53 |
| 1/1/2028 | \$ 3,465,665.53 | \$ - | \$ 403,990.38 | \$ 33,616.96 | \$ 370,373.43 | \$ 3,095,292.10 |
| 7/1/2028 | \$ 3,095,292.10 | \$ - | \$ 403,990.38 | \$ 30,024.33 | \$ 373,966.05 | \$ 2,721,326.05 |
| 1/1/2029 | \$ 2,721,326.05 | \$ - | \$ 403,990.38 | \$ 26,396.86 | \$ 377,593.52 | \$ 2,343,732.53 |
| 7/1/2029 | \$ 2,343,732.53 | \$ - | \$ 403,990.38 | \$ 22,734.21 | \$ 381,256.18 | \$ 1,962,476.35 |
| 1/1/2030 | \$ 1,962,476.35 | \$ - | \$ 403,990.38 | \$ 19,036.02 | \$ 384,954.36 | \$ 1,577,521.99 |
| 7/1/2030 | \$ 1,577,521.99 | \$ - | \$ 403,990.38 | \$ 15,301.96 | \$ 388,688.42 | \$ 1,188,833.57 |
| 1/1/2031 | \$ 1,188,833.57 | \$ - | \$ 403,990.38 | \$ 11,531.69 | \$ 392,458.70 | \$ 796,374.87 |
| 7/1/2031 | \$ 796,374.87 | \$ - | \$ 403,990.38 | \$ 7,724.84 | \$ 396,265.55 | \$ 400,109.32 |
| 1/1/2032 | \$ 400,109.32 | \$ - | \$ 403,990.38 | \$ 3,881.06 | \$ 400,109.32 | \$ 0.00 |
| Total | | \$ 8,600,000.00 | \$ 9,695,769.22 | \$ 1,095,769.22 | \$ 8,600,000.00 | |

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F2
File No. 192234**

Researcher: IL 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; RATIFYING AN EMERGENCY PURCHASE FOR THE ANIMAL SERVICES DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$676,746.00 FOR THE ORAL VACCINE DISTRIBUTION PROGRAM, EMERGENCY CONTRACT NO. E-10013; 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 (1) ratify an emergency purchase in an amount not to exceed \$676,746 for the Oral Vaccine Distribution Program under *Contract No. E-10013*; and (2) award a designated purchase by a two-thirds vote in the amount of \$676,746 under *Contract No. E-10013* for the Animal Services Department (ASD).

NEW FINDINGS

| Sub-Issue | Outcome |
|--|---------|
| <i>Number of Emergency Contracts (Countywide) past 5 years</i> | 74 |

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was brought before the Parks, Recreation and Cultural Affairs Committee on October 18, 2019 and was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to ratify an emergency purchase made by ASD in the amount of \$676,746 for an oral vaccine distribution program to combat rabies. The item also awards a designated purchase for the same services. The awarded vendor is Boehringer Ingelheim Animal Health USA, Inc., the sole manufacturer and distributor of the purchased vaccine (Raboral V-RG). This is a one-time purchase for a three-year term commencing in the summer of 2019, for oral rabies vaccine baiting program approved by the State Rabies Advisory Committee. Subsequent purchases are anticipated through the three-year term. The vaccine is the only licensed oral rabies vaccine for raccoons and coyotes approved by the United States Department of Agriculture.

As mentioned in the mayoral memo, during the 2018 calendar year, the County encountered 11 rabies cases – eight raccoons, two cats and one otter. To address the issue, on April 26, 2019, the ASD Director signed a Declaration of Emergency Purchase Form. The Director described needing an emergency purchase of \$350,000 to obtain oral rabies vaccine baits required for countywide bait distribution commencing summer 2019. The justification provided for the emergency purchase further explained that the three-year oral rabies vaccine baiting initiative was unanimously recommended for implementation by the Florida Rabies Advisory Committee in response to the 11 confirmed cases. The recommended oral rabies vaccine for wildlife is exclusive to Boehringer. The emergency purchase ensured that the made-to-order baits were produced for distribution during summer 2019.

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F2
File No. 192234**

Researcher: IL Reviewer: PGE

The County is seeking partnership opportunities with sister agencies for assistance with bait distribution to minimize expenses related to actual distribution. The emergency purchase enabled ASD to start the negotiations process with Boehringer to guarantee that a contract is in place for subsequent purchases during the three-year term of the program. The mayoral memorandum states that the County intends to establish a long-term agreement with Boehringer to purchase the needed vaccine for the remainder of the three-year program.

On health and safety grounds, the Administration endorses this procurement via emergency procedures set forth in the County's Procurement Guidelines as well as controlling policies and procedures. Resolution No. 454-13 directs the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency. In this case, the emergency was declared on May 1, 2019. This item is scheduled to be presented to the Board for approval on November 19, 2019, which is 202 days after the emergency was declared.

As of November 14, 2019, the Blanket Purchase Order (BPO) in BTS for this contract shows an allocated amount of \$338,373. Of the allocated amount, a total of \$338,373 has been released, leaving a balance of \$0.00.

The table below summarizes OCA's due diligence review of the awarded vendor as of November 14, 2019.

| Awarded Firms | Corporate Registration | Tax Collector | Florida DBPR | Westlaw |
|---|---|----------------------|---|-------------------------|
| Boehringer Ingelheim Animal Health USA, Inc. | Foreign Profit Corporation Principal Address: 3239 Satellite Boulevard, Duluth, GA. Date Filed: April 4, 2019 | Nothing found | License (Non- resident Prescription Drug Manufacturer) Location Address: 5701 Providence Hill Drive, Saint Joseph, MO Status: Current/Active | No relevant cases found |

A November 14, 2019 search on the Business Management Workforce System for the contract's Commodity Codes – 875 (Veterinary Equipment and Supplies) and 961 (Miscellaneous Professional Services) – yielded 123 local small business enterprise firms.

ADDITIONAL INFORMATION

The Animal Services Department invests time and money in an effort to combat the rabies outbreak. Infectious diseases like Zika and rabies can pose risks to public health and harm the economy in treatment costs and lost tourism. Rabies vaccination efforts have proven to be fruitful in other jurisdictions like New York state (NY). In NY, the state saved

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F2
File No. 192234**

Researcher: IL Reviewer: PGE

nearly \$27 million by helping Long Islanders avoid expensive rabies treatment and animal testing costs through its vaccination effort.

<https://www8.miamidade.gov/global/animals/rabies.page>

DEPARTMENTAL INPUT

The following questions were posed to the Internal Services Department on October 23, 2019; the responses are below in bold.

- Why does the Blanket Purchase Order show an allocation of \$338,373 but the item is for \$676,746 a variance of \$338,373. **The item is for \$676,746 to cover distribution for summer and fall 2019. The \$338,373 is the cost per distribution, not the cost per year.**
- Provide a breakdown over the last 5 years by dept. of emergency purchases approved under delegated authority and approved by the Board including declaration date, contract title, awarded vendor and value. **The department provided a list of 74 emergency contracts approved by the Board in the past five years. The total dollar value for the 74 emergency contracts is \$37,018,612.**

APPLICABLE LEGISLATION/POLICY

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

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

Section 2-8.1 of the County Code (Procedures for purchases when competitive procedures are not practicable) 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.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_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>

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F2
File No. 192234**

Researcher: IL Reviewer: PGE

Resolution No. 454-13, adopted June 4, 2013, directs the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and bring retroactive contract modifications to the Board within 120 days of modification.

<http://intra/gia/matter.asp?matter=131016&file=true&yearFolder=Y2013>

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.

Under I.O. 3-38, 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, including a bid waiver. 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 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/pdf/files/IO3-38.pdf>

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F3
File No. 192285**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01226 GROUPS 1 THROUGH 5 FOR THE PURCHASE OF MULTI-PART CARBONLESS SNAP-OUT FORMS, AND ESTABLISHING PREQUALIFICATION POOL FOR GROUP 6 OF CONTRACT NO. FB-01226 FOR THE PURCHASE OF RECYCLED CONTENT PAPER FORMS AND/OR RELATED FORMS NOT DEFINED WITHIN GROUPS 1 THROUGH 5 FOR MULTIPLE DEPARTMENTS FOR A FIVE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$1,598,000; AUTHORIZING THE COUNTY MAYOR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF AWARD FOR GROUPS 1 THROUGH 5, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING FOR GROUP 6; 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 approval of *Contract No. FB-01226* (Groups 1 through 5) and the establishment of *Prequalification Pool No. FB-01226* (Group 6) to purchase carbon-less forms and recycled content paper in an amount of up to \$1,598,000 for a five-year period.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was heard at the Health Care and County Operations Committee meeting of October 18, 2019 and was forwarded to the BCC with a favorable recommendation. At the meeting, the following exchange transpired:

- Commissioner Esteban Bovo inquired about a reduction of the price and whether the County would be obtaining a change order with a request for additional money.
- ISD Chief Procurement Officer Namita Uppal stated that no change orders are expected.

ANALYSIS

The purpose of this item is for the Board to approve the award of *Contract No. FB-01226* for Groups 1 through 5 to purchase multi-part carbonless snap-out forms, as well as establish a prequalification pool (*Prequalification Pool No. FB-01226*) for Group 6 to purchase recycled content paper forms and/or related forms for use by multiple County departments. This recommended award replaces *Prequalification Pool No. 4879-1/19-1, Printing Multiple Part Snap Out Forms*, effective from July 31, 2014 to January 31, 2020 and valued at \$4,794,000. The current pool has two awarded vendors – Eastern Business Forms, Inc. and Tiger Business Forms, Inc. Eastern Business Forms is under consideration for the replacement pool while Tiger Business Forms is recommended for award under the replacement pool and contract.

The scope of replacement *Contract No. FB-01226* consists purchasing pre-printed carbonless forms with detachable parts for operational purposes and for use by several County departments. The scope of *Prequalification Pool FB-01226* consists of purchasing recycled paper forms. The solicitation included six groups. For Groups 1 through 5, the County is

**BCC Meeting:
November 19, 2019
Research Notes**

Item No. 8F3
File No. 192285

Researcher: MF Reviewer: PGE

establishing a contract. For Group 6, a pool of prequalified vendors will be established to partake in spot market competitions. On May 3, 2019, the County advertised an Invitation to Bid under full and open competition and received one bid.

Pursuant to Resolution No. R-920-09, adopted July 2, 2009, the Board approved award of *Item 1.8, Printed Multiple Snap Forms*, to provide printed multiple part forms and printing services for various County departments. The amount was for \$2,521,000; if the option-to-renew is exercised, the cumulative total would be \$5,042,000.

The fiscal impact is \$1,598,000 for a five-year term. OCA examined the Bid Tracking System (BTS) on October 17, 2019, and reviewed current pool No. 4879-1/19-1, which was awarded by the Board via Resolution No. R-920-09, for a five-year term with one five-year option extension. Said contract is currently cumulatively valued at \$4,794,000 for a term of 10 years and six months and expires on January 31, 2020. According to BTS, Pool No. 4879-1/19-1 has a blanket purchase order (BPO) balance of \$839,340.89 (as of October 23, 2019), and had originally expired on July 31, 2019. No information was provided as to the purchase designation for the remaining BPO balance of \$839,340.89 prior to the pool's extended expiration of January 31, 2020.

OCA conducted a search of for commodity code 39529, Continuous Forms, Carbon Interleaved, in the Business Management Workforce System and the results are shown below:

- Gateways Unlimited, Inc., Miami Beach, FL SBE-G&S
- Innovative Incentives, Inc., Miami, FL SBE-G&S
- Printing Unlimited of Florida, Inc. SBE-G&S

OCA performed due diligence on October 11, 2019 pertaining to the recommended awarded vendor, Tiger Business Forms, Inc. (for Groups 1 through 5), as well as the requested prequalification pool (for Group 6) of vendors being considered for recommendation; the results are shown in Tables 1 and 2, respectively.

Table 1

| Awarded Firm | Corporate Registration | Tax Collector's Office | Florida DBPR | Westlaw |
|----------------------------|---|--|---------------------|------------------------|
| Tiger Business Forms, Inc. | Florida For Profit Corporation Active Principal Address: 7765 W 20 Ave., Hialeah, FL Filed: September 9, 1988 | Business Address: 7765 W 20 Ave., Hialeah, FL Status: Paid and Current | No account on file | No relevant case found |

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F3
File No. 192285**

Researcher: MF Reviewer: PGE

Table 2

| Vendors in Prequalification Pool | Corporate Registration | Tax Collector's Office | Florida DBPR | Westlaw |
|---|--|--|---------------------|------------------------|
| Eastern Business Forms, Inc. | Foreign Profit Corporation Active Principal Address: 530 Old Sulphur Springs Rd., Mauldin, SC 29662 Filed: April 10, 1981 | Business Address: 19515 SW 78 PL, Cutler Bay, FL 33157 Status: Paid and Current | No account on file | No relevant case found |
| Sun Valley Printing & Graphics, Inc. | Florida Profit Corporation Active Principal Address: 1420 Sheridan St., Ste. 22H, Hollywood, FL Filed: December 20, 2018 | No active account on file | No account on file | No cases found |

ADDITIONAL INFORMATION

OCA performed an Internet search of the selected firm, Tiger Business Forms, Inc., and the vendors in the prequalification pool, Eastern Business Forms, Inc. and Sun Valley Printing & Graphics Inc. According to Tiger Business Forms, Inc.'s website (www.tigerforms.com), the company was established in Miami 31 years ago. Among the services provided are digital printing and banner signs. The two companies in the prequalification pool are Eastern Business Forms, Inc., based in South Carolina (<https://ebf-inc.com>), and Sun Valley Printing and Graphics, Inc., (<http://www.sunvalleyprintingandgraphics.com/>), based in Hollywood, Florida.

DEPARTMENTAL INPUT

OCA inquired with ISD on October 23, 2019 pertaining the following; As of November 14, 2019, OCA had not received a response from the Department.

- Provide information regarding the purchase designation for the remaining BPO balance of \$839,340.89 (as of October 23, 2019) prior to the pool's extended expiration of January 31, 2020.

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

**BCC Meeting:
November 19, 2019
Research Notes**

Item No. 8F3

File No. 192285

Researcher: MF Reviewer: PGE

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](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_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 in July 23, 2019, establishes a policy of the County for disclosure of past and present discrimination lawsuits in solicitation submissions.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2019/190936min.pdf>

Resolution No. R-718-17, adopted July 6, 2017, directs the Mayor to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and Lists of Prequalified Vendors for the purchase of goods and/or services; and directs the Mayor or their designee, on a quarterly basis to identify in writing to the Office of Commission Auditor those contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration.

<http://www.miamidade.gov/govaction/matter.asp?matter=171632&file=true&fileAnalysis=false&yearFolder=Y2017>

Resolution No. R-1011-15, adopted November 3, 2015, directs the county mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ; and directing the county mayor to include such information in memorandum to Board pertaining vendor being recommended for contract.

<http://www.miamidade.gov/govaction/matter.asp?matter=152271&file=true&fileAnalysis=false&yearFolder=Y2015>

Resolution No. R-140-15, adopted February 3, 2015, directs the mayor to conduct a full review, prior to re-procurement of replacement contracts for goods and services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the county, to include information in recommendations to the Board, and to consult with the Small Business Development division, regarding solicitation and contract language.

<http://www.miamidade.gov/govaction/matter.asp?matter=150090&file=true&fileAnalysis=false&yearFolder=Y2015>

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/matter.asp?matter=120287&file=true&fileAnalysis=false&yearFolder=Y2012>

Resolution No. R-920-09, adopted July 2, 2009, authorizes the award of competitive contracts, contract modifications, and competitively solicited contracts of other governmental entities, and authorizing the county mayor or county mayor's designee, to exercise options-to-renew established thereunder for the purchase of goods and services, and authorizes the use of charter county transit system surtax funds.

<http://www.miamidade.gov/govaction/matter.asp?matter=091840&file=true&fileAnalysis=false&yearFolder=Y2009>

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F4
File No. 192293

Researcher: VW Reviewer: PGE

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 ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT NOT TO EXCEED \$1,769,000.00 TO CONTRACT NO. FB-00277 FOR THE RENTAL OF SECURITY PROTECTION COVERINGS FOR DOORS AND WINDOWS FOR THE MIAMI-DADE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT 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 authorize additional expenditure authority in an amount not to exceed \$1,769,000 via a designated purchase under *Contract No. FB-00277, Rental of Security Protection Coverings for Doors and Windows*, for the Miami-Dade Public Housing and Community Development Department (PHCD).

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

The item was presented at the Housing, Social Services and Economic Development Committee meeting on October 16, 2019 wherein it was forwarded to the Board with a favorable recommendation.

ANALYSIS

The purpose of this item is for PHCD to receive increased spending authority totaling \$1,769,000 under *Contract No. FB-00277, Rental of Security Protection Coverings for Doors and Windows*, to enable it to continue protecting its properties from vandalism, vagrancy and theft through the remainder of the contract term, November 30, 2020. The item is styled a designated purchase as the value of additional allocation requested (\$1,769,000) is more than double the existing allocation (\$631,000), necessitating the waiver of competitive procurement procedures.

This contract was approved under delegated authority in the amount of \$631,000 for a five-year term, from December 1, 2015 through November 30, 2020. Under the contract, the awarded bidder shall provide coverings that are constructed in a manner to fit over window screens, windows and doors that are placed outside the entry doors or windows of PHCD housing sites to prevent vandalism. Moreover, all doors, window screens and component parts shall be quality controlled, inspected and maintained by the awarded bidder.

As of November 14, 2019, the contract's Blanket Purchase Order shows that the entire allocation of \$631,000 has already been released, leaving a zero balance. Yet the contract does not expire for another 12 months. This item is requesting \$1,769,000 to support PHCD's operational needs throughout the remainder of the contract term.

PHCD is responsible for the operation, oversight and management of over 8,000 County-owned public housing units located throughout the County that must be maintained and secured while performing routine and non-routine maintenance activities and whenever a unit/dwelling is temporarily unoccupied and/or vacant. PHCD justifies the requested increased expenditure as needed to mitigate unlawful trespassing, vandalism and occupancy that would otherwise lead to a potential public safety issue and HUD funding requirements compliance issues. Furthermore,

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F4

File No. 192293

Researcher: VW Reviewer: PGE

PHCD explains that the allocation increase will assist the County in its public-private partnership in the redevelopment of the Liberty Square housing sites (Liberty City Rising Mayoral Initiative) in the upcoming phases. These phases will include three additional blocks containing over 500 units, representing \$1,070,000 of the requested \$1,769,000. More specifically, additional expenditure authority is needed given the reported incidence of vandalism, vagrancy, and theft of appliances or cabinetry on County-owned vacant housing sites at Liberty Square. The vacant housing sites are scheduled for demolition and redevelopment as part of the Liberty City Rising initiative and need to be protected until the scheduled demolition can occur.

The table below shows OCA's due diligence review of the awarded vendor, Vacant Property Security, LLC.

| Awarded Firm(s) | Corporate Registration | Tax Collectors Office | Florida DBPR | Westlaw |
|-------------------------------|--|--|--------------------|---------------|
| Vacant Property Security, LLC | Foreign Limited Liability Company Active Principal Address: 350 Highland Drive, Suite 100, Lewisville, TX 75067 Filed: March 21, 2012 | Business Address: VPSECURITY, LLC 4595 NW 73rd Ave Miami, FL 33166 Status: Paid and Current | No account on file | Nothing found |

A November 14, 2019 Business Management Workforce System search for the solicitation's Commodity Code, 90678: Security Systems; Intruder and Smoke Detection, Architectural Services: Electrical Engineering, Including Cogeneration Design Services, yielded the following certified local small business enterprises:

- JSA Group, Inc.
- KVH Architects, P.A.
- Rock International Distributors, Inc.

It is unclear whether the above certified vendors have the capacity to deliver the solicited services.

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/chapter/library/chapter.pdf>

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.

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F4

File No. 192293

Researcher: VW Reviewer: PGE

Of relevance for this item, IO 3-38 states that modifications to contracts under \$1,000,000 that were competitively awarded that increase the contract amount from below \$1,000,000 to over \$1,000,000 shall be approved by the Board of County Commissioners.

“For contracts under \$1,000,000, approve contract modifications up to a total contract amount of \$1,000,000. Any contract modification that increases the contract amount from below \$1,000,000 to over \$1,000,000 shall be approved by the Board of County Commissioners.”

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

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

Any recommendation by the Mayor for the award of a Designated Purchase shall at a minimum: (i) provide a written explanation of why the purchase through formal sealed bids would not be practicable under the circumstances and is in the best interest of the County, (ii) provide a written explanation of the process followed resulting in the recommendation for a Designated Purchase, and (iii) provide a written description of any informal competition conducted and any and all efforts to obtain a valuation of the recommended purchase. The Board of County Commissioners shall adopt any resolution authorizing 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-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>

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F5
File No. 192294

Researcher: JFP Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$5,065,000.00 FOR A MODIFIED CONTRACT AMOUNT OF \$14,135,000.00 FOR CONTRACT NO. 060B2490022 FOR THE PURCHASE OF IT NETWORK HARDWARE AND SECURITY SERVICES FOR THE INFORMATION TECHNOLOGY 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 additional expenditure authority of \$5,065,000 for *Contract No. 060B2490022, IT Network Hardware, and Security Services*, for the Information Technology Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was forwarded to the BCC with a favorable recommendation by the Health Care and County Operations committee at its October 18, 2019. Prior to passage, the following discussion transpired:

Commissioner Diaz: Is this separate from the other recent ITD procurements?

Angel Petisco, Director (ITD): Yes.

Commissioner Diaz: What is the length of the contract?

Angel Petisco, Director (ITD): The contract extends till 2027, yet the procurement is coming to the Board for approval every two years, as directed by the Board.

Commissioner Diaz: Why is this contract for longer than the five years allowed by resolution?

Angel Petisco, Director (ITD): This is a state contract that the County is accessing. The contract expires in 2027. ITD will be returning to the Board for expenditure authority approval every two years, however.

Commissioner Diaz: If something changes and a more favorable contract is found within those two years, would ITD be able to pull out of this contract?

Angel Petisco, Director (ITD): Yes, if we find a more favorable contract.

ANALYSIS

The purpose of this item is to grant additional expenditure authority in the amount of \$5,065,000 to the Information Technology Department (ITD) for the continued purchase of firewall security infrastructure services, which are integral to the detection and prevention of cyber-attacks and unauthorized access to the County's computer resources, systems, and websites. This State of Maryland contract was originally accessed by the County in September 2015 and functions as the primary source of support for the County's IT network security infrastructure needs. The contract has a current cumulative allocation of \$9,070,000 and expires on November 14, 2027.

The accessed contract provides a prequalified pool of vendors capable of delivering IT hardware and associated equipment and services within the following six functional areas:

- Functional Area 1: Servers and Associated Peripherals (excluding laptops, desktops, ruggedized computers and monitors).
- Functional Area 2: Printers and Associated Peripherals (excluding printer cartridges).
- Functional Area 3: Network Communications Equipment.

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F5

File No. 192294

Researcher: JFP Reviewer: PGE

- Functional Area 4: Installation and Training Services
- Functional Area 5: Manufacturer's Extended Warranty
- Functional Area 6: Security, Cameras and Associated Peripherals

Under the contract, the County is able to issue spot market quotes specific to its needs to all pool members within a functional area and award the member whose proposal is most advantageous.

The original contract amount of \$990,000 was approved by the Mayor on September 18, 2015 for a twelve-year term. The Board authorized additional expenditure authority in July 2016 pursuant to Resolution No. R-621-16 in the amount of \$7,600,000. A recent modification was made in July 2019 in the amount of \$480,000 under delegated authority. Approval of the present request for additional expenditure authority in the amount of \$5,065,000 would provide for a modified contract amount of \$14,135,000. The contract's allocation history is detailed in the table below.

| | Approval Date | Approval Authority | Amount |
|--|--------------------|---------------------|---------------------|
| Original Contract | September 18, 2015 | Mayor | \$990,000 |
| First Modification | July 6, 2016 | BCC (R-621-16) | \$7,600,000 |
| Second Modification | July 23, 2019 | Delegated Authority | \$480,000 |
| Requested Modification | Pending | BCC | \$5,065,000 |
| TOTAL MODIFIED CONTRACT AMOUNT: | | | \$14,135,000 |

The contract's Blanket Purchase Order (BPO) shows that \$9,055,615 of the contract's current cumulative allocation of \$9,070,000 has been released by ITD (as of November 13, 2019), leaving a nominal balance of \$14,385 in the contract's fourth year of a twelve-year term. The requested additional expenditure authority will fund the acquisition of network and security system products as well as associated support services for County departments via ITD through December 2021, as ITD has been directed by the Board to come before the Board for approval of expenditures every two years. The contract expires on November 14, 2027.

ITD prepared a spreadsheet with the specific planned purchases totaling \$5,064,992. Those purchases are for projects in the following departments – Corrections and Rehabilitation, Elections, Transportation and Public Works, Police, PortMiami, Information Technology, Aviation, and Juvenile Services. A summary of those projects is included below, with the department's allocation of the requested expenditure in parenthesis.

Aviation (\$1,599,853)

- Security Firewall Infrastructure Maintenance and support
- Professional Services for ongoing security project work and management of infrastructure

Corrections and Rehabilitation (\$105,600)

- Corrections firewall infrastructure maintenance and support
- FDLE CJIS Segmentation Requirements for Audit Compliance
- New Project: Firewall for Boot Camp
- New Project: MDCR Remote Access

Countywide (\$801,050)

- Enterprise Proxy & Web Content Filters and protection
- Maintenance on new TS&S Firewalls and Firewalls for Video Feeds & VPN Boxes

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F5

File No. 192294

Researcher: JFP Reviewer: PGE

- Enterprise Endpoint Protection and Remediation (Anti-Virus/Malware) to be awarded via RFP
- Enterprise SIP (VOIP) Gateway Firewalls (3) Annual Maintenance
- Maintenance on new TS&S Firewalls and Firewalls for Video Feeds & VPN Boxes
- Enterprise Firewall Maintenance and support
- ITD Maintenance

Elections (\$51,300)

- Elections firewall infrastructure maintenance and support

Information Technology (\$868,100)

- Enterprise Firewall Maintenance and support

Juvenile Services (\$70,000)

- FDLE CJIS Segmentation Requirements for Audit Compliance

Police (\$1,186,865)

- MDPD CAD911 Firewall Infrastructure maintenance and support ICFB/DPCC
- MDPD Primary Firewall Infrastructure maintenance and support (Data Center and District Stations)
- MDPD Data Device & Retention
- 911 - Management station upgrade & hardware for remote site compliance with FBI/CJIS encryption requirements
- New hardware ATOS project Firewall Rapid SOS
- 911 Annual Maintenance
- 911 - Firewall hardware for remote site compliance with FBI/CJIS encryption requirements
- 911 Annual Maintenance & Hardware Procurement

Seaport (\$175,725)

- Port Miami Firewall Infrastructure to protect Port Systems and physical security systems

Transportation and Public Works (\$206,499)

- Transportation/Public Works firewall infrastructure maintenance and support
- New Project: Firewall for Park and Ride PCI compliance

There are 13 prequalified vendors under this pool, of which three (23%) maintain a local address, which is below the 75% local vendor threshold prescribed by Resolution No. R-477-18. The below table summarizes OCA's due diligence review of the prequalified vendors.

| Awarded Firms | Corporate Registration | Tax Collector's Office | Florida DBPR | Westlaw |
|--------------------------------------|--|-------------------------------|---|---|
| Carousel Industries of North America | Foreign Profit Corporation Active | No account on file | License Type: Certified Electrical Contractor | <i>Joseph Randall v. Carousel Industries of North America, Inc. et al</i> (Case No. 8:17-CV-02181); Filed on December 13, 2017 in the |

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F5

File No. 192294

Researcher: JFP Reviewer: PGE

| | | | | |
|-----------------------------------|--|---|---|--|
| | Principal Address: 659 South County Trail Exeter, RI 02822 Filed: November 17, 2006 | | Status: Current, Active Expires: August 31. 2020 | U.S. District Court, Central District of California (Santa Ana); Allegation: Civil Rights Violation; and Case Status: Closed. |
| CDW Government, LLC | Foreign Limited Liability Company Active Principal Address: 200 N. Milwaukee Avenue Vernon Hills, IL 60061 Filed: January 5, 2010 | No account on file | No account on file | <i>Nitkiewicz Mark v. CDW Government LLC</i> (Case No. 2018-L-002072); Filed on February 27, 2018 in the Circuit Court of Cook County; Allegation: Defendant terminated plaintiff employee in retaliation for engaging in protected whistleblowing activity; and Case Status: Closed. <i>Craig PC Sales & Service LLC et al v. CDW Government LLC, et al.</i> (Case No. 5:17-CV-00003)' Filed on January 3, 2017 in U.S. District Court, Western District of Oklahoma (Oklahoma City); Allegation: Defendant wrongfully sold invalid Microsoft Operating System licenses to plaintiffs for academic computers, in breach of the agreement; and Case Status: Open. |
| Compuquip Technologies, LLC | Florida Limited Liability Company Active Principal Address: 2121 Ponce de Leon Blvd Suite 530 | Business address: 2121 Ponce de Leon Blvd Suite 530 Coral Gables, FL 33134 Status: Paid and Current | No account on file | No relevant cases |

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F5
File No. 192294

Researcher: JFP Reviewer: PGE

| | | | | |
|------------------------------------|---|--|--------------------|---|
| | Coral Gables, FL 33134 Filed: April 30, 2013 | | | |
| Computer Systems Support, Inc. | Florida Profit Corporation Active Principal Address: 3 Seaview Boulevard Port Washington, NY 11050 Filed: March 8, 1989 | Business address: 6303 Blue Lagoon Drive, Suite 400 Miami, FL 33126 Status: Paid and Current | No account on file | No relevant cases |
| Daly Computers, Inc. | Foreign Profit Corporation Inactive in Florida; Incorporated and in Good Standing in Maryland Principal Address: 22521 Gateway Center Clarksburg, MD 20871 Filed: October 23, 1987 | No account on file | No account on file | No relevant cases |
| Dimension Data North America, Inc. | Foreign Profit Corporation Active Principal Address: 11006 Rushmore Drive, Suite 300 Charlotte, NC 28277 Filed: September 29, 2009 | Doing business in Miami-Dade County Status: \$82.50 due (2020) | No account on file | <i>Gina Brockamp v. Dimension Data North America, Inc., et al.</i> (Case No. 18STCV09123); Filed on December 20, 2018 in Superior Court, Los Angeles County; Allegations: Defendant discriminated the plaintiff on the basis of sex, gender, age; failed to provide reasonable accommodation, prevent from harassing and hostile working environment, to pay minimum, overtime wages, |

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F5
File No. 192294

Researcher: JFP Reviewer: PGE

to provide meal and rest period wages, to issue accurate wage statements to the plaintiff; and terminated the employment in retaliation for engaging in protected activities in violation of the Fair Employment and Housing Act (FEHA) and California labor code; and Case Status: Open – set for jury trial on March 9, 2020.

Hamrick v. Dimension Data North America Inc. (Class Action), (Case No. RIC1823664); Filed on November 8, 2018 in Superior Court, Riverside County, California; Allegations: Defendants failed to provide plaintiff and class members accurate itemized wage statements, adequate off duty meal periods, rest period compensation, and timely wages, upon termination; and Case Status: Open.

Kevin Griffith v. Dimension Data North America, Inc., et al (Case No. 2:18-CV-02587); Filed on March 30, 2018 in U.S. District Court, Central District of California (Los Angeles); Allegation: Defendant discriminated plaintiff on the basis of disability by failing to provide medical leave, accommodation and wrongfully terminated his employment in violation of

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F5
File No. 192294

Researcher: JFP Reviewer: PGE

| | | | | |
|-----------------------|--|----------------------------------|--------------------|--|
| | | | | FEHA; and Case Status: Closed <i>Relevant-IT Inc. v. Dimension Data North America Inc.</i> (Case No. BC698525); Filed on March 16, 2018 in Superior Court, Los Angeles County, California; Allegation: Defendant breached the contract by failing to pay plaintiff a commission on projects brought to defendant, causing damages to plaintiff; and Case Status: Closed |
| Disys Solutions, Inc. | Foreign Profit Corporation Active Principal Address: 44670 Cape Court, Suite 100 Ashburn, VA 20147 Filed: May 6, 2015 | No account on file | No account on file | No relevant cases |
| En-Net Services, LLC | Foreign Limited Liability Company Not found in Sunbiz (Florida's Division of Corporations website); Active and in Good Standing in Maryland Principal Address: 712 North East Street Frederick, MD 21701 Filed: May 6, 1996 | No account on file | No account on file | No relevant cases |
| Giganetworks, Inc. | Foreign Profit Corporation | Business address: 835 NE 79th St | No account on file | No relevant cases |

BCC Meeting: November 19, 2019

Research Notes

Item No. 8F5

File No. 192294

Researcher: JFP Reviewer: PGE

| | | | | |
|---|--|--|-----------------------|-------------------|
| | <p>Active</p> <p>Principal Address: 835 NE 79th St Miami, FL 33138</p> <p>Filed: October 6, 2008</p> | <p>Miami, FL 33138</p> <p>Status: Paid and Current</p> | | |
| Knot Technology Solutions, LLC | <p>Foreign Limited Liability Company</p> <p>Not found in Sunbiz (Florida's Division of Corporations website); Active and in Good Standing in Maryland</p> <p>Principal Address: 5611 Exeter Street Churchton, MD 20733</p> <p>Filed: August 28, 2003</p> | No account on file | No account on file | No relevant cases |
| Mythics, Inc. | <p>Foreign Profit Corporation</p> <p>Active</p> <p>Principal Address: 4525 Main Street, Suite 1500 Virginia Beach, VA 23462</p> <p>Filed: August 8, 2008</p> | No account on file | No account on file | No relevant cases |
| Presidio Holdings, Inc., dba Presidio Networked Solutions, LLC | <p>Florida Limited Liability Company</p> <p>Active</p> <p>Principal Address: 1 Penn Plaza Suite 2832 New York, NY 10119 (different from address listed in Mayoral Memorandum –</p> | No account on file | No account on file | No relevant cases |

**BCC Meeting: November 19, 2019
Research Notes**

Item No. 8F5

File No. 192294

Researcher: JFP Reviewer: PGE

| | | | | |
|--|--|---|--------------------|-------------------|
| | address changed with the Florida Division of Corporations on January 15, 2019) Filed: October 31, 2018 | | | |
| Universal Adaptive Consulting Services, Inc. | Foreign Profit Corporation Active Principal Address: 4104 E. Parham Road, Suite B Henrico, VA 23228 Filed: June 28, 2007 | Doing business in Miami-Dade County Status: Paid and Current | No account on file | No relevant cases |

A November 13, 2019 search on the Business Management Workforce System for the pool's Commodity Code, 20540 – Networks, Local Area, yielded the following six certified local small business enterprise firms:

- Advanced Total Systems, Inc.
- Compu Design USA, Inc., dba Dade Institute of Technology
- Galactic Technology Group, LLC
- Infrastructure Solutions Company, LLC, dba Infrasol
- Network & Communication Services, Inc.
- Southern Data Systems, Inc., dba Nettogo

These certified small business firms are not prequalified under this pool due to the contract being an accessed contract. It is unknown whether these firms are able to perform the scope of services required.

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=PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Resolution No. R-621-16, adopted July 6, 2016, authorized additional expenditure authority in a total amount up to \$7,600,000 for *Contract No. 060B2490022* for information technology network hardware, associated equipment, and services for the Information Technology Department.

<http://intra/gia/matter.asp?matter=161201&file=true&yearFolder=Y2016>

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F5

File No. 192294

Researcher: JFP Reviewer: PGE

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-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 nonlocal vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

Implementing Order 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>

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F6
File No. 192308**

Researcher: IL Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$5,220,889.00 FOR A MODIFIED CONTRACT AMOUNT OF \$16,264,132.00 FOR CONTRACT NO. 43220000-WSCA-14-ACS FOR THE PURCHASE OF DATA COMMUNICATIONS PRODUCTS AND SERVICES FOR THE INFORMATION TECHNOLOGY 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 additional expenditure authority in an amount of up to \$5,220,889 for *Contract No. 43220000-WSCA-14-ACS, Data Communications Products and Services*, to purchase network infrastructure equipment and associated technical and support services for the Information Technology Department (ITD) for the remainder of the term.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was brought before the HCCO Committee on October 18, 2019 and was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is for ITD to gain Board authorization to increase spending by \$5,220,889 under *Contract No. 43220000-WSCA-14-ACS, Data Communications Products and Services*, to support operational requirements through the remainder of the term. The County originally accessed this Western States Cooperative Alliance contract through the State of Florida under the County Mayor's delegated authority on August 14, 2015. The contract expires on May 31, 2020 and has a current cumulative allocation of \$11,043,243. ITD uses this contract to support departmental information technology needs. More specifically, the contract is used to purchase network infrastructure equipment such as file servers, data terminals, thin clients, firewall security, disk and tape data storage, uninterruptable power surge suppression devices and associated support services.

This contract was originally allocated \$500,000 when it was accessed in August 2015. On September 28, 2015, an additional \$495,000 was allocated to this contract under the County Mayor's delegated authority. A request for additional expenditure authority of \$8,209,000 was approved by the Board on July 6, 2016 via Resolution No. R-623-16. On February 12, 2019, an additional \$1,839,243 was allocated to this contract under the County Mayor's delegated authority. The contract currently has six months and 11 days prior to its expiration with a cumulative value of \$11,043,243. As of November 15, 2019, a total of \$11,015,711 has been released, leaving a balance of \$27,532 under the contract's Blanket Purchase Order. If this request for additional spending of \$5,220,889 is approved, the contract will have a total modified cumulative value of \$16,264,132 (i.e., initial term of \$11,043,246 and this request for increased spending of \$5,220,889).

This contract is essential to ITD as it is relied on to purchase various critical hardware and software items from "Original Equipment Manufacturers" (OEMs). As indicated in the mayoral memorandum, the additional expenditure is slated to cover network infrastructure equipment and related services, such as optical network switches, wireless networking, device logging and monitoring, and associated maintenance and technical support services. However, the mayoral memorandum does not set

**BCC Meeting:
November 19, 2019
Research Notes**

Item No. 8F6

File No. 192308

Researcher: IL Reviewer: PGE

forth the specific departmental projects including related allocations that will be supported by this request for increased spending. There are 14 vendors eligible to provide the various supplies, items and services covered under this contract.

The contract is in its 53rd month of the 60-month term and yet the allocation is almost depleted. ITD explains in its BTS-inputted justification for the additional expenditure of \$5,220,889 that the funds are needed to support the County's data communications operations for the remainder of the contract term. The additional allocation will be applied as follows: \$3,448,750 for ITD; \$1,306,579 for DTPW; \$453,560 for Aviation; and \$12,000 for Fire Rescue. This totals \$5,220,898.

The contract has 14 active vendors, of which three have a local address and three are certified Small Business Enterprise firms. A November 14, 2019 search on the Business Management Workforce System (BMWS) for the pool's Commodity Code (92045, *Software Maintenance/Support Services*) yielded the seven local certified small business vendors listed below:

Certified SBE Firms on BMWS:

| Firm | Location | SBE type |
|--|-----------------|-----------------|
| Amiritech Group LLC | Miami, FL | SBE-G&S |
| Computer Based Associates, Inc. | Miami, FL | SBE-G&S |
| Insinet Group LLC | Doral, FL | SBE-G&S |
| Meridian Partners, LLC | Miami Beach, FL | SBE-G&S |
| Speedyittech, LLC, DBA 360techgroup | Miami Lakes, FL | SBE-G&S |
| Teckpert, LLC, Dba Teckpert | Miami, FL | SBE-G&S |
| The Ashvins Group, Incorporated | Miami, FL | SBE-G&S |

The table below summarizes OCA's due diligence review of the prequalified vendors.

| Awarded Firms | Corporate Registration | Tax Collector | Florida DBPR | Westlaw |
|----------------------|--|--|--|----------------|
| Aruba Networks Inc. | Foreign Profit Corporation Principal Address: 3333 Scott Blvd. Santa Clara, CA Date Filed: July 19, 2013 | Nothing found | Nothing found | No cases found |
| Avaya, Inc. | Foreign Profit Corporation Principal Address: 4655 Great America | Business address: 10801 NW 97 Street Miami, FL 33178 | Main Address 16203 White Creek Cove Austin, TX | No cases found |

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F6
File No. 192308**

Researcher: IL Reviewer: PGE

| | | | | |
|--|--|--|---|-------------------------|
| | Parkway, Santa Clara, CA Date Filed: August 8, 2000 | Status: Paid and Current | Status: Current/Active | |
| Carousel Industries of North America, Inc. | Foreign Profit Corporation Principal Address: 659 South County Trail Exeter, RI Date Filed: October 24, 2008 | Nothing found | License (Electrical) Location Address: 659 South County Trail, Exeter, RI Status: Current/Active | Nothing found |
| CDM Government LLC | Nothing found | Nothing found | Nothing found | No cases found |
| Computer Systems Support Inc. | Florida Profit Corporation Principal Address: 3 Seaview Boulevard, Port Washington, NY Date Filed: March 08, 1989 | Business Address: 6303 Blue Lagoon Drive, Suite 400, Miami, FL Status: Paid and Current | Nothing found | No relevant cases found |
| Convergeone, Inc. | Foreign Profit Corporation Principal Address: 10900 Nesbitt Avenue South, Bloomington, MN Date Filed: January 15, 2016 | Nothing found | Nothing found | No cases found |

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F6
File No. 192308**

Researcher: IL Reviewer: PGE

| | | | | |
|------------------------------------|---|--|---------------|-------------------------|
| Hewlett Packard Enterprise Company | Foreign Profit Corporation Principal Address: 6280 America Center Drive, San Jose, CA Date Filed: March 11, 2015 | Nothing found | Nothing found | No cases found |
| Insight Public Sector Inc. | Foreign Profit Corporation Principal Address: 6820 S Harl Avenue, Tempe, AZ Date Filed: January 30, 2003 | Nothing found | Nothing found | No cases found |
| Meridian IT, Inc. | Nothing found | Nothing found | Nothing found | No relevant cases found |
| Modcomp Inc. | Foreign Profit Corporation Principal Address: 1182 East Newport Center Drive, Deerfield Beach, FL Date Filed: October 6, 2005 | Business Address: 9155 South Dadeland Blvd, Suite 1112, Miami, FL Status: Paid/Closed | Nothing found | No cases found |
| PC Solutions & Integration, Inc. | Florida Profit Corporation Principal Address: 4937 SW 75 Avenue, Miami, FL | Nothing found | Nothing found | No cases found |

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F6
File No. 192308**

Researcher: IL Reviewer: PGE

| | | | | |
|--|--|---------------|--|-------------------------|
| | Date Filed: December 10, 1997 | | | |
| Presidio Holdings, Inc. | Domestic Delaware Corporation Principal Address: 251 Little Falls Drive, New Castle, DE Date Filed: February 16, 2011 | Nothing found | Nothing found | No relevant cases found |
| Ronco Communications & Electronics, Inc. | Foreign Profit Corporation Principal Address: 5453 W. Waters, Suite 101 Tampa, FL 33634 Date Filed: October 10, 2007 | Nothing found | License (Electrical) location address: 5453 W. Waters Avenue, Suite 101, Tampa, FL Status: Current Active | No relevant case found |
| Step CG, LLC | Foreign Limited Liability Company Principal Address: 525 W. Fifth Street, Suite 332Covington, KY 41011 Date Filed: October 12, 2016 | Nothing found | Nothing found | No cases found |

DEPARTMENTAL INPUT

The following question was asked to ISD on November 14, 2019, the response is below in bold:

- Are the listed vendors prequalified to compete for spot market purchases or have they received specific awards.
Master agreements have been executed with various manufactures to provide Data Communications products and services. These Master Agreements are based on the percent discount off the manufacturer's current global MSRP. Manufacturers may have authorized dealers or resellers, and the competition takes place between the resellers of the manufacturers on the contract. Discounts provided in the Master Agreement are minimum discounts, manufacturer or resellers may offer additional discounts. The user of the Contract has the option to purchase services directly from the manufacturer or through its resellers.

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F6
File No. 192308**

Researcher: IL Reviewer: PGE

ADDITIONAL INFORMATION

The Information Technology Department provides information technology services to enable and support the operations of all County departments. This makes government services more easily accessible to citizens, governmental agencies and external businesses. ITD's infrastructure includes network, radio and hardware/software platforms, along with support for countywide and departmental specific applications and services. We partner with other County departments, management and key technology providers to implement and maintain technology solutions that enable efficient operations, delivery of County services.

<https://www8.miamidade.gov/global/technology/home.page>

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_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-623-16, adopted July 6, 2016, authorized additional expenditure authority of \$8,209,000 under Contract No. 43220000-WSCA-14-ACS, for *Data Communications Products and Services*, for the Information Technology Department.

<http://intra/gia/matter.asp?matter=161244&file=true&yearFolder=Y2016>

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>

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F7
File No. 192317**

Researcher: MF Reviewer: PGE

RESOLUTION AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE REMAINING OPTION TO RENEW PERIODS FOR CONTRACT NO. BW9754-5/25-2, CLOUD-HOSTED COMMUNICATIONS SYSTEM SERVICE AND MAINTENANCE AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$900,000 FOR THE CLERK OF THE COURTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize approval to renew periods for *Contract No. BW9754-5/25-2* for a cloud-hosted communications system service and maintenance agreement in an amount up to \$900,000 for the Clerk of the Courts.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was heard at the Health Care and County Operations Committee meeting of October 18, 2019 and was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is for the Board to approve renewal periods for *Contract No. BW9754-5/25-2*, being that the requested renewal term exceeds the County Mayor's delegated authority. The scope of services consists of monthly phone support services through a Cloud-Hosted Communications System for interactive voice response capabilities, automation for custom messaging, and delivery of jury pool notifications, notices to appear, and traffic and parking citation payments for enhanced customer service.

The fiscal impact is \$1,909,000 and would expire December 31, 2025. The current contract has a cumulative allocation of \$1,009,000 and expires December 31, 2019. The amount under the requested renewal option is \$900,000.

OCA examined the Bid Tracking System (BTS) on October 17, 2019 pertaining to current Contract No. BW9754-5/25-1, initially awarded to the incumbent vendor in October 2013 for two years with five two-year options to renew.

The table below shows a summary of the original contract, the current contract, and the remaining balances from the blanket purchase orders (BPOs), as depicted on BTS.

| Original Contract No. BW9754-5/25 BPO balance | Current Contract No. BW9754-5/25-1 BPO balance | TOTAL |
|--|---|--------------|
| \$6,617.56 | \$148,737.40 | \$155,354.96 |

According to market research conducted by ISD, the incumbent vendor is being recommended for award renewal because no other vendor has the technological capabilities to deliver the required maintenance and support services. Additionally,

**BCC Meeting:
November 19, 2019
Research Notes**

Item No. 8F7
File No. 192317

Researcher: MF Reviewer: PGE

the Clerk of Courts has determined that should the platform be changed, the cost would be approximately \$1,000,000, excepting any recurring costs for maintenance and per call charges.

OCA performed due diligence on October 15, 2019 pertaining the awarded incumbent vendor; the results are shown below.

| Awarded Vendor | Corporate Registration | Tax Collector's Office | Florida DBPR | Westlaw |
|----------------|---|------------------------|--------------------|------------------------|
| Twilio, Inc. | Delaware Foreign Stock (via California Secretary of State) Active 5/Principal Address: 501 Folsom St., First Floor San Francisco, CA Mailing Address: 251 Little Falls Dr. Wilmington, DE 19808 Filed: June 30, 2008 | No account on file | No account on file | No relevant case found |

ADDITIONAL INFORMATION

OCA conducted an Internet search of the incumbent vendor, Twilio Inc. The company's website, <https://www.twilio.com/>, indicates the firm has 24 offices across 14 countries including Colombia, Spain, England, Germany, Japan, and Australia.

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, establishes a policy of the County for disclosure of past and present discrimination lawsuits in solicitation submissions.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2019/190936min.pdf>

**BCC Meeting:
November 19, 2019
Research Notes**

Item No. 8F7

File No. 192317

Researcher: MF Reviewer: PGE

Resolution No. R-1152-15, adopted December 15, 2015, authorizes designated purchase pursuant to Section 2-8.1(B)(3) of the county code by a two-thirds vote of the Board members present; approving the exercise by the county mayor or county mayor's designee of the first two-year option-to-renew period in an aggregate amount of up to \$360,000 for the Clerk of the Courts for purchase of cloud-hosted communications system service and maintenance support and exercise all provisions of the contract pursuant to Section 2-8.1 of the Code and Implementing Order 3-38.

<http://www.miamidade.gov/govaction/matter.asp?matter=152769&file=true&fileAnalysis=false&yearFolder=Y2015>

Resolution No. R-1175-17, adopted December 5, 2017, authorizes the county mayor or designee to exercise the second, two-year option to renew term for Contract No. BW9754-5/25 for the purchase of cloud-hosted communications system service and maintenance support in an amount up to \$378,000 for the Clerk of the Courts; and authorizing the county mayor to exercise all provisions of the contract pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

<http://www.miamidade.gov/govaction/matter.asp?matter=172661&file=true&fileAnalysis=false&yearFolder=Y2017>

Resolution No. R-187-12, adopted February 21, 2012, directs the mayor or designee 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-98-12, adopted January 26, 2012, directs the county mayor or designee to negotiate better prices on all awarded contracts for the purchase of goods and services and prior to the exercise of any options-to-renew and delegating authority to county mayor or designee to amend contracts to provide better prices for the County.

<http://www.miamidade.gov/govaction/matter.asp?matter=112444&file=true&fileAnalysis=false&yearFolder=Y2011>

**BCC Meeting:
November 19, 2019
Research Notes**

Item No. 8F8

File No. 192329 (related 192330)

Researcher: IL Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$2,112,000.00 FOR A MODIFIED TOTAL CONTRACT AWARD OF \$43,213,500.00 FOR THE OPTION TO RENEW TERM OF CONTRACT NO. RFP878-3(3) FOR THE PURCHASE OF SECTION 8 HOUSING CHOICE VOUCHER PROGRAM OVERSIGHT AND MANAGEMENT SERVICES FOR THE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT 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 [SEE FILE NO. 192330]

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority of \$2,112,000 to *Contract No. RFP878-3(3), Section 8 Housing Choice Voucher Program Oversight and Management Services*, for the Public Housing and Community Development Department (PHCD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was brought before the HSED Committee meeting on October 16, 2019 and was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to obtain Board approval to increase spending authority in an amount of \$2,112,000 under *Contract No. RFP878-3(3), Section 8 Housing Choice Voucher Program Oversight and Management Services*, to enable PHCD to add services to the current option term. If approved, the total modified allocation for the option term would be \$43,213,500.

This contract (*RFP No. 878*) was established pursuant to Resolution No. R-467-14, adopted May 20, 2014; two vendors were awarded: Nan McKay and Associates, Inc. for Category 1 (Intake), Category 2 (Management) and Category 4 (Family Self-Sufficiency) services and CVR Associates, Inc. for Category 3 (Inspections) services. The estimated award value was \$37,365,000 for an initial two-year term plus three, one-year options to renew. The scope of services for the Voucher Program is divided into four separate categories – (1) Intake, which includes the responsibility for all waiting lists, eligibility and new admission activity; (2) Case Management, which encompasses all ongoing tenant services related to annual and interim examinations, changes of dwelling and termination actions; (3) Inspections, which covers initial, annual, complaint, and quality control inspections; and (4) Family Self-Sufficiency, which ties together all the services for the Housing Choice Voucher Family Self-Sufficiency Program and the Homeownership Program.

The requested increase in expenditure of \$2,112,000 will be applied to cover additional services, i.e., the transfer of the administration of the Project-Based Voucher Program and the Veterans Affairs Supportive Housing Program from PHCD to Nan McKay and Associates. Accordingly, the Family Self-Sufficiency Category of the Voucher Program now includes the administration of the traditional Section 8 Housing Choice Voucher Family Self-Sufficiency Program, Homeownership Program, Project-Based Voucher and the HUD Veterans Affairs Supportive Housing Program as well as all other related program activity. This item requires Board approval as this transfer of administrative responsibilities is considered a substantive change to the contract's original scope of work.

**BCC Meeting:
November 19, 2019
Research Notes**

Item No. 8F8

File No. 192329 (related 192330)

Researcher: IL Reviewer: PGE

The fiscal impact to the County with approval of this item totals \$2,112,000. OCA reviewed the lifetime of Contract No. RFP878 on November 14, 2019. Below is a table illustrating the contract's history:

| Contract No. (Option to Renew) | Effective Date | Expiration Date | Current Value |
|---|-----------------------|------------------------|----------------------|
| RFP878 | 06/29/2014 | 06/30/2016 | \$14,946,000 |
| RFP878-1(3) | 07/01/2016 | 06/30/2017 | \$ 7,473,000 |
| RFP878-2(3) | 07/01/2017 | 06/30/2018 | \$ 7,473,000 |
| RFP878-3(3) | 07/01/2018 | 12/31/2019 | \$11,209,500 |
| Proposed additional Expenditure Request | | | \$ 2,112,000 |
| Total | | | \$43,213,500 |

Currently, the contract has a total cumulative allocation of \$41,101,500 for a term of five years and six months.

The current option term is valued at \$11,209,500 and is scheduled to expire on December 31, 2019. As of November 15, 2019, the contract's Blanket Purchase Order shows a released amount of \$7,473,000, leaving a balance of \$3,736,500. If the additional expenditure is approved, the contract's value would increase to \$43,213,500. OCA did not find any specific information as to the slated expenditure for the remaining balance. Note that this contract is federally funded.

The two awarded firms, CVR Associates Inc. and Nan McKay & Associates Inc., both have a local address on the Tax Collector's website. Neither firm was listed as an SBE on the Business Management Workforce System (BMWS). OCA performed a search for Commodity Code 91806 (Administrative Consulting Services) and 91875 (Management Consulting Services) on the BMWS Certified Vendor Directory on November 15, 2019, and 71 local SBEs were identified.

Additionally, OCA performed a due diligence review of the awarded firms on November 14, 2019, finding the following:

| Awarded Firm(s) | Sunbiz | Tax Collectors Office | Florida DBPR | Westlaw |
|------------------------|---|--|---------------------|--|
| CVR Associates Inc. | Florida for Profit Corporation Principal Address: 2309 S. Macdill Ave, Suite 200, Tampa, FL 33629 Filed: September 19, 2007 | Business Address: 7925 NW 12 Street, Suite 117, Doral, FL 33126 Status: Paid/Current | No account on file | Frost v. CVR Associates Inc. et al Case No. 1:19-CV-09190; Filed on October 4, 2019 in the U.S. Southern District of New York; Allegation: Civil Rights Violation; and Case Status: Open. Oscar v. CVR Associates Inc., Case No. 2:18-CV-13577; Filed on September 5, 2018 in the U.S. District Court, District of New Jersey (Newark); Allegation: discrimination on the basis of disability, and failure to provide |

**BCC Meeting:
November 19, 2019
Research Notes**

Item No. 8F8

File No. 192329 (related 192330)

Researcher: IL Reviewer: PGE

| | | | | |
|-----------------------------|---|--|--------------------|--|
| | | | | accommodations; and Case Status: Closed; C dismissed |
| NAN McKay & Associates Inc. | Foreign Profit Corporation Principal Address: 1810 Gillespie Way, Suite 202, El Cajon, CA 92020 Filed: October 8, 2007 | Business Address: 7400 NW 19 th Street, Miami, FL 33126 Status: Paid/Current | No account on file | Susana M Mangoni v. Nan McKay and Associates Inc., Case No. 2016-010878-CA-01; Filed on April 29, 2016 in the Eleventh Judicial Circuit Court of Florida (Miami), Allegation: plaintiff was discriminated based on her disability and refused to hire her; Case Status: Closed; dismissed. |

ADDITIONAL INFORMATION

See the link to PHCD's website below for more information on the Housing Choice Voucher Program.

https://www.miamidade.gov/global/service.page?Mduid_service=ser1544821240699928

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=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Resolution No. R-716-12, adopted September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) 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 why 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-467-14, adopted May 20, 2014, approved award of *RFP No. 878, Section 8 Housing Choice Voucher Program Oversight and Management Services*, to Nan McKay and Associates, Inc. for Category 1 (Intake), Category 2 (Management) and Category 4 (Family Self-Sufficiency) services and to CVR Associates, Inc. for Category 3

**BCC Meeting:
November 19, 2019
Research Notes**

Item No. 8F8

File No. 192329 (related 192330)

Researcher: IL Reviewer: PGE

(Inspections) services in an estimated amount of \$37,365,000 for an initial two-year term plus three, one-year options to renew.

<http://intra/gia/matter.asp?matter=140958&file=true&yearFolder=Y2014>

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>

**BCC Meeting:
November 19 2019
Research Notes**

Item No. 8F9

File No. 192330 (related to 192329)

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-01132 FOR SECTION 8 HOUSING VOUCHER SERVICES FOR THE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$45,764,410.00 FOR THE INITIAL TWO-YEAR TERM, WITH THREE, ONE-YEAR OPTIONS TO RENEW; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38 [SEE FILE NO. 192329]

ISSUE/REQUESTED ACTION

Whether the Board should approve a contract award to Nan McKay and Associates, Inc. (*Contract No. RFP-01132*) for administration and management of the Section 8 Housing Choice Voucher Program in an amount not to exceed \$45,764,410 for an initial two-year term plus three, one-year options to renew for the Public Housing and Community Development Department (PHCD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was brought before the HSED Committee meeting on October 16, 2019 and was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to award a replacement long-term contract for the administration and management of PHCD's Section 8 Housing Choice Voucher Program. The recommended awardee is Nan McKay and Associates, Inc., an incumbent vendor, for a term of two years plus three, one-year options to renew at a cumulative value of \$45,764,410.

The County is a public housing agency as defined in the United States Housing Act of 1937. PHCD operates a large Section 8 Housing Choice Voucher (HCV) Program which currently includes Non-Elderly Disabled, HUD Veterans Affairs and Supportive Housing, Project-Based and Mainstream Vouchers. The HCV Program currently has an allocation of 15,380 vouchers and 75 mainstream vouchers.

The scope of services for the HCV Program is divided into two categories: (1) Intake, Case Management and Family Self-Sufficiency Services; and (2) Inspection Services. Note that this contract updates the scope of services under the previous contract by adding the Project-Based Voucher and Veterans Affairs Supportive Housing Programs. Moreover, under the contract, the awarded vendor shall develop and maintain a quality control, performance tracking and reporting plan to ensure the integrity, accountability and efficiency of the HCV Program functions.

The fiscal impact for category 1 (Intake, Case Management and Family Self-Sufficiency Services) is estimated at \$48,324,761 for the cumulative term, i.e., initial two-year term plus three, one-year renewal periods according to the breakdown of price by year (Appendix B – Price Schedule) and for category 2 (inspection services) is estimated at \$5,460,046 for a total estimated amount of \$53,784,807. The proposed contract replaces *Contact Nos. RFP878, RFP878-1(3), RFP878-2(3) and RFP878-3(3)*, consolidating service delivery under a single contract and single vendor to maximize

**BCC Meeting:
November 19 2019
Research Notes**

Item No. 8F9

File No. 192330 (related to 192329)

Researcher: IL Reviewer: PGE

efficiencies. The proposed contract and current contract are similar in the term of the contracts both containing an initial two-year term and three additional one-year options to renew. The distinctions are in the total allocation, a difference of \$2,550,910 increase in the proposed contract. PHCD attributes this difference to an increase in funding from the U.S. Department of Housing and Urban Development (HUD). Note that the funding source are federal funds. OCA reviewed the Contract and found an inconsistency between the price by functions breakdown per year totaling \$48,324,761 and the requested \$45,764,000, a difference of \$2,560,761.

Below is a table depicting the chronology of the current contract as of November 14, 2019:

| Contract No. (Option to Renew) | Effective Date | Expiration Date | Current Value |
|---|----------------|-----------------|---------------|
| RFP878 | 06/29/2014 | 06/30/2016 | \$14,946,000 |
| RFP878-1(3) | 07/01/2016 | 06/30/2017 | \$ 7,473,000 |
| RFP878-2(3) | 07/01/2017 | 06/30/2018 | \$ 7,473,000 |
| RFP878-3(3) | 07/01/2018 | 12/31/2019 | \$11,209,500 |
| Proposed additional Expenditure Request File No. 192330 | | | \$ 2,112,000 |
| Total | | | \$43,213,500 |

The current contract is valued at \$11,209,500 and is on its last option to renew which is set to expire on December 31, 2019. The released amount is \$7,473,000, and the remaining balance on the Blanket Purchase Order is \$3,736,500. Accompanying Item 3C (File No. 192329) is for additional expenditure to the current contract while the proposed replacement contract is approved. If the additional expenditure is approved, the current contract's value will increase to \$43,213,500. That request for increased funding is due to the addition of the Project-Based Voucher Program and the Veterans Affairs Supportive Housing Program.

This replacement procurement consisted of four proposals; they were received from CVR Associates, Inc., CGI Federal Inc., Nan McKay and Quadel Consulting & Training, LLC. Two (Nan McKay & Associates, Inc., and CVR Associates, Inc.) of the four respondent vendors, who are also incumbents under the current contract, *Contract No. RFP878*, have a local address.

OCA performed a search for Commodity Code 91806 (Administrative Consulting Services) and 91875 (Management Consulting Services) on the Business Management Workforce System's Certified Vendor Directory on November 15, 2019, and 71 local SBEs were identified. It is unclear whether those SBEs have the capacity to perform the solicited services.

**BCC Meeting:
November 19 2019
Research Notes**

Item No. 8F9

File No. 192330 (related to 192329)

Researcher: IL Reviewer: PGE

OCA performed a due diligence review of the selected firm on November 14, 2019; the results are below:

| Awarded Firm(s) | Sunbiz | Tax Office | Collectors | Florida DBPR | Westlaw |
|------------------------------|---|---|------------|--------------------|--|
| Nan McKay & Associates, Inc. | Active (Foreign) Principal Address: 1810 Gillespie Way, Suite 202, El Cajon, CA 92020 | Account Number: 7178564 Principal Address: 7400 NW 19 th Street, Miami, FL 33126 | | No account on file | Susana M Mangoni v. Nan Mckay and Associates Inc., Case No. 2016-010878-CA-01; Filed on April 29, 2016 in the Eleventh Judicial Circuit Court of Florida (Miami), Allegation: plaintiff was discriminated based on her disability and refused to hire her; Case Status: Closed; dismissed. |

ADDITIONAL INFORMATION

See the link below for information on the Housing Choice Voucher Program provided on PHCD's website.

https://www.miamidade.gov/global/service.page?Mduid_service=ser1544821240699928

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-716-12, adopted September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) 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-718-17, adopted July 6, 2017, directs the Mayor to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and Lists of Prequalified Vendors for the purchase of goods and/or services; and directs the Mayor or their designee, on a quarterly basis to identify in writing to the Office of Commission Auditor those contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration.

<http://www.miamidade.gov/govaction/matter.asp?matter=171632&file=true&fileAnalysis=false&yearFolder=Y2017>

**BCC Meeting:
November 19 2019
Research Notes**

Item No. 8F9

File No. 192330 (related to 192329)

Researcher: IL Reviewer: PGE

Resolution No. R-477-18, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons why 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-140-15, adopted February 3, 2015, directed the County Mayor to conduct a full review, prior to reprourement of replacement contracts for goods and services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County.
<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

Resolution No. R-467-14, adopted May 20, 2014, approved award of *RFP No. 878, Section 8 Housing Choice Voucher Program Oversight and Management Services*, to Nan McKay and Associates, Inc. for Category 1 (Intake), Category 2 (Management) and Category 4 (Family Self-Sufficiency) services and to CVR Associates, Inc. for Category 3 (Inspections) services in an estimated amount of \$37,365,000 for an initial two-year term plus three, one-year options to renew.
<http://intra/gia/matter.asp?matter=140958&file=true&yearFolder=Y2014>

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>

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F10
File No. 192334**

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01186 IN A TOTAL AMOUNT UP TO \$19,761,000 FOR THE PURCHASE OF SECURITY AND ACCESS CONTROL SYSTEMS AND SERVICES FOR MULTIPLE DEPARTMENTS FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should authorize the establishment of Prequalification Pool No. RTQ-01186 for the purchase of security and access control systems and services for multiple County departments in an amount of up to \$19,761,000 for a five-year period.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was heard at the Public Safety & Rehabilitation Committee meeting of October 16, 2019 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to streamline departmental purchasing of security and access control systems and services through the consolidation of prior prequalification pools and a contract covering a similar scope of services by establishing the recommended Prequalification Pool No. RTQ-01186. This replacement pool consists of three groups: Group 1, Locksmith Services; Group 2, Purchase of Various Types of Locks, Security Alarms, and Access Control Systems; and Group 3, Purchase, Repair, and Installation of Security Alarm and Various Types of Access Control Systems. The pool's technical specifications require the participating vendors to provide the County locksmith services and various types of security equipment and services aimed to deter theft, control access to secure spaces, secure confidential and sensitive information and sense activity detection. The items to be purchased under this pool include, but are not limited to, turnkey surveillance systems; alarm systems with motion detectors; control panels; door contacts; cameras; closed caption television; identification systems which may include printers, cards and card readers.

The scope of work consists of repair, replacement, installation of security hardware, security alarms, and access control systems for areas throughout the County and used to deter theft, control access to secure areas, and secure confidential information.

As stated above, the recommended pool will combine two existing prequalification pools and one contract. Pursuant to Resolution R-718-17, planning for re-procurement shall commence no later than 18 months prior to the expiration of contracts and Lists of Prequalified Vendors for the purchase of goods and/or services. It is not clear from the mayor's memo whether re-procurement for this item was initiated in compliance with the previously mentioned legislation.

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F10
File No. 192334**

Researcher: MF Reviewer: TD

The table below depicts the existing contract and prequalification pools, their respective allocations, effective dates, and expiration dates.

| Prequalification Pool / Contract | Amount | Effective Date | Expires | Length of Pool/Contract |
|--|--------------|-------------------|-------------------|-------------------------|
| Prequal. Pool No. 6276-1/19-1, <i>Security Alarm & Card Access Systems</i> | \$43,601,000 | January 1, 2015 | January 31, 2020 | 5 yrs. |
| Prequal. Pool No. RTQ-00923, <i>Locks and Security Hardware</i> | \$1,000,000 | September 1, 2018 | February 29, 2020 | 1.5 yrs. |
| Contract No. FB-00250, <i>Locksmith Services</i> | \$499,734 | October 2, 2015 | October 31, 2020 | 5 yrs. |

The fiscal impact of the proposed prequalification pool is \$19,761,000 for a five-year term. The replacement prequalification pool cumulatively is less expensive than the existing pools and contract.

OCA examined the Bid Tracking System on October 9, 2019, and found the existing contract and pools have blanket purchase orders (BPOs) with the following balances as indicated below. The mayor's memo did not indicate the intended purchasing designations of the BPOs for the existing contract and two prequalification pools, totaling \$22,736,938.63, prior to their expiration.

| | | |
|---|---|---|
| ➤ Prequal. Pool No. 6276-1/19-1 – BPO balance = \$22,359,852.50 | = | \$22,736,938.63 BPOs TOTAL |
| ➤ Prequal. Pool No. RTQ-00923 – BPO balance = \$172,697.66 | | |
| ➤ Contract No. FB-00250 – BPO balance = \$204,388.47 | | |

The item is recommending nine vendors for inclusion in the subject pool, of which eight have local addresses and two are SBEs. For this prequalification pool, 11 responses were received, including two “No Bids.”

OCA performed due diligence on the nine recommended vendors on October 9, 2019; the results are shown below.

| Awarded Firms | Corporate Registration | Tax Collector's Office | Florida DBPR | Westlaw |
|---|--|---|--------------------|---|
| AAA Miami Locksmith, Inc. (Groups 1, 2 & 3) | Florida Profit Corporation Active Principal Address: 1601 NW 54 St., Miami, FL Filed: March 10, 2004 | Business address: 1601-03 NW 54 St., Miami, FL Status: Paid and Current | No account on file | No cases |
| American Security Group A-1, Inc. dba A1 Lock and Key (Groups 1, 2 & 3); (SBE) | Florida Profit Corporation Active Principal Address: 3431 NW 48 St. | Business address: 3431 NW 48 St., Miami, FL Status: Paid and Current | Nothing found | <i>Chatfield et al v. American Security Group A-1 Inc. et al</i> (Case No. 1:19-CV-21641); Filed on April 26, 2019 in the U.S. District Court, Southern District of Florida (Miami); Allegation: Defendants refused |

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F10
File No. 192334**

Researcher: MF Reviewer: TD

| | | | | |
|---|--|--|--|--|
| | Miami, FL 33142 Filed: May 8, 2006 | | | to pay Plaintiffs, et al, minimum wage and overtime compensation throughout their respective employment periods, pursuant to the Fair Labor Standards Act. Status: Pending |
| Dash-Door & Closer, Inc. dba Dash-Door & Glass (Groups 2 & 3) | Florida Profit Corporation Active Principal Address: 8800 NW 23 St., Miami, FL Filed: March 28, 1955 | Business address: 8800 NW 23 St., Miami, FL Status: Paid and Current | Licenses: Registered Specialty Contractor; Construction Business Information; Electrical Business Information | No relevant cases |
| Innuvo, Inc. (Group 3) | Florida Profit Corporation Active Principal Address: 3300 Corporate Ave. Ste. 116 Weston, FL Filed: September 23, 1994 | Nothing found | Licenses: Certified Alarm System Contractor II; Electrical Business Information | No relevant cases |
| JMY Investments, LLC dba The Flying Locksmiths (Group 2) | Florida Limited Liability Company Active Principal Address: 3300 NW 112 Ave., #5, Doral, FL 33172 Filed: April 4, 2016 | Business address: 3300 NW 112 Ave., #5, Doral, FL Status: Paid and Current | Nothing found | No cases |
| LRE dba Lee Ryder Lamination (Group 2); (SBE) | Florida Profit Corporation Active Principal Address: 6187 NW 167 St. #H-10 Miami, FL Filed: July 2, 1992 | Business address: 6187 NW 167 St., #H-10, Miami, FL Status: Paid and Current | Nothing found | No relevant cases |
| Miami Breakers, Inc. (Groups 2 & 3) | Inactive | Business address: 7060 NW 52 St., Miami, FL | Nothing found | No cases |

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F10
File No. 192334**

Researcher: MF Reviewer: TD

| | | | | |
|--|--|---|---|-------------------|
| | | Status: last paid taxes shown 2018 | | |
| Silmar Electronics, Inc. (Group 2) | Florida Profit Corporation Active Principal Address: 3405 NW 113 Ct., Miami, FL Filed: November 13, 1963 | Business address: 3405 NW 113 Ct., Miami, FL Status: Paid and Current | Nothing found | No relevant cases |
| Smartsys Electronics, Inc. (Groups 2 & 3) | Florida Limited Liability Company Active Principal Address: 931 NW 106 Ave. Cir., Miami, FL Filed: January 9, 2017 | Business address: 931 NW 106 Ave. Cir., Miami, FL | License: Certified Alarm System Contractor II | No cases |

Of the nine recommended vendors, the following are incumbents under the current pools and contract:

- American Security Group A-1 Inc.
- Silmar Electronics Inc.
- LRE Inc.

The SBD Project Worksheet for this solicitation assigned the following Commodity Codes – 45055, 68002, and 91048. On October 15, 2019, OCA performed a search for these codes on the Business Management Workforce System, which yielded the following local, certified small business vendors:

- A&B Hardware, Inc., dba A&B Hardware Lumber Inc., Miami, FL SBE-G&S
- American Security Group A-1, Inc., dba A-1 Lock and Key, Miami, FL SBE-G&S
- Coral Way Locksmith, Corporation, Miami, FL SBE-G&S
- Electropower Utility sales Company, Miami, FL SBE-G&S
- Galactic Technology Group, LLC, Miami, FL SBE-G&S
- L.H.P. Group, Inc., dba Little River Building & Supplies, Miami, FL SBE-G&S
- The Tool Place Corp., Miami, FL SBE-G&S

Note that the above vendors registered under these codes do not necessarily have the capacity to deliver the solicited services.

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 8F10
File No. 192334**

Researcher: MF Reviewer: TD

DEPARTMENTAL INPUT

OCA requested the following information from ISD on October 23, 2019. As of November 14, 2019, OCA had not received a response to this request.

- Provide information on the specific purchase designations for the remaining BPO balances on the existing contract and two prequalification pools, totaling more than \$22.7 million as of October 9, 2019.

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

Resolution No. R-828-19, adopted July 23, 2019, establishes a policy of the County for disclosure of past and present discrimination lawsuits in solicitation submissions.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2019/190936min.pdf>

Resolution No. R-718-17, adopted July 6, 2017, directs the Mayor to commence planning for re-procurement no later than 18 months PRIOR to the expiration of contracts and Lists of Prequalified Vendors for the purchase of goods and/or services; and directs the Mayor or their designee, on a quarterly basis to identify in writing to the Office of Commission Auditor those contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration.

<http://www.miamidade.gov/govaction/matter.asp?matter=171632&file=true&fileAnalysis=false&yearFolder=Y2017>

Resolution No. R-140-15, adopted February 3, 2015, directs the mayor to conduct a full review, prior to re-procurement of replacement contracts for goods and services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the county, to include information in recommendations to the Board, and to consult with the Small Business Development division, regarding solicitation and contract language.

<http://www.miamidade.gov/govaction/matter.asp?matter=150090&file=true&fileAnalysis=false&yearFolder=Y2015>

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/matter.asp?matter=120287&file=true&fileAnalysis=false&yearFolder=Y2012>

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>

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F11
File No. 192369

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$1,572,000.00 FOR PREQUALIFICATION POOL NO. 9797-1/24-1 FOR PURCHASE OF PET SUPPLIES FOR MULTIPLE COUNTY DEPARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority of up to \$1,572,000 for *Prequalification Pool No. 9797-1/24-1, Pet Supplies*, for multiple County departments.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was forwarded to the BCC with a favorable recommendation by the Parks, Recreation and Cultural Affairs Committee at its October 18, 2019 meeting.

ANALYSIS

The purpose of this item is to grant additional expenditure authority in the amount of \$1,572,000 for the purchase of pet supplies for varying purposes, including serving additional police canines, accommodating Animal Services' increased scope of services as well as its expansion of pet retention and lifesaving programs, and providing for Zoo Miami's augmented animal collection and programs.

The pool was established on June 3, 2014 pursuant to Resolution No. R-511-14 in the amount of \$970,000 for the initial term of five years, and \$970,000 for the five-year option to renew term, for a cumulative allocation of \$1,940,000. The users of the pool include Animal Services, Aviation, Corrections and Rehabilitation, Fire, Parks, Recreation, and Open Spaces (PROS) and Police. The departments requesting additional expenditure authority for the current option to renew term are Animal Services (\$1,279,000), PROS (\$165,000), and Police (\$128,000).

Several modifications were made during the initial contract term. The contract modifications are detailed below.

| | Approval Date | Approval Authority | Amount |
|--|----------------------|---------------------------|--------------------|
| Original Contract + OTR | June 3, 2014 | BCC (R-511-14) | \$1,940,000 |
| First Modification | September 27, 2014 | Delegated Authority | \$15,000 |
| Second Modification | November 1, 2016 | BCC (R-970-16) | \$310,000 |
| Third Modification | April 5, 2017 | Delegated Authority | \$200,000 |
| Fourth Modification | February 15, 2018 | Delegated Authority | \$59,000 |
| Fifth Modification | October 12, 2018 | BCC (R-137-19) | \$425,000 |
| Requested Modification | Pending | BCC | \$1,572,000 |
| TOTAL MODIFIED CONTRACT AMOUNT: | | | \$4,521,000 |

The contract's Blanket Purchase Order (BPO) shows that \$531,096.50 of the option to renew term's current cumulative allocation of \$970,000 has been released (as of November 13, 2019), leaving a balance of \$438,903.50 in the fifth month of the five-year option term. Detailed below are the remaining balances of the departments requesting additional expenditure authority.

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F11
File No. 192369

Researcher: JFP Reviewer: PGE

| Department | Allocation Amount | Released Amount | Balance |
|-----------------|-------------------|-----------------|--------------|
| Animal Services | \$875,000 | \$225,292.39 | \$649,707.61 |
| Police | \$10,000 | \$9,870 | \$130 |
| PROS | \$75,000 | \$54,923 | \$20,076 |

The pool expires on June 12, 2024. The requested additional expenditure authority will allow for the purchase of metal and plastic animal carriers, humane animal capture equipment, and nylon rope dog leashes, among other supplies, through the end of the option term.

There are seven prequalified vendors under this pool, of which three (43%) maintain a local address, which is below the 75% local vendor threshold prescribed by Resolution No. R-477-18. The below table summarizes OCA's due diligence review of the prequalified vendors. These vendors provide spot market quotes for the purchase of various types of pet supplies.

| Awarded Firms | Corporate Registration | Tax Collector's Office | Florida DBPR | Westlaw |
|---------------------------------------|---|--|---|---|
| Animal Care Equipment & Services, LLC | Foreign Limited Liability Company Not found in Sunbiz (Florida's Division of Corporations website); Active and in Good Standing in Maryland Principal Address: 555 Alter St, Unit 19A, Broomfield, CO 80020 Filed: November 25, 2009 | No account on file | No account on file | No relevant cases |
| Lavcor, LLC (SBE) | Foreign Limited Liability Company Active Principal Address: 936 NW 104th Avenue, Miami, FL 33172 Filed: May 23, 2011 | Business Address: 936 NW 104th Avenue, Miami, FL 33172 Status: Paid and Current | No account on file | No relevant cases |
| Patterson Veterinary Supply, Inc. | Foreign Profit Corporation | No account on file | License Type: Out-of-State Prescription | <i>Meredith v. Patterson Companies, Inc. et al.</i> (Case No. 3:16-CV-00242); Filed |

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F11
File No. 192369

Researcher: JFP Reviewer: PGE

| | | | | |
|--|--|---|---|--|
| | <p>Active</p> <p>Principal Address: 1031 Mendota Heights Road St Paul, MN 55120</p> <p>Filed: January 3, 2013</p> | | <p>Drug Wholesale Distributor</p> <p>Expires: August 31, 2021</p> | <p>on January 14, 2016 in U.S. District Court, Northern District of California; Allegations: Defendant discriminated against plaintiff on the basis of age and terminated her employment in violation of labor code; and Case Status: Closed</p> |
| Robbie's Feed & Supply, Inc. | <p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address: 22390 SW 177 Avenue Miami, FL 33170</p> <p>Filed: April 1, 1977</p> | <p>Local vendor with no account on file</p> | <p>No account on file.</p> | <p>No relevant cases</p> |
| ShowEase, Inc. | <p>Foreign Profit Corporation</p> <p>Not found in Sunbiz; Active in Maryland</p> <p>Principal Address: 592 W Trout Run Road Ephrata, PA 17522</p> <p>Filed: August 3, 1983</p> | <p>No account on file</p> | <p>No account on file</p> | <p>No relevant cases</p> |
| Sunset Country and Western Store, Inc. | <p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address: 16300 SW 296th Street Homestead, FL 33033</p> <p>Filed: May 16, 2001</p> | <p>Business address: 16300 SW 296th Street Homestead, FL 33033</p> <p>Status: Paid and Current</p> | <p>No account on file</p> | <p>No relevant cases</p> |

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F11
File No. 192369

Researcher: JFP Reviewer: PGE

| | | | | |
|-------------------------|---|--------------------|--------------------|-------------------|
| Tomahawk Live Trap, LLC | Foreign Limited Liability Company Not found in Sunbiz; Active in Wisconsin Principal Address: 6151 US Highway 51 PO Box 155 Hazelhurst , WI 54531 Filed: February 15, 2006 | No account on file | No account on file | No relevant cases |
|-------------------------|---|--------------------|--------------------|-------------------|

A November 13, 2019 search on the Business Management Workforce System for the pool's Commodity Codes, 87508 - Animal Control Equipment: Catching Poles, Muzzles, Restrainers, Shockers, etc.; 49510 - Animal Cages and Supplies, Including Litter, Laboratory; and 32508 - Bedding, All Types, yielded the following certified local small business enterprise firm:

- Pin Pan Pun, Inc.

This SBE is not qualified under this pool. It is unknown whether this vendor is able to provide the goods this pool requires.

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. 511-14, adopted June 3, 2014, established prequalification pool *Contract 9797-1/24, animal care services*, in a total amount up to \$1,940,000 for purchase of goods and services.

<http://intra/gia/matter.asp?matter=140767&file=true&yearFolder=Y2014>

Resolution No. R-970-16, adopted November 1, 2016, authorized additional expenditure authority in a total amount up to \$310,000 for *Prequalification Pool No. 9797-1/24* for purchase of pet supplies for various county departments.

<http://intra/gia/matter.asp?matter=162019&file=true&yearFolder=Y2016>

Resolution R-137-19, adopted February 5, 2019, authorized ratification of an emergency purchase of pet supplies for the Animal Services Department in a total amount of \$425,000.

<http://intra/gia/matter.asp?matter=182740&file=true&yearFolder=Y2018>

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F11
File No. 192369

Researcher: JFP Reviewer: PGE

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-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 nonlocal vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

Implementing Order 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>

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F12
File No. 192390

Researcher: VW Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$54,074,000.00 FOR PREQUALIFICATION POOL NO. 9743-0/23-1 FOR PURCHASE OF GROUNDS MAINTENANCE AND PEST CONTROL FOR MULTIPLE DEPARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority of \$54,074,000 for *Prequalification Pool No. 9743-0/23-1* to enable County departments to continue purchasing grounds maintenance and pest control services throughout the remainder of the pool term.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was forwarded to the BCC with a favorable recommendation by the Health Care and County Operations Committee at its October 18, 2019 meeting. Prior to passage, the following discussion transpired:

- Commissioner Diaz requested that Chief Procurement Officer Namita Uppal summarize the contents of the item;
- Commissioner Diaz inquired whether the contract will cover the unexpected costs from the extraordinary rainy season last summer and whether the requested allocation will cover all future needs of the departments requesting the additional allocation;
- Deputy Mayor Edward Marquez responded that the requested expenditure authority is based on normal operating expenditures forecasted by the departments and will cover all future needs forecasted by the respective departments; and
- Commissioner Souto asked Internal Services Department (ISD) to conduct an audit verifying that no carcinogenic substances are being used for the maintenance and groundskeeping services involved in the procurement contract.

ANALYSIS

The purpose of this item is for various County departments to receive increased spending authority of \$54,074,000 to enable the continued purchase of scheduled ground maintenance, pest control, lawn sprinkler repair, and mosquito control services throughout the term of the pool. The pool was established pursuant to Resolution No. R-980-13, adopted December 3, 2013, in the amount of \$81,888,000 for the initial five-year term plus the single five-year option to renew. At the time of the pool's inception, the Parks, Recreation and Open Spaces Department was the largest user, with an allocation of \$24,000,000 for the initial term.

The pool has three Groups:

- Group 1 will be utilized for purchase of grounds maintenance services for sites/locations throughout the County; such services include turf mowing, trimming of grass, hedges, shrubs, trees and palms; edging; maintaining plants and flowerbeds; fertilization of turf areas, ornamental shrubs, groundcovers, palms and trees; weed and vine control; and litter control and mulching;

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F12
File No. 192390

Researcher: VW Reviewer: PGE

- Group 2 will be utilized for purchase of pest control services to treat plant material; and
- Group 3 will be utilized for purchase of lawn sprinkler repair services to damaged sprinkler heads and valves.

The initial term expired on December 31, 2018 and was valued at \$107,408,000. The current option term commenced on January 1, 2019 and expires on December 31, 2023 and is valued at \$40,944,000. Accordingly, the cumulative value of the pool term is \$148,352,000.

Per information found in the Bid Tracking System (BTS) on November 15, 2019, the option term's Blanket Purchase Order (BPO) shows an allocation of \$40,844,000, of which \$17,361,492 has been released, leaving a balance of \$23,482,508.

As indicated in the mayoral memorandum, the additional allocation requested of \$54,074,000 for the option term will address forecasted needs through the remainder of the term and is consistent with expenditures for the prior term. It is unclear from the memorandum why such needs were not forecasted prior to the exercise of the option term to prevent the need for a funding modification. Of the requested additional funds, a total of \$300,000 is slated for the Corrections and Rehabilitation Department; the department was not previously a user under this pool. The departments requesting the largest additional allocations are: Aviation (\$10,400,000), Parks and Recreation (\$23,172,000), and Water and Sewer (\$12,743,000). A bulleted summary of the justification provided by the departments requesting additional funds is below.

- The Library System is requesting \$451,000; the department explains that the total amount needed for grounds maintenance as per fixed contract prices is \$626,462. This is because only \$175,749 was approved for the option term.
- The Community Action and Human Services Department is requesting \$354,000; the department explains that the total amount needed for grounds maintenance is \$580,000. This is because only \$226,000 was received on the contract renewal.
- The Department of Cultural Affairs is requesting \$50,000 to pay for grounds maintenance for cultural facilities.
- The Miami-Dade Police Department is requesting \$352,000 for continued grounds maintenance. This is because funds were not provided in full in the original allocation request.
- The Parks, Recreation and Open Spaces Department is requesting \$23,172,000; this is due to the need to cover additional litter pickups and emergencies and to the increase of Special Assessment Districts and Roadways.
- The Water and Sewer Department is requesting \$12,743,000; the additional funds will cover grounds maintenance, pest control services, and lawn sprinkler repair services.
- The Miami-Dade Aviation Department is requesting additional funds of \$10,400,000 to cover an RTQ issued and awarded for MDAD for grounds maintenance (07/01/2017-12/31/2022) totaling \$14,382,918. Additional funds are requested because the allocation of \$7,121,814 that was approved when the contract was initially awarded is insufficient.
- The Department of Transportation and Public Works is requesting additional funds of \$69,000 for continued grounds maintenance. This is because funds were not provided in full in the original allocation request.
- The Corrections and Rehabilitation Department is requesting \$300,000 to cover grounds maintenance services for four correctional facilities as well as unforeseen services requested as a result of storms and/or hurricanes.
- The Public Housing Agency is requesting funds totaling \$4,697,000 to provide for grounds maintenance services throughout PHCD locations.

BCC Meeting: November 19, 2019
Research Notes

Item No. 8F12

File No. 192390

Researcher: VW Reviewer: PGE

- The Internal Services Department is requesting funds of \$736,000 to provide for scheduled grounds maintenance for all the facilities managed by ISD with the requested amount based on the expenditure authority adopted by the Board for ISD in December 2013.
- The Fire Department is requesting funds totaling \$750,000 to cover the OTR period.

There are 48 prequalified vendors under this pool, of which 40 maintain a local address and 27 are Certified Small Business Enterprise Firms. A November 15, 2019 search on the Business Management Workforce System for the pool's Commodity Code 98872 (Pest Control, Other Than Buildings, Including Spraying Trees and Shrubs) yielded the following three local small business enterprise firms:

- Ballpark Maintenance, Inc.
- El Toro Exterminator of Florida, Inc., dba Toro Pest Management
- Tower Pest Control, Inc.

APPLICABLE LEGISLATION/POLICY

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

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

Resolution No. R-980-13, adopted on December 3, 2013 established *Prequalification Pool No. 9743-0/23-1, Grounds Maintenance and Pest Control*, for use by multiple County departments to pay for maintenance and ground services in the amount of their fleet needs in the amount of \$81,888,000.00 for the initial five-year term plus the five-year option term.

<http://intra/gia/matter.asp?matter=132212&file=true&yearFolder=Y2013>

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>

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>

BCC Meeting: November 19, 2019
Research Notes

Item No. 8G1
File No. 192242

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2019-20 FOR THE NARANJA LAKES COMMUNITY REDEVELOPMENT AGENCY AND NARANJA LAKES COMMUNITY REDEVELOPMENT AREA TOTALING \$6,309,834.00

ISSUE/REQUESTED ACTION

Whether the Board should approve the Fiscal Year 2019-20 budget (totaling \$6,309,834) for the Naranja Lakes Community Redevelopment Agency serving the Naranja Lakes Community Redevelopment Area.

PROCEDURAL HISTORY

Prime Sponsor: Housing, Social Services & Economic Development Committee

Department/Requester: Office of Management and Budget

This item was forwarded to the BCC with a favorable recommendation by the Housing, Social Services & Economic Development Committee at its October 16, 2019 meeting.

ANALYSIS

The purpose of this item is to approve the budget for Fiscal Year 2019-20 for the Naranja Lakes Community Redevelopment Agency (Agency) and the Naranja Lakes Community Redevelopment Area (Area), totaling \$6,309,834. The Interlocal Agreement between the Agency and the County requires that the Agency's annual budget be approved by the Board of County Commissioners prior to the Agency expending any funds. The previous year's budget was approved at the amount of \$4,463,605. Among the major differences between the two annual budgets is \$2 million in new funding to pursue opportunities to attract major developments to the area, a 123% increase in contractual services funding, and additional monies for the SMART Plan Projects Reserve.

The Naranja Lakes Community Redevelopment Agency is an urban initiative to stimulate and guide the redevelopment of the Naranja Lakes area, creating better neighborhoods and an improved environment for its residents. Naranja Lakes is a traditional neighborhood development in Commission Districts 8 and 9, represented by Commissioner Levine Cava and Commissioner Moss, respectively, with 1,567 residential units, retail shops, commercial buildings, public squares and greens, a Village Center with an outdoor public amphitheater, and a childcare facility. The total CRA Area comprises 4,307 acres, which is equivalent to 6.73 square miles. This includes the expanded area of 3,060 additional acres of area declared slum and blight, approved by the Board in January 2018. The Agency and Area sunset in 2033.

Tax Increment Financing (TIF)—comprised of incremental growth of ad valorem revenues beyond an established based year—is a community redevelopment agency's primary revenue source. The CRA adopted the FY 2019-20 budget of \$6,309,834 on July 26, 2019, basing numbers on projections of TIF revenues and cash balances at the end of FY 2018-19, including \$3,292,783 in carryover funds and \$75,000 in projected interest earnings, in addition to the TIF revenue, as specified below:

Payment into the Naranja Lakes Community Redevelopment Agency's Trust Fund by Source

| | UMSA | Countywide | Total |
|----------------|------------------|--------------------|--------------------|
| Original Area | \$567,521 | \$1,373,521 | \$1,941,042 |
| Expansion Area | \$292,674 | \$708,335 | \$1,001,009 |
| Total | \$860,195 | \$2,081,856 | \$2,942,051 |

BCC Meeting: November 19, 2019
Research Notes

Item No. 8G1
File No. 192242

Researcher: JFP Reviewer: PGE

The goals of the CRA continue to be the increase of property values within the Area, the provision of enhanced safety to the Area's residents in the form of Community Policing, and the identification of opportunities to improve the physical quality of life for the businesses and residents of the Area in accordance with the Community Redevelopment Plan. The CRA's budget line items in furtherance of these goals include the following (significant changes from the previous year's budget are noted in parenthesis):

- Administrative Expenses - \$135,500 (excluding the 1.5 percent County administrative charge of \$44,131); at 4% of TIF revenues, satisfies the 20% cap of administrative expenditures required by the Interlocal Agreement.
- County Administrative Charge - \$44,131
- Operating Expenses - \$5,247,584 (196% increase from previous year)
 - Membership and State Fee - \$3,500
 - Contractual Services - \$279,000 (123% increase from previous year)
 - Funding for an Economic Development Coordinator and potentially an Executive Director
 - Legal Services - \$50,000
 - Community Policing and Security - \$525,000 (31% increase from previous year)
 - Goal is to reduce crime through added proactive enforcement and high visibility in conjunction with the community policing concepts of community interaction, education, and overall citizen integration. The Agency will team with MDPD to procure surveillance cameras and other equipment to deter crime in the area.
 - Agro Tourism Hospitality Program - \$35,000
 - A program showcasing existing agricultural tourism and hospitality related initiatives that enrich the character of the redevelopment area and adjacent communities in order to attract tourism.
 - Training Program - \$50,000
 - Business Development/Job-Creation - \$650,000
 - Agency Action Plan includes a Small Business Technology Innovation Grant Program, a Business Accelerators Program to drive new business creation, a Legacy Business Acquisition Program and the expansion of local networking and business to business programs.
 - Marketing - \$125,000
 - Housing Projects - \$425,000
 - Partnership with Rebuilding Together to identify homes within the CRA boundaries that are in need of rehabilitation and provide home rehabilitation services to low-income, elderly, veterans and disabled homeowners
 - Grant Coordinator - \$65,000
 - Major Development Project Planning - \$2,000,000 (not included in previous year's budget)
 - Funding to pursue opportunities to attract major developments to the area.
 - Community Center Building (Property Maintenance) - \$70,000
 - Insurance - \$18,000
 - Debt Service Payments - \$375,000
 - Transportation, Infrastructure, and Landscape Enhancement - \$400,000
 - \$177,084 – SMART Plan Projects Reserve (206% increase from previous year)
 - In the Agency's First Amendment to the Interlocal Cooperation Agreement with the County, the Agency is required to set aside twenty-five percent reserve from the tax increment generated annually within the expansion area for projects related to the SMART Plan, to be used for SMART Plan Projects within the CRA Area. Including the amount set aside on this fiscal year, the cumulative SMART Plan Projects Reserve totals \$235,035.
 - Reserves – \$882,619 (65% decrease from previous year)

BCC Meeting: November 19, 2019 Research Notes

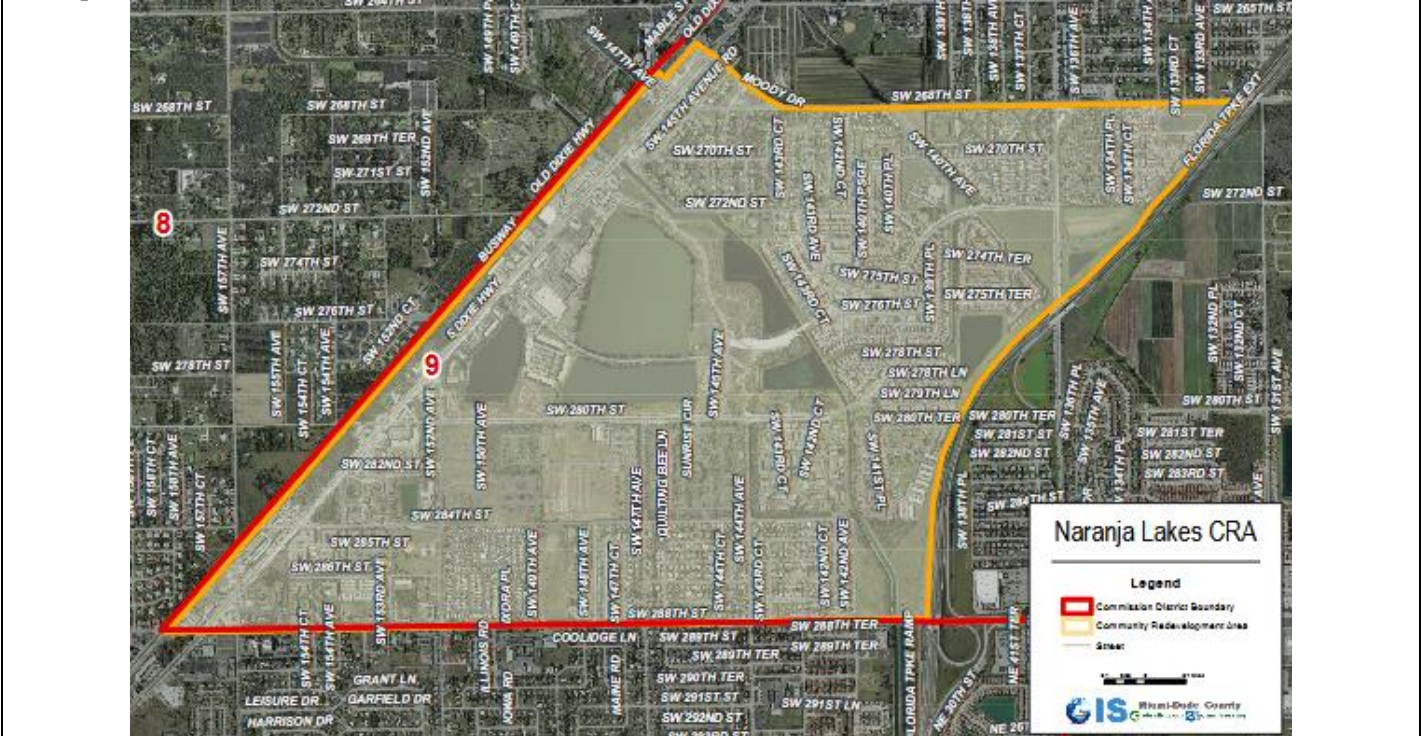
| | |
|---|--------------------------------------|
| Item No. 8G1 File No. 192242 | Researcher: JFP Reviewer: PGE |
|---|--------------------------------------|

| | |
|---|--------------------------------------|
| Item No. 8G1 File No. 192242 | Researcher: JFP Reviewer: PGE |
|---|--------------------------------------|

The original CRA's taxable values have increased from \$131 million to \$445 million—by approximately 240%—since the CRA's inception in 2002. Detailed below are the values for 2018 compared to the 2019 values, based on the preliminary tax roll received from the Property Appraiser.

| | 2018 Cumulative Property Value | 2019 Cumulative Property Value | Percent Increase |
|----------------|-----------------------------------|-----------------------------------|------------------|
| Original Area | \$404,708,392 | \$445,974,037 | 10% |
| Expansion Area | \$545,809,385 | \$653,292,036 | 20% |
| Total | \$950,517,777 | \$1,099,266,073 | 15.6% |

A map of the Naranja Lakes' geographic boundaries is depicted below.

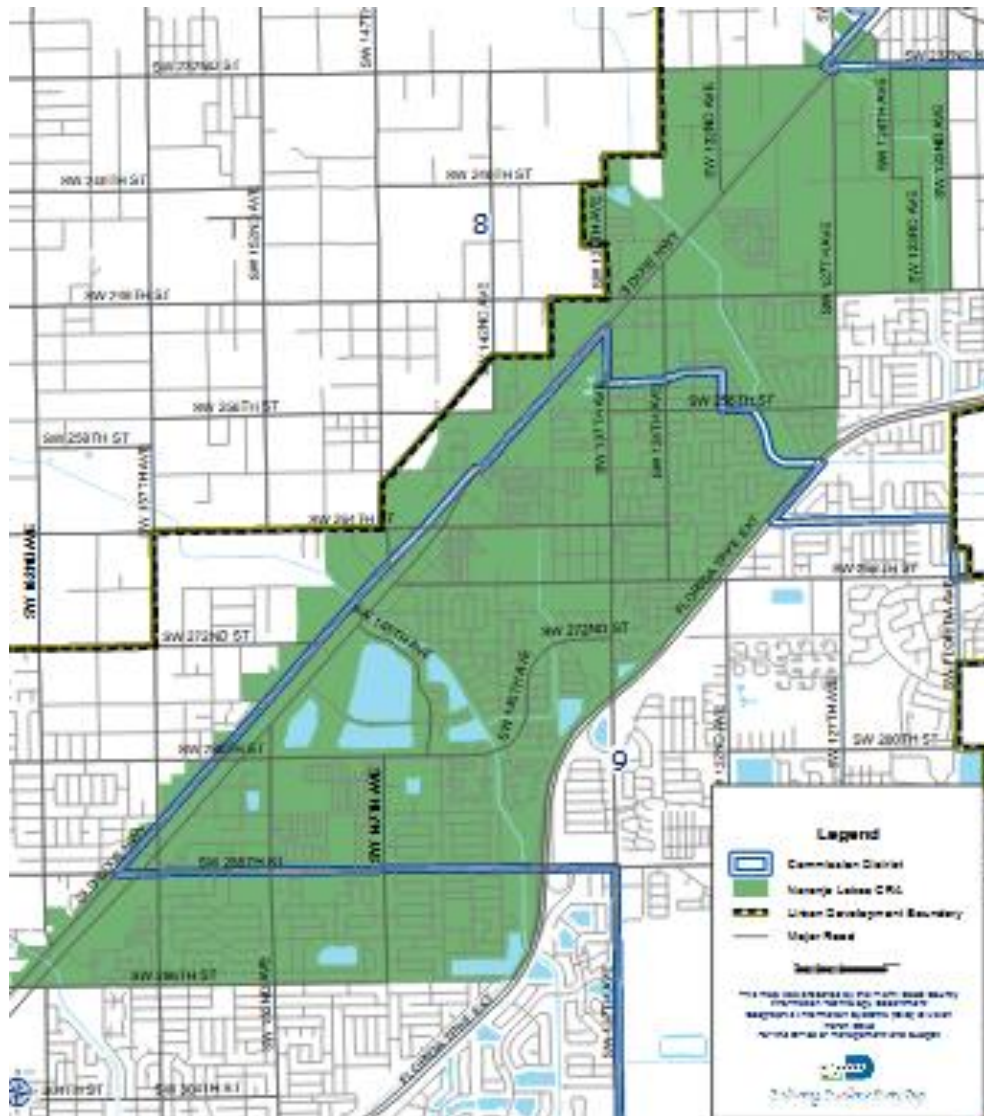


BCC Meeting: November 19, 2019
Research Notes

Item No. 8G1
File No. 192242

Researcher: JFP Reviewer: PGE

Below are the 2018 Naranja Lakes expanded boundaries resulting from the Board's amendment to the Naranja Lakes Redevelopment Plan, expanding the area declared slum and blight by 3,060 additional acres.



DEPARTMENTAL INPUT

The following questions were posed to the Office of Management and Budget (responses in bold).

- Of the \$4,463,605 approved FY 2018-19 budget, how much was actually expended? What projects were completed and supported under this budget? **\$1.12 million was expended; community policing, residential improvement grants and debt service.**
- The goals of the CRA are stated to be the increase of property values within the Area, the provision of enhanced safety to the Area's residents in the form of Community Policing, and the identification of opportunities to improve the physical quality of life for the businesses and residents of the Area in accordance

BCC Meeting: November 19, 2019
Research Notes

Item No. 8G1
File No. 192242

Researcher: JFP Reviewer: PGE

with the Community Redevelopment Plan. What strides have been made toward the achievement of these goals? **Please see handwritten page 8 of the item which has the increase in property values.**

- Is the Agency partnering with CareerSource South Florida for the Business Development/Job Creation element of its Agency Action Plan? **Yes, and with the Beacon Council.**
- What opportunities will be pursued with the \$2 million being allocated for Major Development Project Planning? **A land development deal which has not been identified to date.**
- Please confirm if the \$279,000 being allocated for contractual services includes funding for the hiring of an Executive Director, and if not, please provide the justification for the increase in funding for the Economic Development Coordinator position, and/or the details of the other plans for this allocation. **To assist the agency with additional personnel if required during the year.**

ADDITIONAL INFORMATION

Naranja Lakes Community Redevelopment Agency

<https://www8.miamidade.gov/global/government/boards/naranja-lakes-cra.page>

APPLICABLE LEGISLATION/POLICY

Chapter 163, Part III, Florida Statutes (The Community Redevelopment Act) governs community redevelopment programs. The Act authorizes counties and municipalities in the State of Florida to create community redevelopment agencies, to prepare redevelopment plans for certain defined areas within their boundaries designated as community redevelopment areas, within which community redevelopment projects and activities may be undertaken to eliminate and prevent the development and spread of slum and blighted areas through the use of creative financing mechanisms.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0163/0163PARTIIIContentsIndex.html

Section 163.356, Florida Statutes governs the creation of community redevelopment agencies.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=163.356&URL=0100-0199/0163/Sections/0163.356.html

Section 163.387, Florida Statutes governs redevelopment trust funds. A redevelopment trust fund may be established for each community redevelopment agency after approval of a community redevelopment plan. Funds in the trust shall be used by the agency to finance or refinance any community redevelopment in accordance with the approved community redevelopment plan.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=163.387&URL=0100-0199/0163/Sections/0163.387.html

Section 2-1461 of the Code of Miami-Dade County creates the Naranja Lakes Community Redevelopment Agency.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCNALACOREAG_S2-1461COREAGCR

Resolution No. R-847-98, adopted on July 21, 1998, declares certain geographic area of Miami-Dade County, Florida known as Naranja Lakes and bounded by S.W. 288th street on south, S.W. 137th avenue and Florida's Turnpike on east, S.W. 268th street and 1st road on north and Old Dixie Highway on west to be a slum or blighted area.

<http://intra/gia/matter.asp?matter=982050&file=false&yearFolder=Y1998>

BCC Meeting: November 19, 2019
Research Notes

Item No. 8G1
File No. 192242

Researcher: JFP Reviewer: PGE

Ordinance No. 02-216, adopted October 22, 2002, created the Naranja Lakes Community Redevelopment Agency, appointing the Agency's board members, and delegating the power to the Agency to prepare a Redevelopment Plan.
<http://intra/gia/matter.asp?matter=023109&file=false&yearFolder=Y2002>

Ordinance No. 03-106, adopted May 6, 2003, establishes the Naranja Lakes CRA redevelopment Trust Fund.
<http://intra/gia/matter.asp?matter=031197&file=false&yearFolder=Y2003>

Resolution No. R-418-03, adopted May 6, 2003, approves the Community Redevelopment Plan, and funds the Plan by adopting Ordinance No. 03-106, which created the Trust Fund.
<http://intra/gia/matter.asp?matter=030969&file=true&yearFolder=Y2003>

Resolution No. R-855-03, adopted July 22, 2003, approves the Interlocal Agreement granting the Agency certain redevelopment powers.
<http://intra/gia/matter.asp?matter=031927&file=true&yearFolder=Y2003>

Resolution No. R-599-15, adopted June 30, 2015, allows for designee to be appointed to CRA.
<http://intra/gia/matter.asp?matter=151301&file=true&yearFolder=Y2015>

Resolution No. R-187-16, adopted on March 8, 2016, accepts the Finding of Necessity declaring an additional area of 3,060 acres as slum and blight.
<http://intra/gia/matter.asp?matter=161152&file=false&yearFolder=Y2016>

Resolution No. R-13-18, adopted on January 23, 2018, amends the Naranja Lakes Redevelopment Plan, expanding the Area and defining general redevelopment strategies for the new and existing Area, and the First Amendment to the Interlocal Agreement, which includes a provision that requires the Agency to set aside a portion of funding from the expanded area for Strategic Miami Rapid Transit (SMART) projects in the Area.
<http://intra/gia/matter.asp?matter=180277&file=false&yearFolder=Y2018>

Resolution No. R-350-19, adopted April 9, 2019, amends resolution nos. R-187-16 and R-13-18 to correct the boundary description of the expanded Naranja Lakes Community Redevelopment Area as described in each of those resolutions and in the first amendment to the Interlocal Cooperation Agreement between Miami-Dade County and the Naranja Lakes Community Redevelopment Agency and the amendment to the Naranja Lakes Community Redevelopment Plan as well as the Finding of Necessity and declaration of slum and blight.
<http://intra/gia/matter.asp?matter=190144&file=true&yearFolder=Y2019>

BCC Meeting: November 19, 2019
Research Notes

Item No. 8G2
File No. 192273

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING THE FISCAL YEAR 2019-2020 BUDGET FOR THE N.W. 79TH STREET CORRIDOR COMMUNITY REDEVELOPMENT AGENCY AND THE N.W. 79TH STREET CORRIDOR COMMUNITY REDEVELOPMENT AREA IN THE AMOUNT OF \$1,916,729.00

ISSUE/REQUESTED ACTION

Whether the Board should approve the Fiscal Year 2019-20 budget (totaling \$1,916,729) for the NW 79th Street Corridor Community Redevelopment Agency serving the NW 79th Street Corridor Community Redevelopment Area.

PROCEDURAL HISTORY

Prime Sponsor: Housing, Social Services & Economic Development Committee

Department/Requester: Office of Management and Budget

This item was forwarded to the BCC with a favorable recommendation by the Housing, Social Services & Economic Development Committee at its October 16, 2019 meeting.

ANALYSIS

The purpose of this item is to approve the budget for Fiscal Year 2019-20 for the NW 79th Street Corridor Community Redevelopment Agency (Agency) and the NW 79th Street Corridor Community Redevelopment Area (Area), totaling \$1,916,729. The proposed FY 2019-20 budget is an 86% increase from the previous year's budget, which was approved at the amount of \$1,031,453. The Agency focuses on a nearly three-mile commercial corridor on NW 79th Street, bounded by NW 7th Avenue to the east and the City of Hialeah to the west, with the total Area comprising 1,254 acres in Districts 2 and 3, represented by Commissioner Monestime and Chairwoman Edmonson, respectively.

Tax Increment Financing (TIF)—incremental growth of ad valorem revenues beyond an established base year—is a community redevelopment agency's primary revenue source. The CRA adopted the FY 2019-20 budget of \$1,916,729 on August 7, 2019, basing numbers on projections of TIF revenues and cash balances at the end of FY 2018-19, including \$901,070 in carryover funds and \$13,000 in projected interest earnings, in addition to the TIF revenue, as specified below:

Payment into the NW 79th Street Corridor Community Redevelopment Agency's Trust Fund by Source

| UMSA | Countywide | Total |
|-----------|------------|-------------|
| \$293,150 | \$709,509 | \$1,002,659 |

The priorities of the CRA include small business vitality and support, marketing and branding, and data gathering and planning whereby the CRA will conduct outreach to business and property owners, as well as residents, to align CRA priorities with stakeholder interests, and to align research with existing realities. The Agency intends to highlight the unique aspects of the Area in its marketing and branding, including the community's global demographics. The CRA's budget line items in furtherance of these goals include the following (significant changes from the previous year's budget are noted in parenthesis):

- Administrative Expenses - \$70,000 (excluding the 1.5 percent County administrative charge of \$15,040); at 3.6% of TIF revenues, satisfies the 20% cap of administrative expenditures required by the Interlocal Agreement.
- County Administrative Charge - \$15,040
- Operating Expenses - \$1,831,689 (150% increase from previous year)
 - Land Appraisal/Acquisition/Development - \$1,304,789 (422% increase from previous year)

BCC Meeting: November 19, 2019
Research Notes

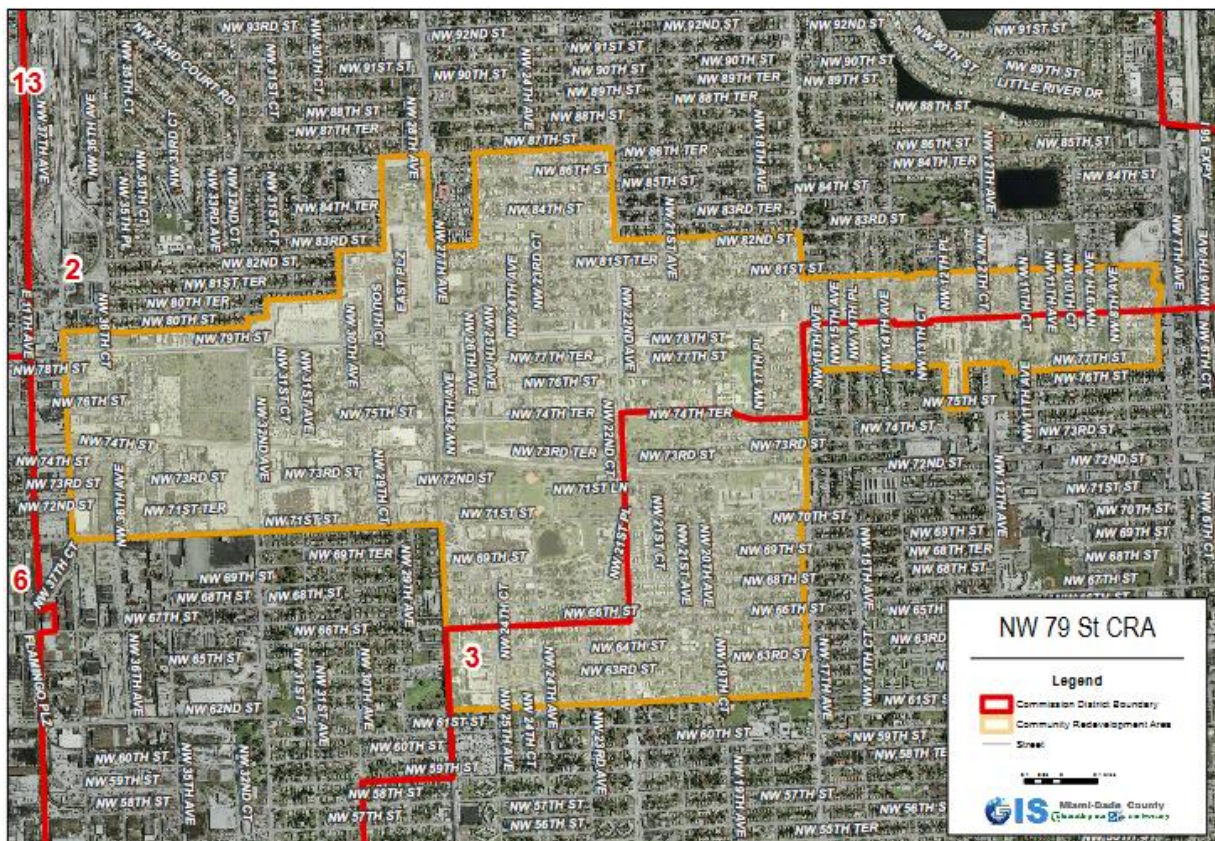
Item No. 8G2
File No. 192273

Researcher: JFP Reviewer: PGE

- Infrastructure Improvements - \$75,000
- Administrative & Program Support - \$65,000
 - Funding for an Economic Development Coordinator
- Business Training Program - \$60,000
- Corridor Façade Improvement Program - \$50,000 (67% decrease from previous year)
 - Grants of up to \$5,000 will be awarded to qualifying businesses for commercial façade improvements
- Marketing and Promotion - \$50,000
- Professional Services - \$50,000
 - Funding for a Community Liaison, Program Assistant or Grants Coordinator
- Creation Expenses/Finding of Necessity (FON) and Plan - \$40,000
 - Reimbursement to the County of a portion of the \$260,656 expenses for creation and other related expenses associated with the CRA
- Printing, Publishing, and Social Media - \$25,000
- Legal Services - \$10,000
- Memberships and State Fees - \$900

Note that the budget does not include an allocation for reserves. \$240,200 were allocated for reserves the previous year.

A map of the NW 79th Street Corridor Community Redevelopment Area's geographic boundaries is depicted below.



**BCC Meeting: November 19, 2019
Research Notes**

**Item No. 8G2
File No. 192273**

Researcher: JFP Reviewer: PGE

DEPARTMENTAL INPUT

OCA posed the following questions to the Office of Management and Budget (responses in bold).

- Of the \$1,031,453 approved FY 2018-19 budget, how much was actually expended? What projects were completed and supported under this budget? **\$131,430 was expended; the CRA hired an Economic Development Coordinator which completed an action plan.**
- The priorities of the CRA are stated to include small business vitality and support, marketing and branding, and data gathering and planning whereby the CRA will conduct outreach to business and property owners, as well as residents, to align CRA priorities with stakeholder interests, and to align research with existing realities. What strides have already been made toward the achievement of these goals? **CRA has developed grant programs in the current year to provide opportunities to existing businesses. Additionally, they are exploring assisting with the creation of a Business Improvement District.**
- What new opportunities will be pursued with the \$1,304,789 being allocated for Land Appraisal/Acquisition/Development? **The CRA will be looking to purchase a property in the area for redevelopment.**

ADDITIONAL INFORMATION

Northwest 79th Street Community Redevelopment Agency

<https://www8.miamidade.gov/global/government/boards/northwest-79th-street-cra.page>

APPLICABLE LEGISLATION/POLICY

Chapter 163, Part III, Florida Statutes (The Community Redevelopment Act) governs community redevelopment programs. The Act authorizes counties and municipalities in the State of Florida to create community redevelopment agencies, to prepare redevelopment plans for certain defined areas within their boundaries designated as community redevelopment areas, within which community redevelopment projects and activities may be undertaken to eliminate and prevent the development and spread of slum and blighted areas through the use of creative financing mechanisms.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0163/0163PARTIIIContentsIndex.html

Section 163.356, Florida Statutes governs the creation of community redevelopment agencies.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=163.356&URL=0100-0199/0163/Sections/0163.356.html

Section 163.387, Florida Statutes governs redevelopment trust funds. A redevelopment trust fund may be established for each community redevelopment agency after approval of a community redevelopment plan. Funds in the trust shall be used by the agency to finance or refinance any community redevelopment in accordance with the approved community redevelopment plan.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=163.387&URL=0100-0199/0163/Sections/0163.387.html

Section 163.410 of Florida Statutes states that the exercise of powers in counties with home rule charters does not affect any Community Redevelopment Agency created by a municipality prior to the adoption of a county home rule charter.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/0163.html

BCC Meeting: November 19, 2019
Research Notes

Item No. 8G2
File No. 192273

Researcher: JFP Reviewer: PGE

Resolution No. R-566-09, adopted May 5, 2009, declared a geographic area of unincorporated Miami-Dade County known as the NW 79th Street Corridor and described as a portion of Miami-Dade County, generally bounded by NW 87th Street on the north, 62nd Street on the south, NW 7th Avenue on the east, and NW 37th Avenue on the west to be a slum or blighted area; declared the rebuilding, rehabilitation, conservation and redevelopment of the area to be in the interest of the public health, safety, morals and welfare of residents of Miami-Dade County; approved the competitive selection of a consultant to prepare a Community Redevelopment Plan for the NW 79th Corridor Community Redevelopment Area.

<http://intra/gia/matter.asp?matter=090460&file=true&yearFolder=Y2009>

Ordinance No. 11-55, adopted July 19, 2011, appointed a Board of Commissioners of the NW 79th Street Corridor Community Redevelopment Agency and designated their respective terms of office; and delegated certain redevelopment powers to the Agency.

<http://intra/gia/matter.asp?matter=111476&file=true&yearFolder=Y2011>

Resolution No. R-604-11, adopted July 19, 2011, adopted the Community Redevelopment Plan regarding certain geographic area of Miami-Dade County known as the NW 79th Street Corridor and described as a portion of Miami-Dade County generally bounded by NW 87th Street on the north, 62nd Street on the south, NW 7th Avenue on the east, and NW 37th Avenue on the west; and made certain findings with respect to such Redevelopment Plan.

<http://intra/gia/matter.asp?matter=110860&file=true&yearFolder=Y2011>

Ordinance No. 11-52, adopted July 19, 2011, pertained to the redevelopment of the NW 79th Street Corridor Community Redevelopment Area generally bounded by NW 87th Street on the north, 62nd Street on the south, NW 7th Avenue on the east, and NW 37th Avenue on the west; established the Redevelopment Trust Fund; provided for appropriation of funds and calculation of increment for deposit into the Fund; set forth the obligation to appropriate to the Fund and the duration of the obligation; and provided for limited County approval of debt.

<http://intra/gia/matter.asp?matter=111479&file=true&yearFolder=Y2011>

Resolution No. 95-12, adopted January 24, 2012, approved the Interlocal Cooperation Agreement between Miami-Dade County and the NW 79th Street Corridor Community Redevelopment Agency.

<http://intra/gia/matter.asp?matter=120002&file=true&yearFolder=Y2012>

Resolution No. R-241-14, adopted March 4, 2014, authorized the conveyance of one parcel of land at a price of ten dollars to the NW 79th Corridor Community Redevelopment Agency for the purpose of using this property to attract developers to the redevelopment area.

<http://intra/gia/matter.asp?matter=140229&file=true&yearFolder=Y2014>

Resolution No. R-599-15, adopted June 30, 2015, allows for designee to be appointed to CRA.

<http://intra/gia/matter.asp?matter=151301&file=true&yearFolder=Y2015>

**BCC Meeting: November 19, 2019
Research Notes**

**Item No. 8G3
File No. 192275**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING THE FISCAL YEAR 2019-2020 BUDGET FOR THE N.W. 7TH AVENUE CORRIDOR COMMUNITY REDEVELOPMENT AGENCY AND THE N.W. 7TH AVENUE CORRIDOR COMMUNITY REDEVELOPMENT AREA IN THE TOTAL AMOUNT OF \$2,897,696.00

ISSUE/REQUESTED ACTION

Whether the Board should approve the Fiscal Year 2019-20 budget (totaling \$2,897,696) for the NW 7th Avenue Corridor Community Redevelopment Agency serving the NW 7th Avenue Corridor Community Redevelopment Area.

PROCEDURAL HISTORY

Prime Sponsor: Housing, Social Services & Economic Development Committee

Department/Requester: Office of Management and Budget

This item was forwarded to the BCC with a favorable recommendation by the Housing, Social Services & Economic Development Committee at its October 16, 2019 meeting.

ANALYSIS

The purpose of this item is to approve the budget for Fiscal Year 2019-20 for the NW 7th Avenue Corridor Community Redevelopment Agency (Agency) and the NW 7th Avenue Corridor Community Redevelopment Area (Area), totaling \$2,897,696. The previous year's budget was approved at the amount of \$2,717,124. The Agency focuses on a narrow Area stretching for approximately 1.9 miles for the northern section (expansion area) and 2.5 miles for the southern segment (original area) in Districts 2 and 3, represented by Commissioner Monestime and Chairwoman Edmonson respectively.

The original area lies along the 7th Avenue Corridor and is generally bounded on the north by 119th Street, on the south by the municipal boundary of the City of Miami (approximately 175 feet north of NW 79th Street), on the east by I-95 and the west by the properties bordering on NW 7th Avenue in unincorporated Miami-Dade County. The expansion area, approved by the Board with a Finding of Necessity in August 2011, is generally bounded by the City of Miami Gardens on the north, the City of North Miami on the south, on the west by the westernmost property lines of the parcels that abut the westerly right-of-way along NW 7th Avenue and on the east by Interstate I-95.

Tax Increment Financing (TIF)—incremental growth of ad valorem revenues beyond an established base year—is a community redevelopment agency's primary revenue source. The CRA adopted the FY 2019-20 budget of \$2,897,696 on July 24, 2019, basing numbers on projections of TIF revenues and cash balances at the end of FY 2018-19, including \$2,153,081 in carryover funds and \$52,872 in projected interest earnings, in addition to the TIF revenue, as specified below:

Payment into the NW 7th Avenue Corridor Community Redevelopment Agency's Trust Fund by Source

| UMSA | Countywide | Total |
|-----------|------------|-----------|
| \$202,251 | \$489,492 | \$691,743 |

The priorities of the CRA include to: reposition Northwest 7th Avenue as a major regional employment center; support the growth and expansion of existing businesses; support development of new business; provide training and increased employment opportunities for residents of northwest Miami-Dade; and redevelop the 7th Avenue corridor, supporting a mix of business, residential and commercial opportunities within the CRA. The CRA's budget line items in furtherance of these goals include the following (significant changes from the previous year's budget are noted in parenthesis):

BCC Meeting: November 19, 2019
Research Notes

Item No. 8G3

File No. 192275

Researcher: JFP Reviewer: PGE

- Administrative Expenses - \$137,080 (excluding the 1.5 percent County administrative charge of \$10,376); at 5% of TIF revenues, satisfies the 20% cap of administrative expenditures required by the Interlocal Agreement.
- County Administrative Charge - \$10,376
- Operating Expenses - \$2,750,240 (8% increase from previous year)
 - Development Opportunities and Land Purchase - \$1,678,440
 - Commercial Improvement Program (CIP)- \$250,000 (25% increase from previous year)
 - Funds five CIP grants for improvements such as façade, lighting, landscaping, correction of code violations, interior improvements, and building improvements to include sewer connections.
 - Infrastructure Improvements - \$205,000 (37% increase from previous year)
 - Landscaping/Streetscaping - \$200,000 (33% increase from previous year)
 - Business Innovation and Investment Program - \$150,000 (50% increase from previous year)
 - Supports growth and expansion of established businesses with the Area, and is also utilized to attract outside businesses to the Area by aiding capital investments
 - Marketing and Outreach - \$95,000
 - Economic Development Coordinator - \$85,000
 - Grants Administrator - \$60,000 (20% increase from previous year)
 - Legal Services - \$25,000
 - Meeting Room Expenses - \$1,000
 - State Fee and Memberships - \$800

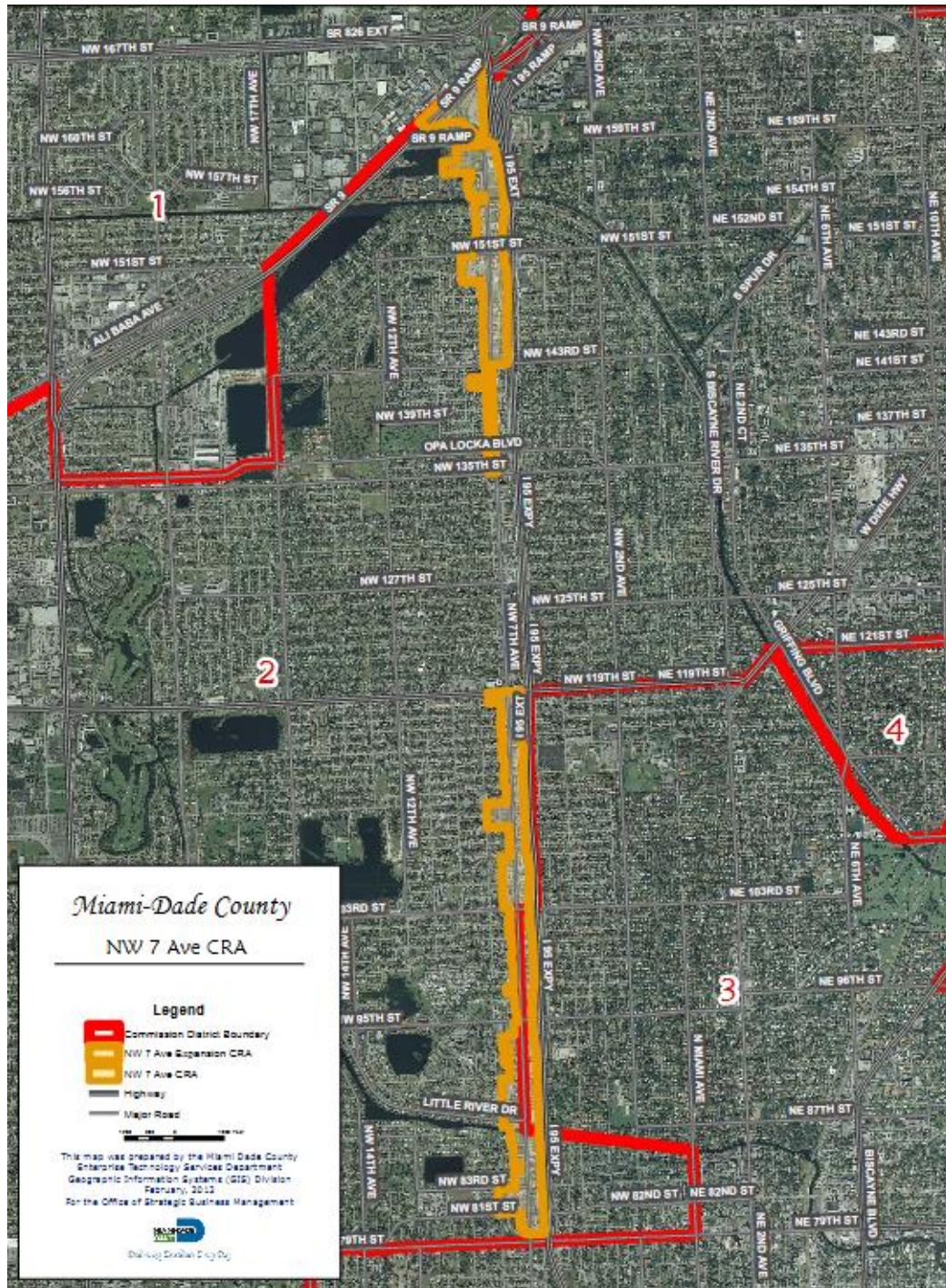
It should be noted that the budget does not include an allocation for reserves. \$38,003 were allocated for reserves the previous year.

BCC Meeting: November 19, 2019
Research Notes

Item No. 8G3
File No. 192275

Researcher: JFP Reviewer: PGE

A map of the NW 7th Avenue Corridor Community Redevelopment Area's geographic boundaries is depicted below.



BCC Meeting: November 19, 2019
Research Notes

Item No. 8G3
File No. 192275

Researcher: JFP Reviewer: PGE

DEPARTMENTAL INPUT

- Of the \$2,717,124 approved FY 2018-19 budget, how much was actually expended? What projects were completed and supported under this budget? **\$254,815 was expended; other than a few grants, the main focus was the Uptown Avenue 7 Arts and Culture Festival.**
- The stated priorities of the CRA include to: reposition Northwest 7th Avenue as a major regional employment center; support the growth and expansion of existing businesses; support development of new business; provide training and increased employment opportunities for residents of northwest Miami-Dade; and redevelop the 7th Avenue corridor, supporting a mix of business, residential and commercial opportunities within the CRA. What strides have already been made toward the achievement of these goals? **The CRA has two grant programs that have assisted several businesses in the area, has attracted new business to the area. Additionally, the CRA has partnered with other agencies to provide a job fair for area residents.**
- What opportunities will be pursued with the \$1,678,440 allocated for Development Opportunities and Land Purchase? **The CRA will be looking to purchase a property in the area for redevelopment or partner for a development opportunity.**

ADDITIONAL INFORMATION

Northwest 7th Avenue Corridor Community Redevelopment Agency

<https://www8.miamidade.gov/global/government/boards/northwest-7th-avenue-cra.page>

APPLICABLE LEGISLATION/POLICY

Chapter 163, Part III, Florida Statutes (The Community Redevelopment Act) governs community redevelopment programs. The Act authorizes counties and municipalities in the State of Florida to create community redevelopment agencies, to prepare redevelopment plans for certain defined areas within their boundaries designated as community redevelopment areas, within which community redevelopment projects and activities may be undertaken to eliminate and prevent the development and spread of slum and blighted areas through the use of creative financing mechanisms.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0163/0163PARTIIIContentsIndex.html

Section 163.356, Florida Statutes governs the creation of community redevelopment agencies.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=163.356&URL=0100-0199/0163/Sections/0163.356.html

Section 163.387, Florida Statutes governs redevelopment trust funds. A redevelopment trust fund may be established for each community redevelopment agency after approval of a community redevelopment plan. Funds in the trust shall be used by the agency to finance or refinance any community redevelopment in accordance with the approved community redevelopment plan.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=163.387&URL=0100-0199/0163/Sections/0163.387.html

Section 163.410 of Florida Statutes states that the exercise of powers in counties with home rule charters does not affect any Community Redevelopment Agency created by a municipality prior to the adoption of a county home rule charter.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/0163.html

BCC Meeting: November 19, 2019
Research Notes

Item No. 8G3
File No. 192275

Researcher: JFP Reviewer: PGE

Resolution No. R-599-15, adopted June 30, 2015, allows for designee to be appointed to CRA.

<http://intra/gia/matter.asp?matter=151301&file=true&yearFolder=Y2015>

Resolution No. R-293-04, adopted March 16, 2004, declared certain geographic area of Miami-Dade County, Florida, known as the 7th Avenue Corridor and described as a portion of Miami-Dade County, Florida, bounded on the East by Interstate 95 (I-95); bounded on the South by the City of Miami; bounded on the West by the Westernmost property lines of all those parcels of land that abut the westerly right-of-way line or NW 7th Avenue from the City of Miami to NW 119th Street; and bounded on the North by the NW 119th Street, to be a slum or blighted area.

<http://intra/gia/matter.asp?matter=041394&file=false&yearFolder=Y2004>

Resolution No. R-780-04, adopted June 22, 2004, approved the Community Redevelopment Plan regarding certain geographic area bounded on the East by Interstate 95 (I-95); bounded on the South by the City of Miami; bounded on the West by the Westernmost property lines of all those parcels of land that abut the westerly right-of-way line of NW 7th Avenue from the City of Miami to NW 119th Street; and bounded on the North by NW 119th Street.

<http://intra/gia/matter.asp?matter=041453&file=true&yearFolder=Y2004>

Resolution No. R-774-04 adopted June 22, 2004, appointed the Board of County Commissioners as Community Redevelopment Agency for the 7th Avenue Corridor Community Redevelopment District.

<http://intra/gia/matter.asp?matter=041147&file=true&yearFolder=Y2004>

Ordinance No. 04-124, adopted June 22, 2004, pertained to the redevelopment of the 7th Avenue Corridor Community Redevelopment Area generally bounded by 119th Street on the North, City of Miami on the South, Interstate 95 (I-95) on the East and NW 7th Avenue on the West; and established the Redevelopment Trust Fund.

<http://intra/gia/matter.asp?matter=041876&file=false&yearFolder=Y2004>

Resolution No. R-1360-09, adopted December 1, 2009, approved the Interlocal Cooperation Agreement between Miami-Dade County and the NW 7th Avenue Corridor Community Redevelopment agency.

<http://intra/gia/matter.asp?matter=092870&file=true&yearFolder=Y2009>

Resolution No. R-223-11, adopted April 4, 2011, declared the geographic area of Miami-Dade County, Florida, described generally as bounded on the North by the City of Miami Gardens; bounded on the South by the City of North Miami; bounded on the West by the Westernmost property lines of all those parcels of land that abut the westerly right-of-way line of NW 7th Avenue/State Road 441; and bounded on the East by Interstate 95 (I-95), to be a slum or blighted area; declaring rehabilitation, conservation or development, or a combination thereof, to be necessary in the interest of public health, safety, morals or welfare of residents of Miami-Dade County, Florida; directing the County Mayor to competitively select a consultant to prepare a Community Redevelopment Plan for the NW 7th Avenue Corridor Community Redevelopment Area; approving monies in the County's Unincorporated Municipal Service Area Non-Departmental Allocation for Management Consulting Services Fund be expended for the preparation of the Redevelopment Plan.

<http://intra/gia/matter.asp?matter=102740&file=true&yearFolder=Y2010>

BCC Meeting: November 19, 2019
Research Notes

Item No. 8G3
File No. 192275

Researcher: JFP Reviewer: PGE

Resolution No. R-661-12, adopted September 4, 2012 adopted the amended Community Redevelopment Plan regarding certain geographic area of Miami-Dade County, Florida, known as the NW 7th Avenue Corridor and described as a portion of Miami-Dade County, Florida, generally bounded by the City of Miami Gardens on the North, the City of North Miami on the South, on the Westernmost property lines of the parcels that abut the westerly right-of-way along NW 7th Avenue and on the East by Interstate I-95; and made certain findings with respect to such Redevelopment Plan and such geographic area.

<http://intra/gia/matter.asp?matter=121233&file=true&yearFolder=Y2012>

BCC Meeting: November 19, 2019
Research Notes

Item No. 8N4
File No. 192278

Researcher: JFP Reviewer: PGE

RESOLUTION AWARDING CONSTRUCTION SERVICES FOR THE STATE ROAD 836 EXPRESS BUS SERVICES – PARK AND RIDE/BUS TERMINAL (TAMIAMI STATION), CONTRACT NO. CIP097-DTPW18-CT1; BETWEEN MIAMI-DADE COUNTY AND JVA ENGINEERING CONTRACTOR, INC. IN AN AMOUNT OF \$10,914,740.76, INCLUSIVE OF CONTINGENCY ALLOWANCE ACCOUNT FOR \$517,391.23; FOR A TERM OF 570 DAYS; AUTHORIZING THE USE OF PEOPLE’S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR SUCH PURPOSES; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should award *Contract No. CIP097-DTPW18-CT1* to JVA Engineering Contractor, Inc. in the amount of \$10,914,741 for construction services for the State Road (SR) 836 Express Bus Service Park and Ride/Bus Terminal Project (Tamiami Station) for a term of 570 days and authorize the use of People’s Transportation Plan Bond Program funds for this purpose.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item was forwarded to the BCC with a favorable recommendation by the Transportation and Finance Committee at its October 24, 2019 meeting.

ANALYSIS

The purpose of this item is to award a contract to JVA Engineering Contractor, Inc. (JVA) for the construction of Tamiami Station, a new Park and Ride/Bus Terminal facility along the SR 836 express bus service route located in unincorporated Miami-Dade County in District 11, represented by Commissioner Martinez, at the southwest quadrant of SW 8th Street and SW 147th Avenue. The contract is valued at \$10,914,741 for a term of 570 days. The item authorizes the use of People’s Transportation Plan Bond Program funds to support the construction of the station.

The project scope of work is to construct a Park and Ride lot with over 450 parking spaces, a bus terminal with eight bays and associated roadway improvements including lane widening along SW 8th Street and SW 147th Avenue. The scope also encompasses a continuous canopy over the passenger walking area, a pedestrian canopy leading to the parking lot and an Operator Relief Lounge. The awardee will be required to furnish all supervision, labor, materials, equipment, tools, services and incidentals necessary for the construction of the Tamiami Station. The completed project will provide express bus service from the new station towards the Miami Intermodal Center via SW/NW 107th Avenue and SR 836, as well as provide a terminal for several bus routes serving western portions of the County.

The proposed Tamiami Station is included in the Transportation Planning Organization's 2040 Long Range Transportation Plan and 2017 Transportation Improvement Plan, and the Florida Department of Transportation 2017 State Transportation Improvement Program. The contract award is in the amount of \$10,914,741, including a 5% contingency allowance of \$517,391 and a Dedicated Allowance Account for Art in Public Places for \$49,525, for a term of 570 calendar days, with a contingency period of 57 calendar days.

The \$10,914,740.76 total value of the contract will be paid with the following funding sources: Florida Department of Transportation (\$3,397,640), Federal Transit Administration Section 5307/5309 Formula Grant (\$1,180,744), and

BCC Meeting: November 19, 2019
Research Notes

Item No. 8N4

File No. 192278

Researcher: JFP Reviewer: PGE

People's Transportation Plan Bond Program (\$6,336,356.76), thus necessitating CITT approval, which occurred on October 23, 2019. An 18% Disadvantaged Business Enterprise (DBE) goal has been assessed to the overall project.

Pursuant to 33-303 of the County Code, the Board approved Tamiami Station as a Government Facility on March 20, 2018 via Resolution R-272-18, authorizing the use, construction, and operation of the facility after its identification as a priority need for Miami-Dade County to help mitigate traffic congestion and provide the public with transit alternatives. The County currently owns the Tamiami Station property, which has a covenant to ensure that hazardous materials are not disposed of, discharged, or stored on a portion of the subject property.

The Tamiami Station consists of approximately eight acres and will provide the following amenities:

- Elevated platform for passenger loading and unloading to ensure it can accommodate the Autonomous Rail Rapid Transit (ART) bus;
- Accessible and convenient parking including long-term, short-term, drop-off/pick-up areas and designated parking for ADA, strollers, and electric vehicles, totaling approximately 493 spaces;
- Bus bays and layover bays;
- Continuous weather-protection canopies over loading/unloading bus area;
- Pedestrian canopies from west/east parking lots to bus bay area;
- A break lounge for drivers;
- Ticket vending machines;
- Motorcycle parking areas;
- Bicycle racks;
- Perimeter fencing and/or privacy wall to buffer the residential area to the south;
- Parking lot/site lighting;
- Under canopy lighting; and
- Drought-tolerant landscaping.

The solicitation was advertised on March 19, 2019. Five bids were received, with JVA submitting the lowest bid at a base price of \$10,347,825. DTPW proceeded with recommending JVA for award, despite JVA's bid being 8.16% above the Engineer of Record's estimate, after finding JVA to be responsive and responsible.

JVA has held six contracts with the County in the last three years, at a total value of \$31,042,474, including \$521,229 in Board-approved Change Orders. Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System (CIIS) on November 13, 2019, finding that JVA has 53 evaluations with an average rating of 3.6 points out of a possible 4.0. JVA has three closed SBD violations, including a March 2019 violation for underpayment to 52 employees totaling \$91,193. JVA provided proof of payment of \$81,027.24 to employees, a check for payment of a 40% penalty equal to \$36,477.31 and checks for \$10,149.50 to deposit in the SBD Trust Fund for 19 employees it could not locate. The matter was closed on April 3, 2019.

In addition, detailed below is a summary of OCA's due diligence performed on JVA, including relevant litigation.

| Awarded Firm | Corporate Registration | Tax Collector's Office | Florida DBPR | Litigation (Westlaw) |
|----------------------------------|-------------------------------|--|---------------------------------|--|
| JVA Engineering Contractor, Inc. | Florida Profit Corporation | Business address: 6600 NW 32nd Avenue, | License type: Certified General | <i>Jorge Martinez vs. JVA Engineering Contractor, Inc. et al</i> (Case No. 2019-006049-CA- |

**BCC Meeting: November 19, 2019
Research Notes**

**Item No. 8N4
File No. 192278**

Researcher: JFP Reviewer: PGE

| | | | | |
|--|--|--|--|---|
| | <p>Active</p> <p>Principal Address: 6600 NW 32nd Avenue, Miami, FL 33147</p> <p>Filed: September 26, 2002</p> | <p>Miami, FL 33147</p> <p>Status: Paid and Current</p> | <p>Contractor (expires August 31, 2020); Certified Underground Utility and Excavation Contractor (expires August 31, 2020)</p> | <p>01); Filed on February 25, 2019 in the 11th Judicial Circuit, Miami-Dade County; Allegations: plaintiff was not paid at the proper overtime rate for hours worked in excess of forty hours per week and plaintiff was paid at a rate below the applicable hourly wage rate as set forth under federal law for some of his hours; and Case Status: Removed to federal court.</p> <p><i>Herbert Morales vs. JVA Engineering Contractor, Inc.</i> (Case No. 2019-006584-CA- 01); Filed on March 1, 2019 in the 11th Judicial Circuit, Miami- Dade County; Allegation: defendant breached its duty of care and was negligent in failing to warn of the existence or presence of the danger and/or hazardous condition created by an uncovered hole on the premises where plaintiff and others would walk, causing plaintiff to slip and fall into the uncovered hole, resulting in plaintiff being severely, significantly and permanently injured, incurring significant and permanent loss of bodily function; and Case Status: Open</p> <p><i>Rivera et al v. TJ Pavement Corp. et al</i> (Case No. 1:12-CV- 22359); Filed on June 26, 2012 in U.S. District Court, Southern District of Florida (Miami); Allegation: defendant and co- defendant breached the terms of the contracts with the County by not paying the plaintiff the specified hourly wage and</p> |
|--|--|--|--|---|

BCC Meeting: November 19, 2019
Research Notes

Item No. 8N4
File No. 192278

Researcher: JFP Reviewer: PGE

overtime rate for his position as a dump truck driver; and Case Status: Closed – Settled and dismissed with prejudice.

Proposed Tamiami Station at SW 8th Street and SW 147th Avenue



BCC Meeting: November 19, 2019
Research Notes

Item No. 8N4
File No. 192278

Researcher: JFP Reviewer: PGE

DEPARTMENTAL INPUT

The following questions were posed to the Department of Transportation and Public Works (responses in bold).

- How many comparable construction projects are underway? How many comparable projects have been completed? For completed projects, please provide the details of such projects, as well as the ridership numbers of express bus route services.

The following are the comparable projects completed and performed through the Design and Engineering Division and contracted out by the County:

- 1. Park-and-Ride at SW 88 Street and SW 127 Avenue – It is located on the Southeast corner of Kendall Drive (SW 88 St.) and SW 127 Avenue. It was open for revenue services on June 2017 and has approximately 160 parking spaces. The Park and Ride is serviced by limited stop bus route 288 with approximately 127 total boarding.**
- 2. SW 344 Street Park-and-Ride and Bus Terminal – It is located at the Southern terminus of the South Miami-Dade Transitway at SW 344 Street. It was open for revenue services on June 2015 and has approximately 250 parking spaces. The Park and Ride is serviced by express bus route 34 with approximately 280 total boarding.**
- 3. Panther Station Bus Terminal – it is located on FIU property, along SW 8 Street between SW 109 Ave and SW 112 Avenue. The project currently in design phase. The expected revenue service date is in 2022.**

The following is an upcoming comparable project which is being completed through the Design and Engineering Division and is scheduled to be contracted out by the County:

- 1. Panther Station Bus Terminal – it is located on FIU property, along SW 8 Street between SW 109 Ave and SW 112 Avenue. The project currently in design phase.**
- JVA has held six contracts with the County in the last three years, at a total value of \$31,042,474, including \$521,229 in Board-approved Change Orders. Please provide the title, approval authority (Board, Mayor, Dept. Director, etc.), value, term, status and evaluation rating for these contracts over the last three Fiscal Years.

Attached is the three-year Firm History Report provided by the Division of Small Business Development with below summary of information as requested.

| No. | Project No. | Title | Approval Authority | Value (inclusive of Change Orders) | Base Term (calendar days) | Status (In the Capital Improvement Information System) | Evaluation Rating |
|------------|--------------------|--|--------------------------------|---|--|---|------------------------------|
| 1 | 2017-035.01 | North Cruise Boulevard Extension – Phase 1 | Mayor's Designee (Dept. level) | 4,656,356.84 | 866 days | On Hold (due to ongoing) | 4.0 (Interim) |

BCC Meeting: November 19, 2019
Research Notes

Item No. 8N4

File No. 192278

Researcher: JFP Reviewer: PGE

| | | | | | | | |
|---|---------------|--|--------------------------------|-----------------|--|------------------------------|---------------|
| | | | | | | adjacent construction) | |
| 2 | 2017-035.01B | North Cruise Boulevard Extension Phase 1B | Mayor's Designee (Dept. level) | \$3,836,180.00 | SBD 3-Year Firm History Report flags project as closed/inactive. | | |
| 3 | 2017-035.01B | North Cruise Boulevard Extension Phase 1B | Mayor's Designee (Dept. level) | 4,267,961.57 | 487 days | Behind Schedule | 3.9 (Interim) |
| 4 | RPQ No. T2485 | Emergency Work for Roadway Restoration Work at NW 41 St Between NW 115 and Fla. Turnpike | Mayor's Designee (Dept. level) | \$483,130.00 | 21 days | Work Complete: Pending Claim | None |
| 5 | 2016-058.02 | Seaboard Marine Cargo Terminal Redevelopment Phase II (5 of 5) | Board | \$5,578,699.26 | 240 days | On Schedule | None |
| 6 | 20180089 | People's Transportation Plan Roadway Improvements to SW 137 Ave From US-1 to SW 200 Street | Board | \$13,176,587.88 | 1095 days | None | None |

- What accounted for the delay in advertising the solicitation (advertised on March 19, 2019) if Tamiami Station was Board-approved as a Government Facility a year prior (on March 20, 2018)? **The Governmental Facility process completed on 3/20/18 was at about 75% final design. The final design completed on 8/17/18 which included some redesign work per submittal approved by the Governmental Facility process. The procurement process for the Construction contract began on August 2018. The contract was advertised on 3/19/19.**

**BCC Meeting: November 19, 2019
Research Notes**

**Item No. 8N4
File No. 192278**

Researcher: JFP Reviewer: PGE

- Please provide the details of JVA's SBD violations, particularly that of \$91,193.26 for underpayment of an employee.
 - **CMJPA-2014.01:** On July 21, 2016, Small Business Development (SBD) issued a Notice of Violation (NOV) to JVA Engineering Contractors, Inc. (JVA) for failing to meet the 10% Community Workforce Program (CWP) goal on a project no. CMJPA-2014.01, a Joint Participation Agreement (JPA) between Miami-Dade County and the City of Miami for Roadway Improvement which resulted in a deficit of two (2) employees and a penalty of \$3,000. On August 15, 2018, SBD received the \$3,000 penalty payment from the contract proceeds issued by the Department of Transportation and Public Works, which closed this matter.
 - **DB15-PWWM-01 (Build) (20150195):** On March 4, 2019, JVA Engineering Contractors, Inc. (JVA) was issued a Notice of Violation for the underpayment of \$91,193.26 to fifty-two (52) employees. A 40% penalty equal to \$36,477.31 also applied. JVA provided proof of payment of \$81,027.24 to employees, a check for payment of the penalty, and checks for \$10,149.50 to deposit in the SBD Trust Fund for 19 employees it could not locate. The SBD Trust Fund Account was established for employers to deposit unclaimed wages due to employees pursuant to the Responsible and Living Wages that cannot be located. SBD attempts to locate the employees to distribute wages due, which remain in the account for one year. If the wages are not claimed after one year they are transferred to the State of Florida. JVA also provided checks for deposit in the SBD Trust Fund for Enrique Garcia due \$11.52 and Pedro Rivera \$5.00, because we limit the use of the account to employee owed more than \$20.00, these checks were returned to JVA with instructions to forward to the State of Florida Bureau of Unclaimed Property pursuant to Florida Statutes Chapter 717. This matter was closed on April 3, 2019.

ADDITIONAL INFORMATION

Transportation Planning Organization's 2040 Long Range Transportation Plan

<http://www.miamidadetpo.org/library/plans/2040-long-range-transportation-plan-final-2014-10.pdf>

2017 Transportation Improvement Plan

<http://www.miamidadetpo.org/transportation-improvement-program.asp>

<http://www.interactip.com/>

Florida Department of Transportation 2017 State Transportation Improvement Program

<https://www.fdot.gov/workprogram/federal/stip.shtm>

SR 836 Express Bus -Project Fact Sheet

<https://www.miamidade.gov/transit/library/pdfs/misc/sr-836-fact-sheet.pdf>

**BCC Meeting: November 19, 2019
Research Notes**

**Item No. 8N4
File No. 192278**

Researcher: JFP Reviewer: PGE

APPLICABLE LEGISLATION/POLICY

Section 2-8.1(h) of the Code of Miami-Dade County requires that the award recommendation memorandum presented to the Board identify each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each and the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

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

Section 2-8.1 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; (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](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 2-8.3 of the Code of Miami-Dade County (County Mayor's Recommendation) states that whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Mayor shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action. Such recommendation shall be in writing and shall be filed with the Clerk of the Board, with copies mailed to all participants in the competitive process, no later than 10 days prior to any Commission meeting at which such recommendation is scheduled to be presented. Such recommendation shall be accompanied by a memorandum from the County Mayor that clearly identifies any and all delegations of Board authority contained in the body of the proposed contract.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

Section 2-11.16 of the Code of Miami-Dade County governs payment to laborers under construction contracts.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO)

Section 33-303 of the Code of Miami-Dade County provides that, prior to the construction, erection or operation of a governmental facility in the unincorporated areas of Miami-Dade County, a favorable public hearing before the Board is required. The Board may only authorize the use, construction, erection and operation of such facilities in any zoning district after considering, among other factors, the public need for the facility, the type of function involved, existing land use patterns in that area and the nature of the impact of the facility on surrounding properties.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-
303EXPRZOUNARWHCOREZOJUINAREXAPGOFA](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-303EXPRZOUNARWHCOREZOJUINAREXAPGOFA)

BCC Meeting: November 19, 2019
Research Notes

Item No. 8N4
File No. 192278

Researcher: JFP Reviewer: PGE

Section 29-124(f) of the Code of Miami-Dade County (Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust) requires CITT review of contracts funded by the People's Transportation Plan or for contracts with a Transit allocation that exceeds \$1 million.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551_FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR

Section 2-11.15 of the Code of Miami-Dade County governs works of art in public places and specifies that the County and each municipality in the County shall provide for the acquisition of works of art equivalent in value to not less than one and one-half (1.5) percent of the construction cost of new governmental buildings, provided that no funds may be appropriated for this purpose from the ad valorem tax operations fund.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.15WOARPUGL

Section 10-34 of the Code of Miami-Dade County requires the listing of subcontractors on county construction contracts in which a bidder may use a subcontractor which involves the expenditure of \$100,000 or more.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE

Implementing Order No. 3-34 establishes procedures for the formation and performance of selection committees in the competitive procurement process, including competitive selection committees utilized in the acquisition of architectural and engineering professional services.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-34.pdf>

Administrative Order No. 3-39 establishes the County's policies and procedures for user departments for the construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-39.pdf>

Implementing Order No. 3-57 establishes a policy for the use of standard construction general conditions by all County departments.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-57.pdf>

Resolution R-272-18, adopted March 20, 2018, approved the proposed development of a Park And Ride/Bus Terminal Facility, known as Tamiami Station, to be located at the southwest corner of SW 8 Street and SW 147 Avenue, as a Government Facility in compliance with Section 33-303 of the Code of Miami-Dade County.

<http://intra/gia/matter.asp?matter=180503&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://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

BCC Meeting: November 19, 2019
Research Notes

Item No. 8N4
File No. 192278

Researcher: JFP Reviewer: PGE

Resolution No. R-421-16, adopted May 17, 2016, requires (1) the County Mayor to attach to all items recommending design and/or construction contract awards of \$1,000,000 or greater a list of all County contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor's work; and (2) all County departments to complete contractor evaluations before closing out a contract and making final payment to a contractor.

<http://www.miamidade.gov/govaction/matter.asp?matter=160124&file=true&fileAnalysis=false&yearFolder=Y2016>

Resolution No. R-1181-18, adopted November 8, 2018, directs the County Mayor to: (1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board.

<http://intra/gia/matter.asp?matter=182536&file=true&yearFolder=Y2018>

Ordinance No. 07-65, adopted May 8, 2007, establishes the County's Sustainable Buildings Program.

<http://intra/gia/matter.asp?matter=070463&file=true&yearFolder=Y2007>

Ordinance No. 14-79, adopted September 3, 2014, requires that all agenda items related to planning, design and construction of County infrastructure include a statement that the impact of sea level rise has been considered.

<http://intra/gia/matter.asp?matter=141211&file=true&yearFolder=Y2014>



MIAMI DADE COUNTY

Small Business Development

Firm History Report

From: 07/05/2016 To: 07/31/2019

FIRM NAME: JVA ENGINEERING CONTRACTOR, INC.
6600 NW 32nd Ave
Miami, FL 33147-0000

PRIMES

| PROJECT # | CONTRACT | DEPT. | MEASURES | AWARD DATE | AWARD AMOUNT |
|---|-----------|----------|-----------------------------|------------|-----------------------|
| 2017-035.01 (7360) | 1 | SP | GOAL CSBE 8.65% | 01/25/2018 | \$3,610,468.26 |
| NORTH CRUISE BOULEVARD EXTENSION - PHASE I | | | GOAL SBE 3.18% | | |
| Change Order # 1 | MAR-25-19 | 157 days | | | \$521,229.08 |
| | | | | | <u>\$4,131,697.34</u> |
| * 2017-035.01B (7360) | 1 | SP | GOAL CSBE 10% | 06/18/2018 | \$3,836,180.00 |
| NORTH CRUISE BOULEVARD EXTENSION PHASE 1B | | | | | |
| | | | | | <u>\$3,836,180.00</u> |
| 2017-035.01B (7360) | 1 | SP | GOAL SBE 2.95% | 06/18/2018 | \$3,836,180.00 |
| NORTH CRUISE BOULEVARD EXTENSION - PHASE IB | | | GOAL CSBE 9.55% | | |
| | | | | | <u>\$3,836,180.00</u> |
| RPQ NO. T2485 | 1 | WS | LEVEL 1 SET ASIDE CSBE 100% | 08/13/2018 | \$483,130.00 |
| EMERGENCY WORK FOR ROADWAY RESTORATION WORK AT NW 41 ST BETWEEN NW 115 AVE AND FLA. TURNPIKE | | | | | |
| | | | | | <u>\$483,130.00</u> |

* Indicates closed or expired contracts

Disclaimer: Payments shown may not reflect current information

DBDR0210_E v.20150827

Friday, July 5, 2019

Ver: 1



MIAMI DADE COUNTY

Small Business Development

Firm History Report

From: 07/05/2016 To: 07/31/2019

FIRM NAME: JVA ENGINEERING CONTRACTOR, INC.
6600 NW 32nd Ave
Miami, FL 33147-0000

PRIMES

| PROJECT # | CONTRACT | DEPT. | MEASURES | AWARD DATE | AWARD AMOUNT |
|--|----------|-------|------------------|-----------------------|-----------------------|
| 2016-058.02 | 1 | SP | NO MEASURE | 04/09/2019 | \$5,578,699.26 |
| SEABOARD MARINE CARGO TERMINAL REDEVELOPMENT PHASE II (5 OF 5) | | | GOAL CSBE 12.56% | | |
| | | | NO MEASURE | | |
| | | | NO MEASURE | | |
| | | | GOAL SBE .63% | | |
| | | | | | <hr/> \$5,578,699.26 |
| 20180089 | 1 | MT | GOAL SBE .14% | 05/07/2019 | \$13,176,587.88 |
| IMPROVEMENTS TO SW 137 AVE FROM US-1 TO SW 200 STREET | | | GOAL SBE 1.39% | | |
| | | | GOAL CSBE 6.97% | | |
| | | | GOAL CSBE 1.5% | | |
| | | | | | <hr/> \$13,176,587.88 |
| Total Award Amount | | | | \$30,521,245.40 | |
| Total Change Orders Approved by BCC | | | | \$521,229.08 | |
| | | | | <hr/> \$31,042,474.48 | |

* Indicates closed or expired contracts

Disclaimer: Payments shown may not reflect current information

DBDR0210_E v.20150827

Friday, July 5, 2019

Ver: 1

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 10A1
File No. 192345**

Researcher: MF Reviewer: PGE

RESOLUTION ACCEPTING THE FUNDING RECOMMENDATIONS OF THE MIAMI-DADE COUNTY HOMELESS TRUST, FOR THE AWARD OF CONTRACT AND GRANTS, IN AN ANNUAL AMOUNT NOT TO EXCEED \$1,200,000 AND A TOTAL AMOUNT NOT TO EXCEED \$3,600,000 MADE PURSUANT TO A REQUEST FOR APPLICATION PROCESS TO SELECT NOT-FOR-PROFIT PROVIDERS OF HOMELESS HOUSING AND SERVICES FOR FISCAL YEARS 2019-2022 IN ACCORDANCE WITH THE MIAMI-DADE COUNTY COMMUNITY HOMELESS PLAN; PRIORITY HOME; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AGREEMENTS, SOME OF WHICH MAY EXCEED \$1,000,000 IF RENEWED, WITH COMMUNITY BASED ORGANIZATIONS THAT ARE APPROVED FOR FUNDING BY THE HOMELESS TRUST; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE AMENDMENT, RENEWAL, TERMINATION, CANCELLATION AND MODIFICATION CLAUSES OF ANY AGREEMENT; WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-130-06

ISSUE/REQUESTED ACTION

Whether the Board should authorize the award of contracts and grants annually in the amount of \$1,200,000 for an initial one-year term plus two, one-year renewal periods to not-for-profit providers for the delivery of homeless housing and support services for the next three fiscal years.

PROCEDURAL HISTORY

Prime Sponsor: HSED Committee

Department/Requester: Miami-Dade Homeless Trust

This item was heard at the Housing, Social Services & Economic Development Committee meeting of October 16, 2019 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to authorize the award of contracts and grants to nonprofit agencies for the delivery of new low-barrier permanent supportive housing and support services for Fiscal Years 2019-2022 for a maximum amount of \$3,600,000. Such service delivery shall be consistent with the County's Community Homeless Plan: Priority home.

The fiscal impact is \$3,600,000 for a period of three years (as shown below). Funding for this program will be furnished via Food and Beverage Tax revenues.

- \$1,200,000: for FY 2019-20
- \$1,200,000 + \$1,200,000: renewal amount annually for each of the two one-year renewal periods
- \$3,600,000 = total amount expected for the three-year period (FY 2019-22)

A total of four agencies responded to the Request for Applications (RFA). Table 1 provides the rank, provider, project name, type of service from the RFA, and the awarded amount of \$1,200,000 to the two recommended and ultimately selected providers. Per the selection committee's recommendation, the Homeless Trust Board approved the funding recommendations at its September 27, 2019 Miami-Dade Homeless Trust meeting.

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 10A1
File No. 192345**

Researcher: MF Reviewer: PGE

Table 1

| Rank | Provider | Project Name | Service Type | Amount Approved |
|------|-----------------------------|--------------------|--|-----------------|
| 1 | Carrfour Supportive Housing | Verde Gardens | Support services only to an existing permanent housing project | \$651,592 |
| 1 | Camillus House | St. John | New Permanent Housing | \$548,408 |
| 2 | New Horizons | The Kelley Project | New Permanent Housing | 0 |
| 2 | Citrus Health | Kiva Bridge | New Permanent Bridge Housing | 0 |
| 1 | Camillus House | Brother Bill | New Permanent Bridge Housing | 0 |

**TOTAL =
\$1,200,000**

The solicited services include enhanced security, behavioral health and case management for Verde Gardens, a 145-unit residential facility providing supportive housing for disabled families with minor children. The County owns and operates Verde Gardens through the Homeless Trust. Under the RFA, the awardee is required to provide homeless housing and services. Awardee performance is measured via site visits, desk audits, and the review of monthly, quarterly and annual progress reports, as well as the analysis of utilization rates. Grantee success is evaluated by a performance review, approval of the Trust Board, and funding availability.

ADDITIONAL INFORMATION

The Miami-Dade County Community Homeless Plan may be accessed here:

<http://www.homelesstrust.org/library/homeless-plan.pdf>

OCA performed an Internet search for Verde Gardens, and found the residential complex has been featured in TIME Magazine as an example of developments that combine housing for the formerly homeless with environmentally friendly communities. Verde Gardens consists of 145 townhomes on 22 acres of farmland for growing crops.

<https://www.flhousing.org/wp-content/uploads/2012/07/Verde-Gardens-Carrfour-Supportive-Housing-Creates-Oasis.pdf>

APPLICABLE LEGISLATION/POLICY

Resolution No. R-130-06, adopted on January 24, 2006, amends Resolution No. R-1198-05 to clarify that proposed agenda items seeking approval of a contract or conveyance and authority to execute same shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-county parties; providing that Board approval of a contract or conveyance in substantially the form presented means the county manager may make only those changes necessary to correct non-substantive, scrivener's errors; and providing exceptions.

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

Resolution No. R-1198-05, adopted October 18, 2005, clarifies that approval of a third party contract in substantially the form presented to the Board means the county manager is authorized to execute the form of contract that is approved

**BCC Meeting:
November 19, 2019
Research Notes**

**Item No. 10A1
File No. 192345**

Researcher: MF Reviewer: PGE

without any changes except those necessary to correct non-substantive, scrivener's errors, directing the county manager not to place items on the agenda seeking Board approval of a third party contract and authority to execute same until the underlying contract is completely negotiated, in final form and executed by all non-county parties, and providing exceptions.

<http://www.miamidade.gov/govaction/matter.asp?matter=052006&file=true&fileAnalysis=false&yearFolder=Y2005>