



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

Chairwoman's Policy Council (CPC) Meeting

April 20, 2020
10:00 A.M.
Virtual Conference

Yinka Majekodunmi, CPA
Commission Auditor
Office of the Commission Auditor (OCA)
111 N.W. First Street, Suite 1030
Miami, FL 33128
(305) 375-2524

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**CPC Meeting:
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Research Notes**

**Item No. 1F1
File No. 200254**

Researchers: MF/IL Reviewer: PGE

DISCUSSION ITEM REGARDING DEVELOPING A NEW HOTEL AT MIAMI INTERNATIONAL AIRPORT

ISSUE/REQUESTED ACTION

The item is a discussion regarding the development of a new hotel at Miami International Airport, which is operated by the Miami-Dade Aviation Department (MDAD).

PROCEDURAL HISTORY

**Prime Sponsor: District 13 Commissioner Esteban L. Bovo, Jr.
Department/Requester: None**

There is no procedural history for this item currently.

ANALYSIS

The purpose of this item is to discuss the development of a new hotel at Miami-International Airport (MIA), which is located in District 6, represented by Vice Chairwoman Rebeca Sosa. The Board has discussed the topic of development or redevelopment of a hotel at MIA in recent years, as captured in Figure 1 below.

Figure 1

Date	Title	Outcome	Discussion	File/Reso No. (Web Link)
09/21/1999	Agreements for provision of hospitality services at MIA	Adopted via Resolution No. 1009-99. This resolution approved management services for the hotel and hotel restaurant facilities at MIA.	Commissioner Moss expressed concerns about minority participation. The BCC amended the resolution to include a minority-oriented small business goal.	http://www.miamidade.gov/govaction/matter_report.asp?matter=992719&file=false&fileAnalysis=false&yearFolder=Y1999
07/22/2003	RFP for the MIA airport hotel redevelopment	Adopted via Resolution No. 848-03.	Commissioner Morales had concerns about labor peace agreements and recommended that the MDAD base its selection based on job creation and economic development. Commissioner Martinez seconded this motion.	R-848-03

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07/17/2008	Public Private Investor Project EOI No. MDAD-07-06	Adopted via Resolution No. R-831-08. This resolution allows for the advertisement of a solicitation for expressions of interest from investors and developers for construction, renovation, and use of facilities in the four sites making up phase ii of the county's public private investor project for the airport system.	Commissioner Heyman stated that the developments in this proposed resolution would become site specific destinations that were unique and different from other hotels, and the County should consider earmarking these developments as a destination to deal with travelers and to take care of business on a short term basis.	R-831-08
05/17/2016	Expedited Airport Hotel Plan – requesting a report on the feasibility of such by the administration.	Adopted via Resolution No. R-412-16. OCA was unable to verify if the feasibility report was completed.	N/A	R-412-16
06/04/2019	MDAD's Capital Improvement Program with an estimated cost between 4 billion to 5 billion dollars.	The BCC adopted the proposed CIP plan.	Mr. Sola noted the timeframe for this project was between 5-15 years with a series of projects that could be completed quickly; the bonding capacity was based on maintaining cost low enough to continue business at MIA, therefore about \$1.5 billion had been captured in the five year forecast limiting any impact; however, eventually cost would increase. He recommended continual over-	191236

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			performance and determining ways to create additional capacity other than cargo but with non-aeronautical revenues such as hotels to cover expenses for improvements without impacting the budget for airlines	
04/20/2020	Discussion Item Regarding Developing A New Hotel at MIA	Pending CPC Meeting	N/A	200254

*Note there are prior legislative files concerning the hotel in MIA; however, said legislation consists of the operation of the existing hotel and not the development or construction of new hotel(s).

OCA conducted a search of the Bid Tracking System on April 16, 2020 pertaining to any procurement processes that may have been completed in the early part of the 2000's for a hotel. No such information was located.

The approved CIP Program from June 2019 outlines information about the construction of two new MIA hotels to supplement the existing hotel. The site for the first hotel is located directly east of the Dolphin Garage and across from the North Terminal. The second hotel will be situated on the existing short-term parking deck and former heliport, which is central to all terminals and serves as a transit core for passengers accessing the MIA mover and connects MIA to Metrorail, Tri-Rail, Metrobus and the Rental Car Center. Additionally, the second hotel is slated to have a business and conference center with exhibition space, premium meetings rooms and an auditorium.

The CIP program was silent on the estimated cost for the two hotels.

<http://intra/gia/legistarfiles/Matters/Y2019/191236.pdf>

MDAD Director Lester Sola informed the Tourism and Ports Committee on May 15, 2019 that the CIP Program's timetable spanned anywhere from five to 15 years for completion of all projects. At the committee meeting, Mr. Sola acknowledged that three hotels would be pursued, noting he was not sure if there was enough demand for three hotels at this time. The following are options for reconfiguration of the existing hotel once the other two hotels are constructed and operational:

Option 1 – Revamp the original hotel with modern rooms and amenities.

Option 2 – Re-configure the hotel rooms into office space.

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Both options listed would require that the other two hotels are built in order to perform needed construction at the existing hotel.

OCA also conducted research pertaining to recent related Board action involving MIA and the hotels. Pursuant to Ordinance 19-122, adopted on December 3, 2019, the Board created a new County Code section granting the Mayor and the MDAD director broad control of a multi-year plan for MIA's North, Central and South terminals, including the cargo facilities and two on-site hotels. That ordinance is codified at County Code Section 2-285.2, providing for the acceleration of MDAD Capital Improvement Projects and delegating to the County Mayor (or his designee) – without prior Board approval – the following:

- Advertise, award, amend and negotiate contracts for goods and services, including construction and professional services at County airports
- Extend contract duration
- Execute certain change orders
- Settle claims

In a mayoral memo to the Board, the justification for adoption of this ordinance was to expedite the construction of all projects related to MDAD's Capital Improvement Program (CIP). The improvements, according to the memo, would benefit residents and local businesses, either directly or indirectly, as well as travelers. The memo noted that adoption of the ordinance posed no negative financial impacts to the community because the funding for CIP projects is proprietary and stem from airport revenues, thereby not affecting County residents.

During the December 3, 2019 BCC meeting, several Board members – including Chairwoman Audrey Edmonson – expressed reservations about designating one person (the airport director) to having so much power over MIA, one of the County's regional assets and among the largest in the country.

DEPARTMENTAL INPUT

OCA contacted MDAD on April 16, 2020 to verify if any other efforts had been exercised historically besides the efforts listed in the table above related to a new hotel development at MIA. MDAD provided the following information:

History

- The Board approved Resolution No. R-831-08 authorizing MDAD to engage in a three-step process.
- The first step involved MDAD's issuance of a request for an Expression of Interest (EOI) from major developers throughout the world, requesting companies to identify their interest, their company's financial and operational ability to construct and manage the new facilities, and their plan for the development of all four parcels identified by MDAD.
- The second step involved MDAD's determination, from the EOIs submitted by companies, of the companies with whom MDAD would continue discussions of a Development Lease Agreement. This step was accomplished through MDAD's issuance of a Request for Prospectus Submission (RFPS) that allowed the companies selected by MDAD from the EOIs to further define their proposed project and present their plans to a selection committee

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through written and oral submissions. The selection committee under the RFPS ranked the companies in the order of acceptability.

- The third step then shifted to a negotiation process between MDAD and Odebrecht, the highest-ranked company, resulting in the removal of the 1D development parcel, the existing Miami International Airport Hotel, from the process, and leading to four negotiated Development Lease Agreements for the three development parcels (with Parcel 1 having one development site designated as Parcel 1A and a second development site designated as Parcel 1A Expansion).

The Procurement Process timeline is as follows:

Timeline Airport City Project

<u>2008:</u>	03/25/08	MDAD holds industry meeting to outline project and obtain feedback.
	08/05/08	MDAD issues EOI in the PPIP. Requesting response from interested firms.
	09/10/08	MDAD hosts PPIP Preproposal conference; EOI/RFPS process outlined.
	10/15/08	EOI due; 5 proposers submit EOI to MDAD.
	11/18/08	Second notification sent to responding proposers of shortlisting.
	12/03/08	MDAD meets to review submittals; all five teams are shortlisted.
	12/05/08	MDAD announces shortlist and notifies proposers that a full prospectus will be required per forthcoming RFPs.
	12/19/08	MDAD issues RFPs.
	<u>2009:</u>	
	02/19/09	Proposer OHLS.A. officially withdraws.
	03/10/09	MDAD issues letter to the 4 remaining proposers to reaffirm commitment, Related Group withdrawals.
	03/17/09	New England Development withdraws. Odebrecht and Zyscovich reaffirm.
	06/19/09	2 proposers, Megalodon Development and Odebrecht submit technical & price.
	08/28/09	MDAD reviews technical and price prospectus submitted.
	09/16/09	MDAD requests additional written information from proposers.
	10/07/09	Proposers submit written responses to MDAD's request for additional information.
	11/13/09	Proposals give oral presentations to MDAD in a public meeting.
	12/16/09	Proposals provide a second oral presentation to MDAD in a public meeting. MDAD scores and ranks proposers and selects Odebrecht to begin negotiations on a development lease agreement.
<u>2010/11:</u>	02/16/10	County Manager issues authorization to MDAD to start negotiations with Odebrecht.
	04/2010	First Negotiation meeting.
	04/10 to 12/11	Negotiation period – 13 negotiation meetings took place.
<u>2012:</u>	01/12	MDAD and Odebrecht agree to proposed final ground lease language for each parcel. Ground lease agreements are submitted to the Federal Aviation Administration for review.
	11/12	Focused Environmental Assessment submitted to the FAA.
	12/12	MDAD and Odebrecht agree to final exhibits to Ground Lease Agreements; exhibits submitted to the FAA for review.
<u>2013/14:</u>	01/13	MDAD received letter from FAA with no objection to the lease agreement.
	03/13	MDAD anticipates receiving final Findings of No Significant Impacts (FONS) from

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03/13	FAA. New Airport Director and Mayor begin comprehensive review/negotiations of ground lease agreement.
03/13	United States District Court enjoined the state from enforcing the Cuba Amendment (HB959). The Court, upon a suite by Odebrecht against the FDOT, found that the Cuba Amendment was preempted by Federal Law and was in conflict with the Federal Government's sovereign power to set foreign policy. That injunction was appealed to the 11 th Circuit Court of Appeals. Note this suit is related to the developer (Odebrecht)

ADDITIONAL INFORMATION

MIA has had one hotel of approximately seven floors on its premises since 1959; it was last renovated in 2008.

<https://www.travelweekly.com/Hotels/Miami/Miami-International-Airport-Hotel-p3794996>

MIA welcomed 46 million passengers in 2019 and is responsible for generating \$33.7 billion annually. On a regular basis, MIA welcomes 70% of international visitors to Florida.

<https://www.miamidade.gov/chambergazette/winter2020/mia-keeps-growing.page>

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**Item No. 2L
File No. 200660**

Researchers: JFP & VW Reviewer: PGE

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE AND SUBMIT A REPORT THAT ANALYZES CERTAIN RACE, ETHNICITY, AND OTHER DEMOGRAPHIC DATA PERTAINING TO THE NUMBER OF INDIVIDUALS IN MIAMI-DADE COUNTY WHO HAVE TESTED POSITIVE FOR CORONAVIRUS DISEASE 2019 (COVID-19)

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

Department/Requester: None

ANALYSIS

OCA researched COVID-19 demographic data as provided by the states' Department of Health in various jurisdictions and produced a comparison with population, race and ethnicity demographic data obtained from the U.S. Census Bureau. Few U.S. jurisdictions have captured race and ethnicity demographic data publicly available, and those that do often present data in a manner which is not suited for comparison with the U.S. Census population demographic data. The jurisdictions included in the tables below collected and presented data with Hispanic separately delineated as an ethnicity, so as to not be conflated with the race category and doubly counted.

It should be noted that the vast majority of cases are reported by labs, and race and ethnicity information is often missing because it is not received on the test requisitions from providers. As such, race and ethnicity demographic data is not inclusive of all COVID-19 cases in each jurisdiction. Florida's Department of Health COVID-19 dashboard currently only provides race and ethnicity demographics data by County—it does not yet capture statewide race and ethnicity demographic data and is thus not presented in the below table. Miami-Dade County data, however, is included.

Of the six jurisdictions surveyed, the District of Columbia showed a disproportionate number of Hispanics having contracted COVID-19 relative to the population. All the jurisdictions surveyed depicted a disproportionate number of Black or African American COVID-19 patients relative to the population. Most notably, 65% of Louisiana's residents who have contracted COVID-19 are Black or African American, while Blacks/African Americans only account for 32.7% of the state population.

The data in the subsequent tables is current as of April 16, 2020.

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Researchers: JFP & VW Reviewer: PGE

Race Demographics of COVID-19 Cases by Jurisdiction

	White/Caucasian		Black/African American		Other*		Number of COVID-19 Cases with no Race Demographic Data
	Number and % of COVID-19 Cases	% of Population	Number and % of COVID-19 Cases	% of Population	Number and % of COVID-19 Cases	% of Population	
Miami-Dade County, FL	3,648 (73%)	78.8%	1,010 (20%)	17.9%	337 (7%)	3.3%	3,247
District of Columbia	439 (23%)	45.6%	1089 (57%)	46.4%	387 (20%)	8%	431
Georgia	3,158 (40%)	60.5%	4,339 (55%)	32.4%	407 (5%)	7.1%	8,464
Louisiana	6,814 (33.2%)	62.9%	13,359 (65%)	32.7%	374 (1.8%)	4.4%	1,985
Michigan	8,194 (39.4)	79.3%	9,657 (46.5%)	14.1%	2,926 (14.1)	6.6%	8,486
North Carolina	1,598 (38.2%)	70.6%	2,324 (55.6%)	22.2%	261 (6.2%)	7.2%	1282

**Includes Asian, Native American/Alaska Native, Native Hawaiian/Pacific Islander*

Ethnicity Demographics of COVID-19 Cases by Jurisdiction

	Hispanic		Non-Hispanic		Number of COVID-19 Cases with no Ethnicity Demographic Data
	Number and % of COVID-19 Cases	% of Population	Number and % of COVID-19 Cases	% of Population	
Miami-Dade County, FL	3,420 (69.7%)	69.1%	1,484 (30.3%)	30.9%	3,346
District of Columbia	361 (20%)	11.3%	1,445 (80%)	88.7%	544
Georgia	712 (9.9%)	9.8%	6,471 (90.1%)	90.2%	9,185
Louisiana	241 (1.4%)	5.2%	16,516 (98.6%)	94.8%	5,775
Michigan	525 (3.2%)	5.2%	15,802 (96.8%)	94.8%	12,876
North Carolina	325 (9.2%)	9.6%	3,195 (90.8%)	90.4%	1,945

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**Item No. 3A
File No. 200322**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CDM SMITH INC.; FOR STORMWATER MASTER PLAN, CONTRACT NO. E18-MDAD-03 IN AN AMOUNT NOT TO EXCEED \$3,308,250.00 FOR A TERM OF FOUR YEARS WITH TWO ONE-YEAR OPTIONS TO EXTEND; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE EXTENSION AND TERMINATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a Professional Services Agreement (PSA) with CDM Smith Inc. for update and maintenance of the Miami-Dade Aviation Department (MDAD)'s Stormwater Master Plan, *Contract No. E18-MDAD-03*, in an amount of up to \$3,308,250 for a term of four years with two, one-year options to extend.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Aviation Department

This item was scheduled to be heard at the March 11, 2020 Tourism and the Ports Committee, which was rescheduled to March 16, 2020 and subsequently cancelled.

ANALYSIS

The purpose of this item is to establish a PSA with the engineering and construction firm, CDM Smith Inc., to provide architectural and engineering services related to updating MDAD's Stormwater Master Plan (Plan). The Plan is used to guide upgrades to and the operation and maintenance of stormwater infrastructure throughout the County's airport system.

The contract amount of \$3,308,250 includes a \$300,000 (10%) contingency allowance and an \$8,250 IG Fee. The funding source for the PSA is the Aviation Operating Fund as set forth in the Proposed Budget and Multi-Year Capital Plan FY 19-20. In furtherance of updating and maintaining the drainage master plans for MDAD facilities, the project scope includes:

- Collecting and reviewing as-built data;
- Field verification of as-built conditions;
- Updating the stormwater utility atlas for each County airport;
- Updating the existing modeling scenarios and re-establishing future modeling scenarios;
- Updating the master plan document;
- Reviewing and updating the MDAD's design guidelines and technical specifications;
- Planning and design services to include administration, programming, modeling, investigations, analysis, evaluation, reports, inspections, calculations, review, surveying, testing, and training;
- Providing the necessary support to operate, maintain, monitor, and upgrade MDAD's utility infrastructure to all MDAD operated airports;
- Providing environmental services related to site assessment, remediation, excavation and source removal, sampling, audits, recycling program, emergency response, and ISO 14001 Environmental Management System—a framework to manage the immediate and long-term environmental impacts of an organization's processes;

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- Providing design criteria professional and/or construction inspection services for design build stormwater projects;
- Providing services for projects involving all civil disciplines, structural, electrical, maintenance of traffic, safety plans, environmental, including removal and disposal of contaminated soils/water, asbestos abatement, erosion control, Stormwater Pollution Prevention Plan provisions, and preliminary applications for the dewatering permits, regulatory compliance, lighting, communications, as well as other related facilities and appurtenances of MDAD operated airports;
- Providing MDAD with the necessary support to meet regulatory compliance with federal, state, and local agencies, inclusive of responses to and conducting meetings with such agencies; and
- Assisting MDAD with environmental and permitting issues.

No services under the PSA shall be performed by the awardee prior to receipt of an appropriate Service Order specifying the scope of work, time of completion, deliverables and compensation. The PSA indicates that the fee for services to be provided under each service order will be either a fixed lump sum, or direct salaries subject to a multiplier, as mutually agreed to by MDAD and CDM Smith, Inc. The contract specifies a multiplier of 2.9—stipulating that compensation for all personnel, apart from principals which are calculated at a flat rate of \$200, will be subject to a multiple of 2.9 times direct salaries. Maximum rates of compensation based on profession are delineated in the contract.

A 10% SBE A/E goal (5% for Surveying and Mapping-Land Surveying and 5% for General Civil Engineering) and .75% SBE G/S goal (for Printing and Typesetting Services) applied to the solicitation. The minimum qualifications required the prime consultant to have experience in developing and maintaining stormwater master plans and associated computer modeling for large commercial airports and municipal stormwater management systems of equal size and complexity. The solicitation was advertised on April 8, 2019, yielding three respondents. The proposals were received on April 30, 2019. One firm, CRJ & Associates, Inc., was deemed non-responsive for failure to provide required documentation. The remaining two firms underwent evaluation by the Competitive Selection Committees, with scoring resulting in a tie. After undergoing a tie-breaking process and subsequent waiver of the Second-Tier proceedings, the final rankings were:

- 1) CDM Smith Inc. – 275 points
- 2) ADA Engineering, Inc. – 266 points

CDM Smith Inc., being the highest-ranked firm, is being recommended for award. The contract measures were achieved at award. The 10% SBE A/E Goal was achieved at 22.25 percent (\$667,500) and the SBE G/S goal was achieved at .75% (\$22,500).

Pursuant to Resolution No. R-421-16, OCA conducted a performance record verification in the Capital Improvements Information System (CIIS) on April 14, 2020 with the following findings:

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Researcher: JFP Reviewer: PGE

Awarded Firm	Previous Agreements with the County in the Past Three Years	Total Value of County Contracts	No. of Evaluations	Average Evaluation Rating (out of a possible 4.0)
CDM Smith Inc.	4 (one PSA and three Equitable Distribution Program Agreements)	\$33,600,000; \$200,000 in change orders.	69	3.7

CDM Smith's average evaluation rating of 3.7 includes one evaluation of 2.6 dated May 30, 2017 for a PortMiami environmental services project (i.e., *Contract No. E11-SEA-01*) as well as an interim evaluation of 2.2 dated May 30, 2018 for design services for a Water and Sewer Department treatment plant project (i.e., *Contract No. E06-WASD-15*).

The department's due diligence determined that CDM Smith was party to a Department of Justice (DOJ) investigation of the firm's wholly owned subsidiary in India, CDM India, uncovering nefarious activities. The results of the investigation were that CDM employees had paid bribes to officials in India's state-owned highway management agency in order to receive contracts from the National Highway Authority of India. The bribes generally were 2-4% of the contract price and paid through fraudulent subcontractors who provided no actual services. CDM India's senior management were aware of the bribes for CDM Smith and CDM India contracts and approved or otherwise participated in these actions. CDM Smith Inc. self-reported the improper business activities to the DOJ after discovering accounting irregularities in CDM India's operations from 2011 to 2015.

CDM Smith, as the parent company, took immediate action in that it terminated the employees associated with the misconduct and expanded its Ethics and Compliance Program, appointing a Chief Compliance Officer who established an Integrity Compliance Program in accordance with DOJ guidelines. Additionally, CDM Smith disgorged to DOJ all profits it made from the illegal conduct, which amounted to \$4,037,138. The Department of Justice deemed CDM Smith's remediation efforts sufficient and subsequently closed the investigation, as conveyed by DOJ in a letter dated June 21, 2017.

OCA's due diligence on CDM Smith Inc. and its six subconsultants is detailed below.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
CDM Smith Inc.	Foreign Profit Corporation Active	Business Address: 800 Brickell Avenue, Suite 500 Miami, FL 33131	License Types: Architect Business; Geology Business; Registry	<i>Thuy Vy Nguyen, Individually and as Representative of the Estate of Beau Derek Sanders v. CDM Smith Inc.</i> (Case No. 202020236). Filed on March 30, 2020 in Harris County District Court. Allegations (Gross Negligence): Defendant

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Researcher: JFP Reviewer: PGE

	Principal Address: 75 State Street #701 Boston, MA 02109 Filed: April 23, 1974	Status: Paid and Current		failed to provide safe workplace and maintain an adequate system to alert workers of a chemical leak, proximately causing plaintiff's injuries which resulted in his death. Case Status: Pending; Complaint filed March 30, 2020. <i>Santa Clara Valley Water District v. CH2M Hill, Inc. et al</i> (Case No. 5:19-CV-08295). Filed on December 19, 2019 in U.S. District Court, Northern District of California (San Jose). Allegations (Negligence and Breach of Contract): Defendants breached their duty to plaintiff by failing to perform their professional services within the applicable standard of care, proceeding despite uncovered design errors, resulting in damage to plaintiff's property and other damages to plaintiff. Case Status: Pending; CDM Smith Inc. filed a crossclaim against CH2M Hill, Inc. and Santa Clara Valley Water District for breach of written contract, breach of oral contract, and equitable indemnity and contribution on March 6, 2020.
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Awarded Firm's Subconsultants/ Subcontractors	Contract Measures	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
300 Engineering Group, P.A.	SBE A/E Subconsultant (4.25%; \$127,500)	Florida Profit Corporation Active Principal Address:	Business Address: 3850 Bird Road Suite 601 Miami, FL 33146	License Type: Registry	No cases.

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Researcher: JFP Reviewer: PGE

		3850 Bird Road Suite 601 Miami, FL 33146 Filed: September 18, 2006	Status: Paid and Current		
BND Engineers, Inc.	SBE A/E Subconsultant: (8%; \$240,000)	Florida Profit Corporation Active Principal Address: 2100 Ponce de Leon Blvd., Suite 1270 Coral Gables, FL 33134 Filed: June 23, 1993	Business Address: 2100 Ponce de Leon Blvd., Suite 1270 Coral Gables, FL 33134 Status: Paid and Current	License Type: Registry	No relevant cases.
Hadonne Corp.	SBE A/E Subconsultant: (2%; \$60,000)	Florida Profit Corporation Active Principal Address: 1985 NW 88 Ct. Suite 101 Doral, FL 33172 Filed: April 5, 2001	Business Address: 1985 NW 88 Ct. Suite 101 Doral, FL 33172 Status: Paid and Current	License Type: Registry	No relevant cases.
Nova Consulting, Inc.	SBE A/E Subconsultant: (8%; \$240,000)	Florida Profit Corporation	Business Address:	License Type: Registry	No relevant cases.

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Researcher: JFP Reviewer: PGE

		Active Principal Address: 10486 NW 31 Terrace Doral, FL 33172 Filed: May 5, 1995	3850 Bird Rd., Suite 502 Miami, FL 33146 Status: Paid and Current		
Espirito Santo Graphics, Inc.	SBE G/S Subcontractor (.75%; \$22,500)	Florida Profit Corporation Active Principal Address: 275 University Drive Coral Gables, FL 33134 Filed: September 17, 2004	Business Address: 275 University Drive Coral Gables, FL 33134 Status: Paid and Current	No account on file	No relevant cases.
BCC Engineering, Inc (now BCC Engineering, LLC – effective May 8, 2019)	Other Subconsultant (No contract measures)	Florida Limited Liability Company Active Principal Address: 6401 SW 87 Avenue, Suite 200 Miami, FL 33173	Business Address: 7990 SW 117 th Ave., Suite 137 Miami, FL 33183	License Type: Registry	No relevant cases.

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Researcher: JFP Reviewer: PGE

Filed: May 8,
2019

ADDITIONAL INFORMATION

CDM Smith, Inc.

CDM Smith is a global privately owned engineering and construction firm providing client service and solutions in water, environment, transportation, energy and facilities.

<https://www.cdmsmith.com/en>

APPLICABLE LEGISLATION/POLICY

Section 287.055 of the Florida Statutes sets forth the Consultants' Competitive Negotiation Act, governing the processes for the acquisition of professional architectural, engineering, landscape architectural or surveying and mapping services.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/0287.html

Section 2-10.4 of the County Code governs the County's acquisition of professional architectural, engineering, landscape or land surveying mapping services.

[https://library.municode.com/fl/miami_-](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

[dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

Section 2-10.4.01 of the County Code sets forth the County's Small Business Enterprise Architecture and Engineering Program.

[https://library.municode.com/fl/miami_-](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

[dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

Section 2-8.1 of the County Code 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_-](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

[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)

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Researcher: JFP Reviewer: PGE

Implementing Order No. 3-32 sets forth procedures for the County's small business enterprise architecture and engineering program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-32.pdf>

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>

Implementing Order No. 8-8 sets forth the Sustainable Buildings Program, requiring the County to incorporate sustainable development building measures into the design, construction, renovation and maintenance of County-owned, County-financed and County-operated buildings.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO8-8.pdf>

Administrative Order No. 3-26 requires certain agreements for professional architectural and engineering services to include value analysis.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-26.pdf>

Administrative Order No. 3-42 sets forth procedures for the evaluation and suspension of contractors and consultants.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-42.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>

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

Resolution No. R-421-16, adopted by the Board on May 17, 2016, requires the County Mayor or the County Mayor's designee 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.

<http://intra/gia/matter.asp?matter=160124&file=true&yearFolder=Y2016>

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

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

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Ordinance 14-79, adopted September 23, 2014, set forth the requirement that in all agenda items related to planning, design and construction of county infrastructure a statement be included that the impact of sea level rise has been considered.

<http://www.miamidade.gov/govaction/matter.asp?matter=141211&file=true&fileAnalysis=false&yearFolder=Y2014>

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**Item No. 3D
File No. 200625**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING THE TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND TGC OAKLANE LLC, FOR THE PREMISES LOCATED AT 7845-7855 NW 148 STREET, MIAMI LAKES, FLORIDA TO BE UTILIZED BY THE MIAMI-DADE COUNTY DEPARTMENT OF CORRECTIONS AND REHABILITATION, WITH A TOTAL FISCAL IMPACT TO THE COUNTY ESTIMATED TO BE \$7,558,797.71 FOR A FIVE-YEAR TERM AND ONE FIVE-YEAR OPTION TO RENEW; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize the lease agreement between Miami-Dade County (Tenant) and TGC Oaklane LLC (Landlord) for the premises located at 7845-7855 NW 148 Street in an amount of \$7,558,797.71 for a five-year term with one, five-year option to renew for the Miami-Dade Corrections and Rehabilitation Department (MDCR).

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Esteban L. Bovo, Jr., representing Commission District 13
Department/Requester: Internal Services Department (ISD)**

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

ANALYSIS

The purpose of this item is for the County to establish a replacement lease agreement between Miami-Dade County (Tenant) and TGC Oaklane LLC (Landlord) for the premises located at 7845-7855 NW 148 Street in Miami Lakes. The County has been occupying these premises since July 1, 2008 pursuant to Resolution No. R-421-08. The original lease term was for five years with one, five-year option to renew and expired on June 30, 2018. The County has remained in occupancy as a holdover tenant under the holdover provision of the original lease requiring that the County pay 150% of the monthly rent.

OCA reached out to the MDCR on April 16, 2020 to ascertain whether the cost for this lease was originally budgeted for in the adopted fy19-fy20 budget. No response was received.

The lease is for an area comprised of 40,000 square feet of warehouse and office space together with a 100,000 square foot parking lot. MDCR's primary use of this facility is for inventory control and bulk management of supplies and personnel equipment. The facility will also serve to store uniforms and supplies utilized in the daily operations of the correctional facility. Figure 2 depicts the responsibilities of the County as tenant and of TGC Oaklane LLC as lessor.

Figure 2 Roles and Responsibilities

Lessor's Obligations	Lessees Obligation
All Structural Repairs of the Building	Establishing and paying Water Service
All structural repairs of the common areas	Establishing and paying Waste Disposal Service
All repairs of the Elevator system	Establishing and paying for Trash Disposal Service
All repairs of the exterior	Establishing and paying for Janitorial Service

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All repairs of the plumbing system	Establishing and paying for Electrical Service
All maintenance of the exterior electrical systems	Establishing and paying for Telephone Service
Maintenance of the Heating, Ventilation and Air Conditioning (HVAC) systems and filters.	

*The lessor and lessee will share the cost to replace the HVAC system in the event that it requires repair.

Figure 3 Illustrates an aerial shot of the premises located at 7845-7855 NW 148th Street Miami Lakes, FL



The mayoral memorandum advises that the need for this facility will no longer be necessary after the construction of the new detention facility replacing the Pretrial Detention Center, in Miami-Dade County (File No.200345) The new detention facility will be built with modern design elements and state-of-the-art security technology intended improve inmate housing conditions. Note the new detention facility has not yet been approved and is scheduled to come before the BCC on June 2, 2020.

Additional Information:

Below are the market rental price value comparables from the Mayors Memo:

4401 NW 167th Street, Miami Lakes, Florida - \$14.00 per square foot on an annual basis.

7730-7770 NW 72nd Avenue, Medley, Florida - \$13.00 per square foot on an annual basis.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 2-8.6.5, governs the purchase, sale and lease of real property.

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[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

Resolution No. R-333-15, adopted April 21, 2015, establishes County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-333-15.pdf>

Resolution No. R-421-08, adopted April 21, 2008, authorized the execution of a lease agreement at 7845-55 N.W. 148 street, Miami, with the Graham Companies, a Florida Corporation for a 5 year term with one, five-year option to renew in the amount of \$6,627,544.

<http://www.miamidade.gov/govaction/matter.asp?matter=080542&file=true&fileAnalysis=false&yearFolder=Y200>

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**Item No. 3G
File No. 200448**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-01071 TO OUTFRONT MEDIA GROUP, LLC. FOR PURCHASE OF BUS PASSENGER SHELTER PROGRAM FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS WITH AN ESTIMATED FISCAL IMPACT TO THE COUNTY IN AN AMOUNT OF \$9,491,920.00 FOR THE FIFTEEN-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN, 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 approve award of *Contract No. RFP-01071* to Outfront Media Group, LLC, for the purchase of a bus passenger shelter program with a fiscal impact of up to \$9,491,920 for a term of 15 years for the Department of Transportation and Public Works (DTPW).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

There is no procedural history for this item currently.

ANALYSIS

The purpose of this item is for the County to award a long-term replacement contract for its Bus Passenger Shelter Program. The recommended item awards *Contract No. RFP-01071* to Outfront Media Group, LLC (Outfront) for the vendor to administer the bus passenger shelter program, including installing new bus shelters and bicycle racks, for a 15-year term with a fiscal impact to the County of \$9,491,920. The current contract, *RFP-01071B*, was effective on November 1, 2019 and expires on May 31, 2020. The current contract was executed as a temporary measure for the continuation of bus passenger shelter program services while the procurement and award process for this item was being finalized.

Metrobus serves approximately 8,000 bus stops countywide. About 3,000 of the bus stops are in UMSA, and 1,047 of the bus stops in UMSA have a bus passenger shelter. The designs of the County's existing bus shelters are full-size model and slim-size model as follows:

DTPW owns and maintains 998 full-size shelters and 46 slim-size shelters throughout the County. The shelters require routine maintenance and repairs. The County intends to enhance the bus passenger and convenience experience by installing additional shelters in compliance with the Americans with Disabilities Act (ADA). Figure 1 below shows the number of bus shelters by model in UMSA and their advertising capacity.

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Figure 1

Bus Shelter Model		Total Bus Shelters	Total Number of Advertising Panels
Full-Size	Shelters with Advertising Box (2 sides)	850	1,700
	Shelters without Advertising Box (back panel available for advertising)	148	148*
Slim-Size	Back panel available for advertising	49	49*
TOTAL		1,047	1,897

*Figures marked with a * denotes subject to County approval. Bus shelter data provided by DTPW as of May 2018.*

Per the contract, the awardee shall perform ongoing cleaning, maintenance and repair of all existing bus shelters in Miami-Dade County. The contract's specific scope of work is bulleted below:

- Cleaning, maintaining and repairing of all existing bus shelters, enhanced full-size shelters and new bus shelters installed under this contract, as located in UMSA, to ensure that the bus shelters are in a safe, repaired, and operational conditions at all times with a safe and attractive appearance and with safe and proper illumination at night.
- Expanding the bus passenger shelter program through the design, manufacturing and installation, of an innovative, cost-effective, and aesthetically pleasing cantilever, bus shelter/bus stop protective roof structure model.
- Expanding the bus shelter program through the design, manufacturing, and retrofit of existing full-size shelters with partial coverage and all four walls when possible as directed by the County. Bus shelter design shall be for outdoor public spaces in tropical climate.
- Furnishing and installing bicycle racks with concrete pads at 200 bus shelter sites in UMSA. Each site/location consists of one concrete pad and four bicycle racks (total 800 racks).
- Creating a business plan for generation of revenue. This will be considered as the Contractor's sole compensation for performing the work.

The fiscal impact is \$9,491,920 for a 15-year term. The County's financial responsibility consists of paying \$12,705,720 to furnish and install new shelters and bicycle racks; nonetheless, of that amount, it is estimated the County will have a net gain of approximately \$3,213,800 in income from the Annual Participation Revenue provision of the contract. Notwithstanding, the fiscal impact may be greater than the \$9,491,920 should the projected income from the Annual Participation Revenue be lower than anticipated. The mayor's memo is silent on the revenue that has been generated under the current and prior long-term contracts. Figure 2 below shows the unit price schedule for the furnishing and installing of new shelters and bicycle racks.

Figure 2

Cost Per Unit to Furnish Bus Shelters and Bicycle Racks

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Item No.	Item Description (Price to Furnish)	Unit	Estimated Quantity	Unit Price	Total
1.1	Model 1 (Full Size w/ advertising panel)	EA	5	\$26,437	\$132,185
1.2	Model 2 (Full Size w/o Advertising Panel)	EA	5	\$23,937	\$119,685
1.3	Model 2 (Slim Size)	EA	10	\$18,104	\$181,040
1.4	Model 3 (Cantilever Bus Stop Protective Roof Structure)	EA	330	\$13,640	\$4,501,200
1.5	Model 4 (Enhanced Full Size Model)	EA	10	\$29,066	\$290,660
1.6	Bicycle Rack	EA	800	\$124	\$99,200

Cost to Install New Bus Shelters

Item No.	Item Description (Price to Install)	Unit	Estimated Quantity	Unit Price	Total
2.1	Civil Work-Model 1 Full Size	EA	10	\$19,107	\$191,070
2.2	Civil Work-Model 2 Slim Size	EA	10	\$15,721	\$157,210
2.3	Civil Work-Model 3 Cantilever/Bus Stop Protective Roof Structure	EA	330	\$18,855	\$6,222,150
2.4	Civil Work-Model 4 (Enhanced Full Size Model)	EA	10	\$19,107	\$191,070
2.5	Civil Work- Bicycle Racks (whew concrete pad)	EA	150	\$3,975	\$596,250
2.6	Civil Work- Bicycle Racks (using existing concrete surface)	EA	50	\$480	\$24,000

TOTAL AMOUNT: \$12,705,720

The contractor shall pay the County an Annual Participation Revenue, as a percentage of gross advertising revenue for advertising on the bus shelters or a Minimum Annual Guarantee, whichever is greater, for each year of the agreement. Figure 3 below sets forth the revenue schedule under the contract.

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Figure 3

Term	Minimum Annual Guarantee (MAG)	Quarterly MAG Payment	% of Gross Revenue for Annual Participation Revenue	Project Gross Revenue	Projected Annual Participation Revenue (APR) Payment to the County
Year 1	\$100,000	\$25,000	5%	\$3,210,000	\$160,000
Year 2	\$102,000	\$25,500	5%	\$3,338,000	\$166,900
Year 3	\$104,000	\$26,000	5%	\$3,472,000	\$173,600
Year 4	\$106,000	\$26,500	5%	\$3,611,000	\$180,550
Year 5	\$108,000	\$27,000	5%	\$3,755,000	\$187,750
Year 6	\$110,000	\$27,500	5%	\$3,905,000	\$195,250
Year 7	\$112,000	\$28,000	5%	\$4,062,000	\$203,100
Year 8	\$114,000	\$28,500	5%	\$4,224,000	\$211,200
Year 9	\$116,000	\$29,000	5%	\$4,393,000	\$219,650
Year 10	\$118,000	\$29,500	5%	\$4,569,000	\$228,450
Year 11	\$120,000	\$30,000	5%	\$4,752,000	\$237,600
Year 12	\$122,000	\$30,500	5%	\$4,942,000	\$247,100
Year 13	\$124,000	\$31,000	5%	\$5,139,000	\$256,950
Year 14	\$126,000	\$31,500	5%	\$5,345,000	\$267,250
Year 15	\$128,000	\$32,000	5%	\$5,559,000	\$277,950
TOTAL	\$1,710,000	\$427,5000	TOTALS:	\$64,278,000	\$3,213,800

The Request for Proposals (RFP) for this award was advertised on December 21, 2018; the solicitation closed on March 29, 2019. Two proposals were received: one from Outfront and the other from Focus Media Group, LLC. However, the proposal from Focus Media Group, LLC was deemed non-responsive by the County Attorney's Office. The basis for a non-responsiveness determination is based on the submitted proposal, which outlined the establishment of a separate entity through Focus Media; as such, this could not be evaluated for qualifications and experience when the entity is not yet formed. The Competitive Selection Committee then completed its evaluation on the proposal submitted by Outfront and determined the vendor demonstrated the ability to provide the necessary services for the Bus Passenger Shelter Program. Among the factors taken into consideration: Outfront has previous advertising experience in metropolitan areas working with Atlanta's MARTA transit system, PalmTran in West Palm Beach, TARC in Louisville, SamTrans in San Mateo (California) and Golden Gate Transit in San Francisco. Moreover, Outfront is the incumbent vendor and has provided program services since 2014 per the item's Market Research.

The awardee is responsible for installing a number of full-size and slim-size bus shelters along with bicycle racks. Figure 4 below shows the existing units and total units to be furnished and installed by Bus Shelter Model/Bicycle Racks.

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Figure 4

Bus Shelter Model	Total Existing Units	Total Units to be Installed
Model 1 (Full-size)	998	10
Model 2 (Slim-Size)	49	10
Model 3 (Cantilever/Bus Stop Protective Roof Structure)	0	330
Model 4 (Enhanced Full-Size Model)	0	10
TOTAL	1,047	360
Concrete Pads with Four Bicycle Racks	0	200
TOTAL	0	200

The proposed contract between the County and the vendor also provides provisions restricting certain types of advertising from being displayed on bus shelters and bicycle racks. Those limitations include the following:

- ❖ No advertising shall include such words as “STOP,” “LOOK” or “DANGER”
- ❖ Cannot include material that is deemed immoral, lascivious or obscene as defined by Florida Statutes
- ❖ Will exclude businesses engaged in activities that require the exclusion of minors, as per Florida Statutes
- ❖ Tobacco or e-cigarette advertising shall not be allowed
- ❖ Political or political campaigns are not allowed
- ❖ The advertising of alcoholic beverages is permitted only with restrictions, in compliance with Florida Statutes.

OCA conducted a search for Commodity Codes 15576 (Shelters, Bus Waiting) and 91504 (Advertising Services, Outdoor Billboard) on the Business Management Workforce System’s Certified Vendor Directory on April 13, 2020. Listed below are the local SBEs identified.

- Bilmor with Advertising Specialties, Inc. Miami, FL SBE-G&S
- Impacten Communications, LLC, dba Impacten Media Miami, FL SBE-G&S
- Lex Promotions & Marketing Group LLC North Miami, FL SBE-G&S
- Stinghouse Advertising, LLC Miami Beach, FL SBE-G&S
- The M Network, Inc. Miami, FL SBE-G&S

Whether these vendors have the capacity to participate in any aspect of the contract’s scope of services is beyond the scope of this research note. None of the vendors listed above submitted proposals for the subject RFP.

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OCA performed due diligence on the awarded vendor, Outfront Media Group, LLC on April 14, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Outfront Media Group, LLC	Foreign Limited Liability Company Active Principal Address: 405 Lexington Ave. New York, NY Filed: February 25, 2014	Business Address: 8530 NW 23 St. Doral, FL 33172 Paid and Current	No account on file	No relevant cases found.

ADDITIONAL INFORMATION

Based on information found on Outfront Media Group, LLC's website, the company has worked on programs in Washington D.C., Atlanta, Detroit and Miami, offering bus advertising services in urban areas.

<https://www.outfrontmedia.com/>

The illustration below is from Outfront Media Group LLC's website, depicting a moving billboard on a transit bus, as an example of the type of the work the company performs.



APPLICABLE LEGISLATION/POLICY

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Section 2-11.16 of the Code of Miami-Dade County (County Construction Contracts) In addition to the other elements of the term "responsible bidder" in law or in the discretion of the Board of Commissioners of Miami-Dade County, as applies to competitively bid County contracts in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration, and/or repair, including painting or decorating, of public buildings or public works, shall mean a bidder who provides documented proof in its bid that the various classes of laborers and mechanics will be paid no less than the specified overall hourly rates as set forth in the contract specifications. All leases and contracts entered into after the effective date of this ordinance which provide for privately funded construction, alteration or repair of buildings or improvements located on County-owned land shall require laborers and mechanics performing such work be paid no less than the overall hourly rates required on competitively bid County construction contracts under this Section unless specifically exempted below. Fees for monitoring compliance with this Section shall be charged as provided in the most current County-wide Budget as follows: for County construction contracts, the Small Business Development shall charge the using department therefor; for leases and contracts which provide for privately funded construction, alteration or repair of buildings or improvements on County owned land, the party contracting with the County shall be charged therefor. (b) The specifications for each competitively bid County contract in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration and/or repair, including painting or decorating, of public buildings or public works shall specify an initial overall per hour rate to be paid to each craft or type of employee necessary to perform the contract work as listed in local area nondiscriminatory negotiated contracts (hereinafter referred to for purposes of this subsection (b) as "negotiated contracts") between organizations which represent employees and contractors. In ascertaining the initial overall per hour rate to be paid, the minimum standard shall be the combined overall dollar value on an hourly basis of the wages (paid as set forth below) and of the hospitalization, medical, pension and life insurance benefits (paid as set forth below) for such craft or type of employee under negotiated contracts in effect as of January 1st of the calendar year in which said proposal bid is expected to be advertised, or, in the case of a lease or contract providing for privately funded construction on County-owned land subject to this Section, under the negotiated contracts in effect as of January 1st of the calendar year in which said proposed lease or contract is expected to be executed. Thereafter, the specifications shall provide that the overall per hour rate to be paid for work performed under the contract during each subsequent calendar year shall be the overall per hour rate in effect as of January 1st, of the year in which the work is performed. If a particular craft or type of employee is not listed in such negotiated contracts, in ascertaining the initial overall per hour rate to be paid those employees, the minimum standard shall be the combined overall dollar value on an hourly basis of the "basic hourly rate of pay" (as defined in 29 CFR 5.24) (paid as set forth below) and of the fringe benefits payments (paid as set forth below) for hospitalization, medical pension and life insurance benefits for such craft or type of employee under the Secretary of Labor's wage determination (made pursuant to the provisions of the Davis-Bacon Act) in effect for Miami-Dade County, Florida, as of the end of the calendar year in which the proposed bid is expected to be advertised. The foregoing and the provisions of Section 2-11.16(e) notwithstanding, where not otherwise precluded by state or federal law, the overall per hour rate shall be the higher rate under this Section 2-11.16 or the rate of wages to be paid under the requirements of the Davis-Bacon Act; provided, further, that the overall per hour rate shall not be the higher rate if the federal government requires the County as a condition of receiving federal funds for a project to pay no more than the wages as determined by the U.S. Department of Labor under the Davis-Bacon Act on project contracts.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO

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)

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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

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>

Section 29-124(f) of the Miami-Dade County Code, Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust. The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects (including operation and maintenance thereof) set forth in Exhibit 1 to this article (including those projects referenced in the ballot question presented to the electors to approve this levy) and the adopted Five Year Implementation Plan, subject to any amendments thereto made in accordance with the Transportation Planning Organization ("TPO") process or made in accordance with the procedures specified in subsection (d) of this section. Expenditure of surtax proceeds for contracts procured by or on behalf of Miami-Dade Transit or for transit-related procurements shall be subject to the following limitations: 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. (ii) Where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars (\$1,000,000.00) 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 majority vote. 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. (iii) Where no surtax proceeds are used to fund a contract eligible for award under the County Mayor's delegated authority and where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at one million dollars (\$1,000,000.00) or less, the Trust shall be provided with a Semi-Annual Report detailing all such contract awards. If the Trust takes exception with a contract award the County Mayor or County Mayor's designee will

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provide the Trust with any additional information necessary to resolve any outstanding issue and, if necessary and appropriate, work in collaboration with the Trust to take any corrective action that may be available. (iv) The Trust shall, in consultation with the County Mayor or County Mayor's designee, schedule Trust meetings monthly so as to ensure that a Trust recommendation is provided to the Commission with the Commission's agenda package.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

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

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

Resolution No. R-477-18, adopted on 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 1011-15, adopted November 3, 2015, directs the County Mayor or designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution No. R-187-12, adopted by the Board on 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-716-12, adopted by the Board on 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>

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**Item No. 3H
File No. 200544**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01316 GROUP 1 FOR THE PURCHASE OF ORIGINAL EQUIPMENT MANUFACTURER, ORIGINAL EQUIPMENT SUPPLIER, AND AFTERMARKET PARTS, AND ESTABLISHING AN OPEN PREQUALIFICATION POOL FOR GROUPS 2 AND 3 OF CONTRACT NO. FB-01316 FOR THE PURCHASE OF ORIGINAL EQUIPMENT MANUFACTURER, ORIGINAL EQUIPMENT SUPPLIER AND AFTERMARKET PARTS, AND ORIGINAL EQUIPMENT MANUFACTURER SERVICES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS FOR THE INITIAL TWO YEARS OF A FIVE-YEAR TERM FOR GROUP 1 AND FOR THE INITIAL ONE YEAR OF A FIVE-YEAR TERM FOR GROUPS 2 AND 3 IN AN AMOUNT NOT TO EXCEED \$19,595,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF AWARD FOR GROUP 1, 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 GROUPS 2 AND 3, 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 approve an award for *Contract No. FB-01316*, for the purchase of original equipment manufacturer, original equipment, supplier, and aftermarket parts, for Group 1 and establishing a prequalification pool for the purchase of original equipment manufacturer, original equipment, supplier, and aftermarket parts, for Group 2 and Group 3 in an amount not to exceed \$19,595,000 for the initial two-years of a five-year term for Group 1 and for the initial one-year of a five-year term for Group 2 and Group 3, for the Department of Transportation and Public Works (DTPW).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

There is no procedural history for this item.

ANALYSIS

The purpose of this item is to establish a long-term contract for DTPW to acquire original equipment manufacturer, original equipment, supplier, and aftermarket parts to satisfy its operational requirements for bus parts and services. The contract value is not to exceed \$19,595,000 for the initial two-years out of a five-year term for Group No. 1 and for the initial one-year out of a five-year term for Group No. 2 and Group No. 3

The current pool, Pool No. 5745-2/14-2, is valued at \$187,354,810 for a seven-year and three-month term, which expires on June 30, 2020. Note that this pool had an initial term under Pool No. 5745-2/14 in the amount of \$49,207,850 and the first option to renew under Pool No. 5745-2/14-1 in the amount of \$49,207,850, making the life of the current contract eleven years. The estimated allocation under the replacement contract is \$120,000 according to the Bid Tracking System. That is \$67,000 decrease from the current option to new due to the purchase of new buses under warranty. The award is recommended for a hybrid contract utilizing a representative inventory basket of parts - for the 75 most often used parts as Group 1, with two pre-qualification groups for future purchases of parts and services as Groups 2 & 3, respectively. The inventory basket of parts will be awarded for two years, a year-to-year pricing basis

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with fixed prices.

The Fiscal impact for this procurement is \$19,595,000. The amount will be divided in the following manner, \$9595,00 for the initial two-years out of five-year term for Group No.1 and for the initial one-year out of five-year term \$5,000,000 Group No. 2 and \$5,000,000 Group No. 3. The total allocation for this procurement is \$120,000,000 according to the Bid Tracking System (BTS).

This procurement was conducted as a “formal bid” and pursuant to Resolution No. R-477-18, the lowest responsive and responsible bidders are recommended in accordance with the method of award who met the solicitation’s minimum requirements. The minimum requirements are as follows:

Group No.1 (Parts for DTPW): Bidders shall provide proof with their bid submittal that they are the OEM, OES, or Aftermarket manufacturers, or authorized resellers thereof. Proof of being a manufacturer may be in the form of a letter on company letterhead or other company documentation. Proof from Bidders who are authorized resellers may be in the form of a letter or other documentation from the manufacturer of the brand name(s) offered, clearly showing authorization from the manufacturer to the reseller by name, with the author’s contact information for verification purposes.

Group No.2 (Parts for other departments): Vendors shall provide proof that they are OEM, OES, or Aftermarket manufacturers, or authorized resellers of parts for transit buses listed in Section 3. Proof from manufacturers may be in the form of a letter on company letterhead or other company documentation. Proof from Bidders who are authorized resellers may be in the form of a letter or other documentation from the manufacturer of the brand name offered, clearly showing authorization from the manufacturer to the reseller by name, with the author’s contact information for verification purposes.

Group No.3 (Parts for other departments): Vendors shall provide proof they are the OEM capable of performing work, including work under warranty for transit buses listed in Section 3. Proof from OEMs may be in the form of a letter on company letterhead or other company documentation, or; Non-OEM Vendors may provide proof they are certified or accredited to perform services for transit buses listed in Section 3. Proof shall be from nationally or industry recognized organization related to the transit buses.

The solicitation was advertised on September 18, 2019, and the bids were open on October 16, 2019. Twenty-two bids were received. Of the twenty-two bids received fourteen are being recommended for award under Group No.1 and nineteen are being recommended for inclusion in the pool under Group No.2 and Group No.3. ISD procurement advertised this procurement on the County’s future solicitations webpage and conducted outreach to 5,651 vendors via BidSync of which 108 viewed the solicitation.

Although DTPW is the primary user of this contract note that other departments such as MDFR and MDAD have utilized the current pool contract 5745-2/14 to procure parts and services for other types of equipment such as cars, trucks, construction and industrial equipment, which are often built with parts from the same OES that manufacturer bus parts.

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Figure 1: OCA performed a due diligence analysis on the awarded firms on April 15, 2020

Vendor	Sunbiz	Tax Collector	West Law
B & G AUTO PARTS WAREHOUSE (Group 1 & 2)	Florida Profit Corporation Principal address: 2013 S.W. 1 Street, Miami, FL 33135 Date Filed: 10/19/2007	Business Address: 2013 SW 1 st Street, Miami, FL 33135 Current/Paid	No relevant cases
B&C TRUCK ELECTRIC SERVICE INC. (Group 2)	Florida Profit Corporation Principal address: 1120 E Highway 50 906 W Gore St. Orlando FL 32787 Date Filed: 11/04/1988	Nothing Found	No relevant cases
CENTRAL TURBOS CORP. (Group 1 & 2)	Florida Profit Corporation Principal address: 1951 N.W. 97 Avenue, Doral, FL 33172 Date Filed: 05/17/2012	Business Address: 1951 N.W. 97 Avenue, Doral, FL 33172 Current/Paid	No relevant cases
DARTCO TRANSMISSION SALES AND SERVICE, INC. (Group 1 & 2)	Foreign Profit Corporation Principal address: 4390 Long Road, Columbus, IN 47203 Date Filed: 03/05/2018	Nothing Found	No relevant cases
DISCOUNT DIESEL TRUCK PARTS INC. (Group 1, 2 & 3)	Florida Profit Corporation Principal address: 9907 N.W. 116 Way, Units 112-114, Medley, FL 33178 Date Filed: 11/10/2008	Multiple Accounts: Business Address: 9905/9907 N.W. 116 Way, Unit 105, Medley, FL 33178	No relevant cases
ECO-TECH FLEET SERVICES LLC. (Group 2)	Florida Limited Liability Company Principal address: 3601 N.W. 55 Street, Unit 106, Miami, FL 33142 Date Filed: 01/20/2015	Business Address: 3601 N.W. 55 Street, Unit 106, Miami, FL 33142	Corepointe Insurance Company Et Al vs. Eco-Tech Fleet Services, LLC, in the Eleventh Judicial Circuit Allegation: Tort/Negligence Case Status: Pending, Notice of Depositions 04/02/2020
FRASER TOOL & GAUGE LLC (Group 1 & 2)	Foreign Limited Liability Company Principal address: 1352 Harvard Road, Gross Pointe, MI 48230 Date Filed: 03/14/2018	Nothing Found	No relevant cases
GILLIG LLC (Group 2)	Foreign Limited Liability Company Principal address: 451 Discovery Drive, Livermore, CA 94551 Date Filed: 01/06/2017	Nothing Found	No relevant cases
J. DAVID WHITE ASSOCIATES INC. (Group 1 & 2)	Principal address: 43 Hull Street, Cohasset, MA	Nothing Found	No relevant cases

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Vendor	Sunbiz	Tax Collector	West Law
MOHAWK MFG & SUPPLY CO. (Group 1 & 2)	Foreign Profit Corporation Principal address: 7200 N. Oak Park Avenue, Nile, IL 60714 Date Filed: 06/01/2011	Nothing Found	No relevant cases
MUNCIE RECLAMATION AND SUPPLY DBA MUNCIE TRANSIT SUPPLY (Group 1 & 2)	Principal address: 3720 S. Madison Street, Muncie, IN	Nothing Found	No relevant cases
NATSCO TRANSIT SOLUTIONS, INC. (Group 2)	Principal address: 10024 Hillside Terrace, Marcy, NY	Nothing Found	No relevant cases
NEOPART TRANSIT LLC (Group 1 & 2)	Florida Limited Liability Company Principal address: 5 C Dutch Court, Reading ,PA 19608 Date Filed: 02/06/2018	Nothing Found	No relevant cases
RECHTIEN INTERNATIONAL TRUCKS INC. (Group 1 & 2)	Florida Profit Corporation Principal address: 7227 N.W. 74 Avenue, Miami, FL 33166 Date Filed: 12/08/1980	Business Address: 7227 N.W. 74 th Avenue, Miami, FL 33166 Current/Paid	No relevant cases
RELIABLE TRANSMISSION SERVICE INC. (Group 2 & 3)	Florida Profit Corporation Principal address: 6613 78 Street South, Riverview, FL 33578 Date Filed: 09/09/1983	Nothing Found	No relevant cases
THE AFTERMARKET PARTS COMPANY LLC (Group 1 & 2)	Foreign Limited Liability Company Principal address: 3229 Sawmill Parkway, Delaware, OH 43015 Date Filed 11/01/2013	Nothing Found	No relevant cases
TOTAL TRUCK PARTS INC (Group 1 & 2)	Florida Profit Corporation Principal address: 6545 Walls Road, West Palm Beach, FL 33413 Date Filed: 12/17/2001	Business Address: 7270 N.W. 43 Street, Miami, FL 33166 Current/Paid	No relevant cases
TRUCKPRO LLC (Group 1 & 2)	Foreign Limited Liability Company Principal address: 1900 Charles Bryan Road, Suite 100, Cordova, TN 38016 Date Filed: 12/28/2011	Nothing Found	No relevant cases
VEHICLE MAINTENANCE PROGRAM INC. (Group 1 & 2)	Florida Profit Corporation Principal address: 3595 N. Dixie Highway, Bay 7, Boca Raton, FL Date Filed: 06/01/1988	Nothing Found	No relevant cases

All vendors awarded Group 1 will be pre-qualified for Group 2. Groups 2 & 3 will remain open to allow additional vendors at any time upon meeting or exceeding minimum requirements.

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The county has had a long history of procuring original equipment manufacturer, original equipment, supplier, and aftermarket parts dating back to 2001. Figure 2 illustrates the chronology of these contracts and their respective values totaling \$444,065,320.71 not including the proposed approval.

Figure 2 History of the County's Parts and Services Contracts

#	<u>Contract #</u>	<u>Title</u>	<u>ITB#</u>	<u>Req#</u>	<u>Eff.Date</u>	<u>Exp.Date</u>	<u>Cur.Value</u>
1	5745-2/14	PARTS/SVCS FOR BUSES & SUPPORT EQUIPMENT-PREQUALIFICATION	0800424	PM0800146	04/01/2009	03/31/2011	\$49,207,850.00
2	5745-2/14-1	PARTS/SVCS FOR BUSES & SUPPORT EQUIPMENT-PREQUALIFICATION	0800424	PM0800146	04/01/2011	03/31/2013	\$49,207,850.00
3	5745-2/14-2	PARTS/SVCS FOR BUSES & SUPPORT EQUIPMENT-PREQUALIFICATION	0800424	PM0800146	04/01/2013	06/30/2020	\$187,354,810.71
4	5745-4/02-3	REPLACEMENT PARTS, SUPPLIES/REBUILT UNITS	9919106		10/01/2000	09/30/2001	\$9,502,350.00
5	5745-4/02-4	REPLACEMENT PARTS, REBUILT UNITS	9919106		10/01/2001	01/31/2003	\$13,029,960.00
6	5745-4/08	TRANSIT REVENUE VEHICLES REPAIR/PARTS SVC	0200704	MT0200110	02/01/2003	01/31/2004	\$16,649,500.00
7	5745-4/08-1	TRANSIT REVENUE VEHICLES REPAIR/PARTS SVC	0200704	MT0200110	02/01/2004	01/31/2005	\$16,649,500.00
8	5745-4/08-2	TRANSIT REVENUE VEHICLES REPAIR/PARTS SVC	0200704	MT0200110	02/01/2005	01/31/2006	\$19,649,500.00
9	5745-4/08-3	TRANSIT REVENUE VEHICLES REPAIR/PARTS SVC	0200704	MT0200110	02/01/2006	01/31/2007	\$26,109,500.00
10	5745-4/08-4	TRANSIT REVENUE VEHICLES REPAIR/PARTS SVC	0200704	MT0200110	02/01/2007	03/31/2009	\$56,704,500.00
Total							\$444,065,320.71

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OCA performed a search for commodity code 060 (**Automotive Maintenance Items and Repair/Rep.**) on the Business Management Workforce System's Certified Vendor Directory on April 15, 2020. Listed below are the local SBEs identified:

AmeTrade, Inc., DBA AmePower	Miami, FL	SBE-G&S
GENERATING SYSTEMS, INC.	Miami, FL	SBE-G&S
GRUPO INPOWER, LLC, DBA INPOWER	Miami, FL	SBE-G&S
KM PEDERSEN ENTERPRISES, INC., DBA HOMESTEAD TIRE & AUTO SERVICE CENTER	Homestead, FL	SBE-G&S
P. S. Systems, Inc.	Miami, FL	SBE-G&S
PER CAR INC., DBA NATIONAL SUNSHINE AUTO PARTS	Miami, FL	SBE-G&S
STEIN PAINT COMPANY	Miami, FL	SBE-G&S
THE TOOL PLACE CORP.	Miami, FL	SBE-G&S

*Note that none of the firms selected in the proposed contract are SBE's in the BMWS system. However, the pools for Group No.2 and Group No. 3 remain open to allow additional participation.

ADDITIONAL INFORMATION:

Pursuant to Resolution No. R-300-20 purchase of 140 CNG low floor 40-foot buses included maintenance plan according to DTPW that aligns with the statement in current item's language concerning the lower cost of this contract due to the purchase of new buses under warranty.

<http://intra/gia/matter.asp?matter=200176&file=true&yearFolder=Y2020>

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code, (Contracts and Purchases Generally), Requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved; establishes requirements for legacy purchases, designated purchases, and single vehicle leases; 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. 187-12, adopted February 21, 2012, directs the mayor to include due diligence information in memoranda recommending certain contract awards.

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

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Resolution No. 806-14, adopted September 16, 2014, authorized additional expenditure authority in a total amount up to \$133,936,000.00 for prequalification pool contracts to purchase air compressors, parts and accessories.

<http://www.miamidade.gov/govaction/matter.asp?matter=141812&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. 140-15, adopted February 3, 2015, directs the mayor or designee to conduct a full review, prior to the re-procurement of replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current need of the County, to include information recommendations to the Board.

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

Resolution No. 1011-15, adopted November 3, 2015, directs the mayor or his designee to require that vendors provide addresses of all local branch offices and headquarters and the number of percentage of local residents such as vendors employ.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution No. R-718-17, adopted July 6, 2017, directs the mayor or his designee to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods or services and directing the county mayor or his designee on a quarterly basis to identify in writing to the commission auditor those contracts that prequalification pools that are set to expire no later than 18 months prior to expiration.

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

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

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

Implementing Order 2-13, (Guidelines and Procedures Regarding Legal Opinions with Respect to County Competitive Processes), Authorizes the County Mayor or designee to issue a written request for a Responsiveness Opinion when an issue of responsiveness is identified in response to a solicitation that will affect the ultimate award of the solicitation. Requires responsiveness opinions to be presented to the Board with agenda item.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-13.pdf>

Implementing Order 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>

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Item No. 31
File No. 200563

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01180 FOR GROUPS 1,3,5,6,7,9,10,11,13,14 AND 15 FOR THE PURCHASE OF HAZARDOUS AND NON-HAZARDOUS WASTE SERVICES TO TRIUMVIRATE ENVIRONMENTAL SERVICES, INC., US ECOLOGY TAMPA, INC., AND WORLD PETROLEUM CORP. FOR MULTIPLE DEPARTMENTS WITH AN AMOUNT NOT TO EXCEED \$4,043,880.00, FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, 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

ISSUE/REQUESTED ACTION

Whether the Board should approve the award of *Contract No. FB-01180, Hazardous and Non-Hazardous Waste Services*, for use by multiple County departments in the amount of up to \$4,043,880 for a term of five years.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

The item has no procedural history.

ANALYSIS

The purpose of this item is to establish a replacement contract for the purchase of recycling and disposal services for hazardous and non-hazardous materials. The recommended awardees for various groups are Triumvirate Environmental Services, Inc., US Ecology Tampa, Inc., and World Petroleum Corp. The total allocation for the five-year term is \$4,043,880, with the largest allocations being for the Department of Transportation and Public Works (\$1,364,298) and the Department of Solid Waste Management (\$1,091,438). Ten other County departments also have allocations for purchases under the contract, detailed as follows: Internal Services (\$477,504); Water and Sewer (\$301,952); Regulatory and Economic Resources (\$254,442); Aviation (\$170,537); Medical Examiner (\$170,537); Parks, Recreation and Open Spaces (\$64,122); Fire Rescue (\$51,161); Police (\$51,161); PortMiami (\$34,107); and Corrections and Rehabilitation (\$12,620).

The solicitation calls for the bidder to furnish all labor, equipment, materials, transportation, and supervision necessary for the legal recycling or disposal of various types of hazardous and non-hazardous waste items for the following groups:

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File No. 200563

Researcher: JFP Reviewer: PGE

- | | |
|---|--|
| <ul style="list-style-type: none"> • Group 1: Waste Petroleum, Sludge, and Petroleum Absorbents • Group 2: Used Oil Filters • Group 3: Paint Wastes • Group 4: Drums and Pails • Group 5: Pesticides • Group 6: Used Antifreeze
 • Group 7: Photographic Chemical Waste
 • Group 8: Waste Batteries • Group 9: Characteristic Hazardous Wastes | <ul style="list-style-type: none"> • Group 10: Hazardous Lab Packs
 • Group 11: Compressed Gases • Group 12: Non-Hazardous Bulbs • Group 13: Ammunition (MDPD) • Group 14: Hazmat Emergency Response • Group 15: Oil/Water Separator Cleaning and Pressure Washing of Diesel/Petroleum Storage Tanks and Sheds at County Facilities • Group 16: Household Hazardous Waste Disposal Services • Group 17: Collection disposal of soil contaminated with hydrocarbon products like hydraulic oil, gasoline, diesel, etc. |
|---|--|

The current contract, 7224-1/19-1, established by Resolution No. R-804-13 on October 1, 2013 for a three-year term with one, three-year option to renew has a cumulative amount of \$10,198,031. The contract, which was effective on October 14, 2013 and expires on April 30, 2020, is currently in its last month of the option term. The cumulative value of the option term of the contract is currently \$5,285,031. However, as of April 16, 2020, the BPO shows that of the \$5,178,513.08 allocated to it, a total of \$3,713,523.36 has been released, leaving a balance of \$1,464,989.72. The replacement contract's allocation of \$4,043,880 is significantly lower than that of the current contract due to awards not being recommended for six groups. Groups 2, 4, 8, 12, 16 and 17 will be resolicited after revision of licensing requirements.

The current contract expires on April 30, 2020, after approval of two three-month administrative extensions. The original expiration date was October 13, 2019. Pursuant to Resolution No. R-718-17, the County is required to commence planning for re-procurement of contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration. Given the current pool's original expiration date, the County is required to have commenced planning for re-procurement no later than April 13, 2018.

This item necessitates approval by the Citizens' Independent Transportation Trust, as prescribed by County Code Section 29-124(f)(ii) due to its award value of over \$1,000,000. The item is on the April CITT agenda.

The solicitation was advertised on August 21, 2019. Six vendors responded by the Bid Open Date, September 18, 2019. The method of award under the replacement contract was to the lowest-priced responsive and responsible bidder by group in the aggregate. Of the six respondents, three are being recommended for award as two others were deemed non-responsible for collusive behavior. Additionally, one local, incumbent vendor, Environmental Management Conservation Oil Corp. (dba EMC Oil Corp.), submitted an offer to seven different groups that was higher than the lowest bid in those groups and is thus not being recommended for award. Of the three vendors being recommended for award, two vendors (Triumvirate Environmental Services, Inc. and World Petroleum Corp.) are incumbents. None of the vendors being recommended for award hold local addresses.

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Item No. 3I

File No. 200563

Researcher: JFP Reviewer: PGE

The department's justification for not procuring these services through local vendors, provided pursuant to Resolution No. R-477-18, is the determination made through market research that a limited number of vendors are capable of providing these highly regulated services.

OCA's due diligence on the vendors recommended for award is detailed below.

Awarded Firm	Awarded Group	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Triumvirate Environmental Services, Inc.	1, 9, 10 and 13	Florida Profit Corporation Active Principal Address: 3701 SW 47th Avenue, #109 Davie, FL 33314 Filed: January 18, 1985	No account on file.	License Type: Restricted Rx Drug Distributor-Destruction	No relevant cases.
US Ecology Tampa, Inc.	3, 5, 7 and 11	Foreign Profit Corporation Active Principal Address: 101 S. Capitol Blvd., Suite 1000 Boise, ID 83702 Filed: December 4, 2003	Doing Business in Miami-Dade County. Status: Paid and Current.	License Type: Restricted Rx Drug Distributor-Destruction	<i>Hill v. US Ecology Inc.</i> (Case No. 3:19-CV-00322). Filed on September 23, 2019 in U.S. District Court, Southern District of Ohio (Dayton). Allegations: Defendant harassed and discriminated against plaintiff based on race and religion and subjected plaintiff to disparate treatment, ultimately wrongfully terminating plaintiff's employment. Case Status: Open; Jury Trial set for December 7, 2020. <i>Taylor, Billie v. US Ecology Inc.</i> (Case No. 201945755). Filed on July

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					5, 2019 in Harris County District Court. Allegation: Defendant negligently operated the toxic waste disposal facility, knowingly violating state and federal regulations and unsafely exposing plaintiff's decedent, an employee working at US Ecology Inc.'s facility, to chemical substances, causing plaintiff's decedent's contraction of leukemia and subsequent death. Case Status: Trial on merits scheduled for December 7, 2020.
World Petroleum Corp.	6, 14 and 15	Florida Profit Corporation Active Principal Address: 4100 SW 47th Ave. DAVIE, FL 33314 Filed: June 7, 2002	No account on file.	License Type: Construction Business Information (Application in Progress)	No relevant cases.

An April 15, 2020 search on the Business Management Workforce System for the contract's Commodity Codes—40587 (Recycled Petroleum Products), 96240 (Hazardous Material Services), 96258 (Oil Removal Services, Used), and 96270 (Recycling Services)—yielded the following local certified Small Business Enterprise firm:

- Total Connection 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.

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[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIIICOR CH2AD ARTIINGE S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 29-124(f) of the Code of Miami-Dade County, (Citizens' Independent Transportation Trust (CITT)) 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=PTIIICOR CH29TA ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001 S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

Resolution No. R-804-13, adopted October 1, 2013, awards *Contract No. 7224-1/19-1* for the delivery of recycling and disposal of hazardous and non-hazardous waste services for various County departments at an amount of up to \$4,536,000 for the initial three-year term, with a cumulative value of \$8,447,000 if the County chooses to exercise the one, three-year option to renew.

<http://intra/gia/matter.asp?matter=131538&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-1011-15, adopted November 3, 2015, directs the mayor or his designee to require that vendors provide addresses of all local branch offices and headquarters and the number of percentage of local residents such as vendors employ.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution No. R-716-12, adopted September 4, 2012, requires identification of small business enterprise firms in any procurement item submitted for Board approval.

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

Resolution No. R-140-15, adopted February 3, 2015, directed the County Mayor to conduct a full review prior to the re-procurement of replacement contracts for goods and services of the scope of services or goods requested to ensure such contracts reflect the current needs of the County and include such information in recommendations to the Board.

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

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

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

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 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>

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**Item No. 3I
File No. 200563**

Researcher: JFP Reviewer: PGE

Implementing Order 3-38 sets forth the County's policies and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

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**Item No. 3J
File No. 200613**

Researcher: VW Reviewer: PGE

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF CONTRACT NO. BW-10058 FOR PURCHASE OF RABIES ORAL VACCINE PROGRAM TO BOEHRINGER INGELHEIM ANIMAL HEALTH USA, INC. IN AN AMOUNT NOT TO EXCEED \$1,536,000.00 FOR THE INITIAL TERM THROUGH DECEMBER 31, 2021 FOR THE ANIMAL SERVICES 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 approve, by a two-thirds vote of the members present, a designated purchase, *Contract No. BW-10058*, Rabies Oral Vaccine Program, to Boehringer Ingelheim Animal Health USA, Inc. ("Boehringer") in an amount not to exceed \$1,536,000 for the 20-month term for the Animal Services Department (ASD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

ANALYSIS

The purpose of this item is to establish a contract with Boehringer, enabling ASD to complete its three-year rabies oral vaccine baiting program with no interruption in service delivery. Per the mayoral memorandum, the item recommends a designated purchase as Boehringer is the sole source provider of Raboral V-RG, the vaccine approved by the U.S. Department of Agriculture for the treatment of rabies in raccoons and coyotes. The contract value is \$1,536,000 for the initial term (effective May 2020 based on the scheduled Board approval date of May 5, 2020) through December 31, 2021.

According to the WHO, Rabies is defined a viral zoonotic disease that causes progressive and fatal inflammation of the brain and spinal cord. The contract requires that public education efforts be conducted prior to distributing Raboral V-RG. Examples of such efforts are: newspaper articles, local television and/or radio reports and dissemination of brochures. When the vaccine is planted, informative signs shall be posted at the periphery of, and at strategic points within the distribution area, notifying visitors of the rabies control efforts and warning them not to disturb the vaccine-filled baits. The rabies vaccine bait packets are coated with fishmeal that is appetizing to the target wildlife. The baits are placed around areas such as dumpsters, lakes, and waterways throughout the County, hoping to immunize raccoons and coyotes that eat the bait, thereby reducing the risk of exposure to rabies to humans and domestic animals.

During calendar year 2018, 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 to commence in the summer of 2019. According to information found on the Bid Tracking System (BTS) on April 15, 2020, emergency purchase orders were made by ASD in the amount of \$350,000 on May 1, 2019 and in the amount of \$338,373 on August 14, 2019 for a total amount of \$688,373. On November 19, 2019, the Board ratified an emergency purchase in an amount of \$676,746 for ASD's Oral Vaccine Distribution Program under *Contract No. E-10013*. Note that the ratified value of \$676,746 differs from the purchase orders to Boehringer totaling \$688,373.

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Researcher: VW Reviewer: PGE

The ratified emergency contract, *Contract No. E-10013*, took effect on May 1, 2019 and is set to expire on April 30, 2020, indicating a contract duration of one year. Furthermore, the contract will expire prior to the May 5, 2020 scheduled approval of this item. The proposed contract, *BW-10058*, is to be valued at an amount of \$1,536,000 for the initial term, from May 2020 through December 31, 2021, a period of roughly one-year and eight months. According to details in the proposed replacement contract, the \$1,536,000 requested amount is due to 1,200,000 vaccines being requested at a unit price of \$1.28 per dose. The unit price shall remain firm and fixed for the term of the contract. The unit price under the emergency contract was \$1.23 per dose, which equates to roughly 550,200 vaccines. The following table compares the annual allocation between the two contracts:

Contract name	Annual Allocation
BW-10058	\$921,600
E-10013	\$676,746

The new contract has an annual allocation that is approximately 36% greater than the annual allocation of the previous contract.

The table below summarizes OCA's due diligence review of the recommended awardee on April 14, 2020.

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: November 27, 2018	Nothing found	License (Non- resident Prescription Drug Manufacturer) Location Status: Current/Active	No relevant cases found

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 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>

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Raboral V-RG is an oral rabies recombinant vaccine that protects raccoons and coyotes against rabies, thereby reducing the risk of exposure to rabies to humans and domestic animals. It is only sold to government agencies conducting rabies control programs. Raboral V-RG immunizes the raccoon or coyote during the eating process. While the raccoon or coyote eats the bait, the vaccine is exposed to the tissues inside the animal's mouth and the vaccine causes an immune response against rabies. After eating the vaccine, in approximately 10-14 days the raccoon or coyote will be protected against rabies, should it get exposed to a rabid animal.

<http://www.raboral.com/about-rabies/raboral-v-rg>

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.

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[dade county/codes/code of ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE](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](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>

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-718-17, adopted July 6, 2017, directs the county mayor to commence planning for re-procurement no later than eighteen months prior to the expiration of contracts and prequalification pools for purchases of goods or services and directs the county mayor on a quarterly basis to identify in writing to the commission auditor those contracts and prequalification pools that are set to expire no later than eighteen months prior to expiration.

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

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File No. 200613**

Researcher: VW 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 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>

Resolution No. R-515-19, adopted on May 7, 2019, changes the deadline to seek approval for award of successor contracts or extensions of existing contracts from thirty days to sixty days prior to expiration.

<http://intra/gia/matter.asp?matter=190943&file=true&yearFolder=Y2019>

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.

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/pdffiles/IO3-38.pdf>

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**Item No. 3K
File No. 200614**

Researcher: MF Reviewer: PGE

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF CONTRACT NO. BW-10067 FOR PURCHASE OF ACQUISITION OF LOST AND FOUND ITEMS AT MIAMI INTERNATIONAL AIRPORT TO GOODWILL INDUSTRIES OF SOUTH FLORIDA, INC. FOR A FIVE-YEAR TERM, WITH AN ESTIMATED TOTAL REVENUE TO BE GENERATED IN AN AMOUNT OF \$780,000.00; 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, by a two-thirds vote of the members present, award of a designated purchase, *Contract No. BW-10067*, Acquisition of Lost and Found Items at Miami International Airport (MIA), to Goodwill Industries of South Florida, Inc. in the amount of up to \$780,000 in revenue expected to be generated for a five-year term for the Miami-Dade Aviation Department (MDAD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

There is no procedural history for this item currently.

ANALYSIS

The purpose of this item is for MDAD to establish a long-term replacement revenue-generating contract for the acquisition of lost and found items at MIA. MDAD is recommending a designated purchase as the contracting method as competition for this service is not practicable as the awardee, Goodwill Industries, is the only vendor that meets the department's requirements, i.e., maintain 501(c)(3) charitable status with the IRS and State of Florida nonprofit corporation status. The contract also requires Goodwill to execute an Intent of Proceeds Affidavit, whereby the nonprofit certifies that all monetary proceeds from the sale of lost and found salvaged items will be used for charitable purposes within the boundaries of Miami-Dade County.

Under the contract, Goodwill Industries, on a monthly basis, shall collect and transport qualifying unclaimed items from MIA's Lost & Found facility, which have met established timeframes and have been examined and organized by MDAD into one Lost and Found lot. The lot shall be purchased by the awardee in its totality in "as is" condition at the agreed upon flat rate of \$13,000 a month with certain exclusions (e.g., firearms, explosives, prescription drugs, cash, securities and other monetary instruments). The contract will generate revenue to the County in the amount of \$780,000 for a five-year term.

Goodwill is the incumbent under the current contract, *RFP-MDAD-06-12*, which according to the mayoral memorandum generated revenue totaling \$909,090 for a seven-year and six-month term, expiring May 26, 2020. The expiration date reflects a six-month administrative extension, from the original expiration date of November 26, 2019. The monthly transaction fee under the current contract is \$10,101 whereas the fee under the proposed replacement contract is \$13,000, representing an increase of 28.7% percent. Note that the Non-Competitive Acquisition Form for

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File No. 200614**

Researcher: MF Reviewer: PGE

this item suggests that administrative costs such as staff, overtime, security, auctioneer, and equipment render performing this service in-house cost-prohibitive.

A Request for Information (RFI-01386) was issued through BidSync; a total of 24,750 vendors were invited to respond to the RFI. Of those, 71 vendors reviewed the RFI – *for which Miami-Dade Aviation seeks to enter a contract with a Not-For-Profit Organization charged with paying the County a monthly fee for unclaimed items from MIA*. According to the mayoral memorandum, competition for this specific service is not practicable because only Goodwill, the designated vendor, meets the criteria of being a nonprofit organization able to issue monthly payments of \$13,000 to the County. The item is silent on both the RFI procurement timeline and the names of the 71 vendors that reviewed the RFI through BidSync.

OCA conducted a search of the following Commodity Codes found on BTS: 530 (Luggage, Briefcases, Purses and Related Items), 998 (Sale of Surplus and Obsolete Items), and 99830 (Sale of Confiscate and Personal Merchandise). The codes were reviewed on the Business Management Workforce System's Certified Vendor Directory on April 14, 2020; listed below are the local SBEs identified.

- AmeTrade, Inc. dba AmePower Miami, FL SBE-G&S
- Carily of Miami Uniforms, Inc. Miami, FL SBE-G&S
- District Healthcare & Janitorial Supply, Inc. dba District Healthcare Medley, FL SBE-G&S
- Gail's Party Line, Inc. North Miami Beach, FL SBE-G&S
- Gateways Unlimited, Inc. Miami Beach, FL SBE-G&S
- Holsen, Inc. Miami, FL SBE-G&S
- IPA Corp. Cutler Bay, FL SBE-G&S
- Innovative Incentives, Inc. Miami, FL SBE-G&S
- iPhone and iPad Warehouse LLC, dba Phone and Pad Warehouse North Miami Beach, FL SBE-G&S
- Javan Lumber, Inc. North Miami Beach, FL SBE-G&S
- Marmich Air Conditioning, Inc. Hialeah, FL SBE-G&S
- Medical Equipment Solutions Corp. Miami, FL SBE-G&S
- Miami Breaker Inc. Miami, FL SBE-G&S
- Paramount Electric and Lighting, Inc. Miami, FL SBE-G&S
- Passage to India Miami, FL SBE-G&S
- Plan B Concepts, Inc. South Miami, FL SBE-G&S
- T-Shirts Plus Color, Inc. Miami, FL SBE-G&S
- The Tool Place Corp. Miami, FL SBE-G&S
- Total Connection Inc. Miami, FL SBE-G&S

Whether these vendors have the capacity to participate in any aspect of the contract's scope of services is beyond the scope of this research note. As per OCA's further review of the listed SBE's on April 16, 2020, none are categorized as either a 501(c)(3) or a State of Florida nonprofit business entity.

OCA performed due diligence on the awarded vendor, Goodwill Industries of South Florida, Inc., on April 13, 2020; below are the findings.

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Researcher: MF Reviewer: PGE

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw (Legal Cases)
Goodwill Industries of South Florida, Inc.	Florida Not for Profit Corporation Active Principal Address: 2121 NW 21 St. Miami, FL Filed: March 15, 1960	Business Address: 9302 NW 101ST ST Medley, FL Paid and Current	No account on file	No relevant litigation found.

ADDITIONAL INFORMATION

Based on information found on Goodwill Industries of South Florida, Inc.'s website, the nonprofit corporation provides job placement opportunities for individuals with physical and intellectual disabilities and other challenges.

<https://goodwillsouthflorida.org/>

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

Section 2-8.1(b)(3) of the Code of Miami-Dade County (Procedures for purchases when competitive procedures are not practicable) Notwithstanding the requirements of section 2-8.1(b)(1), formal sealed bids for purchase of goods or services shall not be required where such formal sealed bids would not be practicable as set forth herein. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) 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. Where appropriate in a Designated Purchase, the County shall pursue the maximum amount of competition available under the circumstances, which may include telephonic bids and informal price quotations. 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

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Researcher: MF Reviewer: PGE

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. A recommendation for award of a Designated Purchase shall not be subject to the protest procedures set forth in section 2-8.4. Nothing in this subsection is intended to affect or modify any federal or state requirements relating to competitive purchases.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.3PRPU](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.3PRPU)

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>

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

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

Resolution No. R-477-18, adopted on 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 1011-15, adopted November 3, 2015, directs the County Mayor or designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution No. R-187-12, adopted by the Board on 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-716-12, adopted by the Board on 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>

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**Item No. 3L
File No. 200615**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$2,100,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00578 FOR PURCHASE OF VARIOUS LABORATORY INSTRUMENTS FOR MULTIPLE DEPARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should authorize an additional expenditure authority in an amount up to \$2,100,000 for Pool No. RTQ-00578 for the purchase of laboratory instruments for multiple department.

PROCEDURAL HISTORY


Department/Requester: Internal Services Department (ISD)

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

ANALYSIS

The purpose of this item is to approve an additional expenditure authority in an amount up to \$2,100,000 for the purchase of various laboratory instruments such as volumetric dispensers, solvent evaporators, automated extraction systems, and high purity gas generators and regulators.

The fiscal impact to the County is \$2,100,000. Below is a chronology of Pool No. RTQ-00578:

Approval Path	Date	Type	Dollar Amount
Resolution No. R-34-18	January 23, 2018	Establishes the Pool	\$ 3,387,000
Total			\$ 3,387,000
File No. 200615	April 20, 2020	Proposed Additional Expenditure	\$ 2,100,000
Total			\$ 5,487,000  (62%)

The two departments requesting the additional expenditure are the Miami-Dade Medical Examiner's Office (ME) and the Miami-Dade Police Department (MDPD). The ME previously outsourced histopathology services. However, histopathology is now being done in house and the ME is requesting additional funds the construction of it histopathology laboratory. Similarly, the MDPD is requesting additional funds to acquire laboratory equipment for its Forensic Services Bureau.

OCA conducted a review of this contract on the Bid Tracking System's (BTS) Blanket Purchase Order tab on April 13, 2020. (See Below)

Department	Allocation Amount	Released Amount	Balance	Requested Amount	Justification
Miami-Dade Medical Examiner	\$ 950,000	\$ 788,072	\$ 161,928	\$ 1,200,000	Histopathology Laboratory
Miami-Dade Police Department	\$ 1,300,000	\$ 725,713	\$ 574,287	\$ 900,000	laboratory equipment and supplies for its Forensic Services Bureau (FSB) operations.
Miami-Dade Parks, Recreation and Open Spaces	\$ 50,000	\$ 476	\$ 49,524	\$ 0	N/A
Regulatory & Economic Resources	\$ 292,000	\$ 124,074	\$ 167,926	\$ 0	N.A

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Researcher: IL Reviewer: PGE

Miami-Dade Water and Sewer	\$ 795,000	\$ 361,509	\$ 433,491	\$ 0	N/A
Total	\$ 3,387,000	\$1,999,845	\$1,387,154	\$2,100,000	

Note that both departments requesting additional funds still had funds in their accounts as of April 14, 2020.

Currently, there are 22 prequalified vendors, of which none have a local address, and none are certified Small Business Enterprise in compliance with Resolution No. R-477-18 requiring more than 75% of vendors in a pool as local businesses. OCA conducted a due diligence analysis of the 22 prequalified vendors in BTS on April 13, 2020:

No.	Vendor Name	Sunbiz	DBPR	Tax Collector	West Law
1	<u>PEAK SCIENTIFIC INC</u>	Florida Profit Corporation Principal Address: 19 Sterling Rd. Suite 1, Billerica, Ma 01862 Date Filed: 07/09/2016	Nothing Found	Nothing Found	No relevant cases on file
2	<u>THERMO ENVIRONMENTAL INSTRUMENTS LLC</u>	Foreign Limited Liability Company Principal Address: 27 Forge Parkway, Franklin, MA 02038 Date Filed: 01/27/2017	Nothing Found	Nothing Found	No relevant cases on file
3	<u>PERKIN ELMER HEALTH SCIENCES INC</u>	Foreign Profit Corporation Principal Address: 940 Winter Street, Waltham, MA 02451 Date Filed: 03/23/2001	Nothing Found	Nothing Found	No relevant cases on file
4	<u>BIOTAGE LLC</u>	Registered in Virginia Limited Liability Company Principal Address 10430 Harris Oaks Blvd, Ste C., Charlotte, NC 28269 Date Filed: 10/17/2003	Nothing Found	Nothing Found	No relevant cases on file
5	<u>EDAX INC</u>	Foreign Profit Corporation Principal Address: 1100 Cassatt Road, Berwyn, PA 19312 Date Filed: 06/17/2008	Nothing Found	Nothing Found	No relevant cases on file
6	<u>FISHER SCIENTIFIC COMPANY LLC</u>	Foreign Limited Corporation Principal Address: 300 Industry Drive, Pittsburg, PA ,15275 Date Filed: 10/28/2007	Main Address: 300 Industry Drive, Pittsburg, PA ,15275 No Complaints	Nothing Found	No relevant cases on file
7	<u>CRAIC TECHNOLOGIES INC</u>	Registered in California Principal Address 9401 Wilshire Blvd #900, Beverly Hills Ca 90212 Date Filed: 09/07/2005	Nothing Found	Nothing Found	No relevant cases on file

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Researcher: IL Reviewer: PGE

No.	Vendor Name	Sunbiz	DBPR	Tax Collector	West Law
8	<u>LIFE TECHNOLOGIES CORPORATION</u>	Foreign Profit Corporation Principal Address: 5781 Van Allen Way, Carlsbad, CA 92008 Date Filed: 08/21/2009	Nothing Found	Nothing Found	No relevant cases on file
9	<u>BRUKER DALTONICS INC</u>	Foreign Profit Corporation Principal Address: 40 Manning Road, Billerica, MA 01821 Date Filed: 05/24/2019	Nothing Found	Nothing Found	No relevant cases on file
10	<u>BRUKER SCIENTIFIC LLC</u>	Foreign Limited Liability Company Principal Address: 40 Manning Road, Billerica, MA 01821 Date Filed: 05/24/2019	Nothing Found	Nothing Found	No relevant cases on file
11	<u>NEOGEN CORPORATION</u>	Foreign Profit Corporation Principal Address: 620 Leshar Place, Lansing, MI 48912 Date Filed: 09/26/2008	Main Address: 1847 Mercer Road, Suite A, Lexington, KY 40511	Nothing Found	No relevant cases on file
12	<u>LEEDS PRECISION INSTRUMENTS INC</u>	Registered in Minnesota Business Corporation Principal Address: 17300 Medina Road, Suite 600 Plymouth, Mn 55447 Date Filed: 06/30/1986	Nothing Found	Nothing Found	No relevant cases on file
13	<u>SHIMADZU SCIENTIFIC INSTRUMENTS INC</u>	Foreign Profit Corporation Principal Address: 7102 Riverwood Drive Columbia, MD 2104 Date Filed: 10/19//2006	Nothing Found	Nothing Found	Elicia Hand v. Shimadzu Scientific Instruments; Case No. 37-2019-00025904-CU-WT-NC; Allegation: Labor & Employment Wrongful Termination/Discharge: Status: Case is pending , last action Civil Case management conference.
14	<u>GOVERNMENT SCIENTIFIC SOURCE INC</u>	Registered in Virginia Stock Corporation Principal Address: 12351 Sunrise Valley Drive, Reston, VA, 20191 Date Filed: 12/19/1991	Nothing Found	Nothing Found	No relevant cases on file

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No.	Vendor Name	Sunbiz	DBPR	Tax Collector	West Law
15	<u>FOSTER & FREEMAN USA INC</u>	Foreign Profit Corporation Principal Address: 46030 Manekin Plaza, Suite 170 Sterling, VA 20166 Date Filed: 05/04/2004	Nothing Found	Nothing Found	No relevant cases on file
16	<u>MICRO OPTICS OF FLORIDA INC</u>	Florida Profit Corporation Principal Address: 2840 Scherer Dr. N, Office 400, St. Petersburg, FL 33716, Date Filed: 05/27/1981	Nothing Found	Nothing Found	No relevant cases on file
17	<u>JL OPTICAL INC</u>	Florida Profit Corporation Principal Address: 6618 S. Atlantic Ave. New Smyrna Beach, FL 32169 Date Filed: 12/27/1994	Nothing Found	Nothing Found	No relevant cases on file
18	<u>THOMAS SCIENTIFIC HOLDINGS LLC</u>	Registered in Delaware Limited Liability Corporation Principal Address: 251 Little Falls Drive, Wilmington, DE 19808 Date Filed: 08/07/2017	Nothing Found	Nothing Found	No relevant cases on file
19	<u>AGILENT TECHNOLOGIES INC</u>	Foreign Profit Corporation Principal Address: 5301 Stevens Creek Blvd. Santa Clara, CA 95051 Date Filed: 09/14/1999	Nothing Found	Main Address: 5301 Stevens Creek Blvd, M/S Tax Santa Clara, CA 95052	Case Name: Experience Infusion Centers v. Agilent Technologies, Inc. in the Southern District of Texas, Houston (Court of Appeals) Case No. 20-20004; Allegation: Violation of Labor and Employment Law E.R.I.S.A Status: Filed 01/07/2020 Pending Case Name: Angelina Longstreth v. Agilent Technologies Inc., in the Superior Court, Santa Barbara Case No. 19CV03853 Allegation: Wrongful Termination Status: Filed 07/24/2019, Active, Last action was a case management conference on November 25, 2019.

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File No. 200615**

Researcher: IL Reviewer: PGE

No.	Vendor Name	Sunbiz	DBPR	Tax Collector	West Law
20	<u>FEI COMPANY</u>	Registered in Massachusetts Foreign Corporation Principal Address: 5350 NE Dawson Creek Drive, Hillsboro, Oregon Date Filed: 07/30/2001	Nothing Found	Nothing Found	No relevant cases on file
21	<u>PASCO SCIENTIFIC A CALIFORNIA CORPORATION</u>	Registered in California Domestic Stock Principal Address: 10101 Foothills Blvd, Roseville, CA 95747	Nothing Found	Nothing Found	No relevant cases on file
22	<u>SIEMENS HEALTHCARE DIAGNOSTICS INC</u>	Foreign Profit Corporation Principal Address: 511 Benedict Avenue , Tarrytown, NY 10591 Date Filed: 03/17/2008	Nothing Found	Nothing Found	Veronica Graham v. Siemens Health Care Diagnostics, Inc. Et. Al. in the Superior Court of Los Angeles; Case No: 19STCV29829; Allegation: Labor & Employment; Status: Pending, last event was a hearing on October 21, 2019

OCA conducted a search of commodity code 495 for this procurement on the Business Management Workforce System on April 13, 2020. The search yielded zero results:

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-395-12, adopted May 1, 2012, requires vendors added to open pool contracts to be subject to bi-annual ratification by the Board of County Commissioners.

<http://www.miamidade.gov/govaction/matter.asp?matter=120561&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.

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**Item No. 3L
File No. 200615**

Researcher: IL Reviewer: PGE

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

Resolution No. R-140-15, adopted February 3, 2015, authorizes replacement contracts for goods or 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-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>

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>

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**Item No. 3M
File No. 200618**

Researcher: JFP Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY FOR THE ACCESSED, COMPETITIVELY AWARDED MIAMI-DADE COUNTY PUBLIC SCHOOLS CONTRACT NO. ITB-18-048-HR WITH BORDEN DAIRY COMPANY DBA BORDEN DAIRY COMPANY OF FLORIDA, LLC FOR MULTIPLE COUNTY DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$622,000.00 FOR THE INITIAL TERM AND \$816,000.00 FOR THE OPTION TO RENEW TERMS FOR THE PURCHASE OF MILK AND DAIRY PRODUCTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO COUNTY CODE SECTION 2-8.1 AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority of \$1,438,000 for the accessed, competitively-awarded Miami-Dade County Public Schools (M-DCPS) contract (i.e., *Contract No. ITB-18-048-HR*) for the purchase of milk and dairy products for the Corrections and Rehabilitation and Community Action and Human Services departments for the initial contract term and the two, one-year option to renew terms.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item has no procedural history.

ANALYSIS

The purpose of this item is to gain approval for increased spending under the competitively-accessed M-DCPS contract (*Contract No. ITB-18-048-HR*) for the provision of milk and dairy products for the Corrections and Rehabilitation and Community Action and Human Services Departments and approve exercise of the two, one-year option to renew terms. More specifically, the item is requesting additional expenditure of \$622,000 for the initial term and a total of \$816,000 for the two, one-year options to renew. The modification will enable the user departments to maintain sufficient funding to support their operational needs through the remainder of the initial term and the option to renew periods.

Corrections and Rehabilitation (MDCR), the contract's biggest user, will use the additional allocation to continue purchasing milk and dairy products to serve inmates while Community Action and Human Services (CAHSD) will use it for its domestic violence clients. The dairy products under the contract shall be manufactured according to the Florida Department of Health and the Miami-Dade County Health Department specifications and regulations.

The initial term of this M-DCPS contract is from July 24, 2019 through July 23, 2022, and may, by mutual agreement between M-DCPS and the successful bidders, be extended for two additional, one-year option periods. The primary vendor is Borden Dairy Company, and the alternate is Dean Dairy Holdings. The County approved accessing this contract under delegated authority on October 31, 2019 for \$400,000. The contract's effective date for the County is November 4, 2019 with an expiration date of July 23, 2022 (approximately 33 months). On February 14, 2020, a modification for \$100,000 was approved under delegated authority, resulting in a cumulative value of \$500,000 for the initial term.

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Item No. 3M

File No. 200618

Researcher: JFP Reviewer: PGE

Approval of the present request for additional expenditure authority in the cumulative amount of \$1,438,000 (i.e., \$622,000 for the initial term and \$816,000 for the option terms) would provide for a modified contract amount of \$1,938,000. The contract's allocation history is detailed in the table below.

	Approval Date	Approval Authority	Amount
Original Contract	November 4, 2019	Delegated Authority	\$400,000
First Modification	February 14, 2020	Delegated Authority	\$100,000
Requested Modification	Pending	BCC	\$1,438,000
TOTAL MODIFIED CONTRACT AMOUNT:			\$1,938,000

A breakdown of the requested increased spending by initial term and each option term, including the total cumulative contract value is provided below.

	Existing Cumulative Allocation	Additional Allocation Requested	Total Modified Cumulative Allocation
Initial Contract Term	\$500,000	622,000	\$1,122,000
Option Term 1	\$0	\$408,000	\$408,000
Option Term 2	\$0	\$408,000	\$408,000
TOTAL:	\$500,000	\$1,438,000	\$1,938,000

The contract's Blanket Purchase Order (BPO) shows that \$350,000 of the contract's current cumulative allocation of \$500,000 has been released (as of April 15, 2020), leaving a balance of \$150,000 in the contract's fifth month of a 33-month term. CAHSD has not issued any Purchase Orders to date and has not yet spent any of the \$20,667 allocated to the department. The requested additional expenditure authority will fund the purchase of milk and dairy products for both departments through July 2022, and the subsequent two, one-year option to renew terms, which this item authorizes. It is unclear from the mayoral memorandum why the user departments underestimated their operational requirements for these goods when the contract was accessed.

The below table summarizes OCA's due diligence review of the awarded vendor under the accessed contract.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Borden Dairy Company, dba Borden Dairy Company of Florida, LLC	Foreign Limited Liability Company Active Principal Address: 8750 N. Central Expressway, #400 Dallas, TX 75231 Filed: February 9, 2000	Business Address: 501 NE 181st St. Miami, FL 33162 Status: Paid and Current	No account on file.	No relevant cases.

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Researcher: JFP Reviewer: PGE

An April 15, 2020 search on the Business Management Workforce System for the pool's Commodity Code, 38075 – Milk, All Types, yielded no certified local Small Business Enterprise firms.

ADDITIONAL INFORMATION

On January 5, 2020, Borden Dairy Co., one of America's oldest and largest dairy companies, became the second major milk producer to file for bankruptcy in the last few months. Tumbling milk consumption combined with the rising price of milk have crippled the dairy industry with debt. Dean Foods, America's largest milk producer, filed for bankruptcy November 12, 2019.. Borden said it filed for bankruptcy because it cannot afford its debt load and its pension obligations. From Jan. 2019 through Dec. 2019, the company reported a net loss of \$42.4 million.

<https://www.cnn.com/2020/01/06/business/borden-dairy-bankruptcy/index.html>

In Re: Borden Dairy Company (Case No. 1:20-BK-10010) filed on January 5, 2020 in U.S. Bankruptcy Court, District of Delaware (Wilmington).

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](https://library.municode.com/fl/miami/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-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>

**CPC Meeting:
April 20, 2020
Research Notes**

**Item No. 3N
File No. 200620**

Researcher: VW Reviewer: PGE

RESOLUTION AUTHORIZING AWARD OF CONTRACT NO RFP-01261A, RFP-01261B AND RFP-01261C AS 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 FOR THE PURCHASE OF SECURITY GUARD SERVICES FOR SPECIAL ASSESSMENT DISTRICTS FOR AN INITIAL TERM OF FOUR YEARS FOR AN AMOUNT NOT EXCEED \$25,033,848.00 WITH G4S SECURE SOLUTIONS, INC., KENT SECURITY SERVICES, INC., AND UNIVERSAL PROTECTION SERVICE, LLC. DBA ALLIED UNIVERSAL SECURITY SERVICES, LLC.; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION 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 award of Contract Nos. RFP-01261A, RFP-01261B, and RFP-01261C as a designated purchase, by a two-thirds vote of the members present, to G4S Secure Solutions, Inc., Kent Security Services, Inc., and Universal Protection Service, LLC, respectively, in an amount not to exceed \$25,033,848 for a four-year term for the purchase of security guard services for Special Assessment Districts (SADs) for the Parks, Recreation, and Open Spaces Department (PROS).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

ANALYSIS

The purpose of this item is to approve a designated purchase to G4S Secure Solutions, Inc., Kent Security Services, Inc., and Universal Protection Service, LLC, in an amount not to exceed \$25,033,848 for a four-year term for the purchase of security guard services for Special Assessment Districts for PROS. A designated purchase is being requested in order to waive a non-responsiveness decision by the County Attorney's Office for Kent Security Services as the vendor modified its price form and to change the educational requirements under the solicitation to match the requirements of the current contracts.

The solicitation sought professional Level 2 and Level 3 stationary security guard services to provide a visible safety and passive security program at various Special Assessment District locations in the County. Under the contract, the awardees shall maintain a Class B, Security Agency License, or Class BB, Security Agency Branch Office License, issued by the State of Florida, Division of Licensing.

A Special Assessment District (SAD) is a geographic area in which the market value of the real estate is enhanced due to the influence of a public improvement and in which a tax is apportioned to recover the costs of the public improvement. Under the current contracts – *RFP716* and *RFP717* – the County provides security guard services to approximately 29 SADs. The replacement solicitation combined the current contracts as the services rendered are identical.

RFP716 is valued at \$8,313,800.38 for a term of eight years and six months, effective on December 1, 2011 and expiring on May 31, 2020. The awarded vendors under that contract are US Security Associates Inc. and G4S Secure Solutions USA Inc. *RFP717* is valued at \$58,801,800 for a term of eight years and six months, effective on December 1, 2011

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Researcher: VW Reviewer: PGE

and expiring on May 31, 2020. The awarded vendors under that contract are Security Alliance LLC, US Security Associates Inc., G4S Secure Solutions and Kent Security Services.

As of April 15, 2020, the Blanket Purchase Order (BPO) in BTS for Contract RFP-716's current option term shows an allocated amount of \$2,113,800.00. Of the allocated amount, a total of \$1,718,988.11 has been released, leaving a balance of \$394,811.89. The Blanket Purchase Order (BPO) in BTS for the current Contract RFP-717's current option term shows an allocated amount of \$15,401,800. Of the allocated amount, a total of \$13,340,666.13 has been released leaving a balance of \$2,061,133.87. It is unclear from a review of BTS data if the unreleased funds will be obligated for expenditure prior to the expiration of the current contracts.

The fiscal impact for the proposed contracts is \$25,033,848 for a four-year term. If the County chose to exercise the one, four-year option to renew term, the cumulative value of the contract would be \$50,067,696 for eight years. The current contracts have an existing cumulative value of \$67,115,600.38 for a term of eight years and six months collectively. The table below compares the cumulative and annual allocations of the current and proposed contracts. Note that the annual allocation of the current contracts is approximately 26% greater than the annual allocation under the proposed contracts.

Table 1

RFP-716/RFP-717 (Current)	RFP-01261A/RFP-01261B/RFP-01261C (Proposed)
\$67,115,600.38 (Cumulative)	\$50,067,696 (Cumulative)
\$7,895,952.94 (Annual)	\$6,258,462 (Annual)

The solicitation was advertised on June 21, 2019. ISD opened the proposals on July 19, 2019; Sixteen vendors responded, of which 11 are local firms. ISD notified 4,983 vendors and conducted market research prior to the solicitation. Of the 16 respondents, seven were eliminated by virtue of having low evaluation scores; six others were eliminated as they were deemed non-responsive by the County Attorney's Office.

The proposal submitted by Kent Security Services Inc., a recommended awardee, was deemed non-responsive due to the fact that the vendor conditioned its pricing structure in direct contravention to the solicitation's requirement that the County's living wage requirement shall "not be considered until October 2020". The vendor included a note at the bottom of Form B-1 stating that "the prices presented in the tables above are subject to changes in the living wage regulation". By doing so, the vendor is reserving the right to adjust its price based on any adjustment made to the living wage in 2019 rather than after October 2020 as required by the solicitation.

Even though Kent Security Services Inc. was deemed non-responsive due to the aforementioned reasons, the contract is nonetheless being recommended to the vendor because the price offered by Kent was the lowest of the three recommended firms and 12 of the 18 Special Assessment Districts chose Kent as their preferred vendor making it in the best interest of the County to proceed with the vendor. The other two vendors, G4S Secure Solutions, Inc. and Universal Protection Service, LLC, were the preferred vendors for three of the 18 Special Assessment Districts. For each of the three contracts, RFP-01261A, RFP-01261B, and RFP-01261C, pricing shall remain fixed for the contract duration.

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The table below summarizes OCA's due diligence review of the awarded vendors under the designated purchase on April 15, 2020.

Awarded Firms	Sunbiz	Tax Collector	Florida DBPR	Westlaw
Kent Security Services Inc.	Florida Profit Corporation Principal Address: 14600 Biscayne Blvd. N Miami Beach, FL 33181 Date Filed: November 11, 1982	Business address: Kent Security Services Inc 14600 Biscayne Blvd North Miami Beach, FL 33181 Status: Paid and current	Nothing Found	<i>Philogene v. Kent Security Services, Inc.</i> (Case No: 0:19-CV-61976) Filed on August 7, 2019 in the 17th Judicial Circuit, Broward County. Allegation: Defendant discriminated against plaintiff based on his color and race by denying him an opportunity to interview with a different supervisor to obtain the position. Case Status: Discovery phase.
G4S Secure Solutions, Inc	Florida Profit Corporation Principal Address: 1395 University Boulevard Jupiter, FL 33458 Date Filed: December 4, 1958	Business address: G4S Secure Solutions USA, Inc. Turkey Point Miami, FL 33035 Status: Paid and current	Nothing Found	The firm has been a defendant in more than 50 labor lawsuits in the last year. The most recent open case is the following: <i>Fillmore v. G4S Secure Solutions (USA) Inc</i> (4:20-CV-00401) filed on April 13, 2020. Allegation: Defendant failed to provide reasonable accommodation to the plaintiff, to provide better workplace environment in violation of the Title VII of the Civil rights act. Case status: Complaint with jury demand against G4S Secure Solutions (USA) Inc.

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Universal Protection Service, LLC	Foreign Limited Liability Company Principal Address: 1551 N. Tustin Avenue, #650 Santa Ana, CA 92705 Date Filed: January 30, 2012	Business address: Universal Protection Service LLC 7270 NW 12th St Ste 400 Miami, FL 33126 Status: Account closed	License type: Pari-Mutuel Wagering Business Occupational	The firm has been a defendant in more than 50 labor lawsuits in the last two years. The most recent open case is the following: <i>Dimitrius Brooks V. Universal Protection Service, LP, et al</i> (Case No: CGC-20-583999) filed on April 1, 2020. Allegation: Wrongful discharge. Case status: Notice to plaintiff filed.
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On April 15, 2010, a search was conducted on the Business Management Workforce System for the Contract's Commodity Codes: NIGP 99046 (Guard and Security Services), which yielded 34 local small business enterprise firms of which the recommended awardees, G4S Secure Solutions, Inc., Kent Security Services, Inc., and Universal Protection Service, LLC, were not one of the listed SBE firms:

- 50 Star Security LLC Awa Security, Inc.
- Bayus Security Protection Inc.
- Buena Vista Security and Protection Agency
- International Centurion / Feick Partnership Centurion Security Group, LLC
- Cressmark Training Center Inc.
- Deco International Security Corporation
- Delad Security, Inc.
- Denson Protective Services, Corp
- E&C Security Agency, Inc.
- First American Security Services, Inc.
- High-Class Security, Inc.
- Indemnity Security & Investigations Inc.
- International Security Guard Services Inc.
- Journey And Associates Inc.
- Lion Intelligence & Security Services Inc
- Masdeu Five Corporation
- Monarch Global Security Management, Inc.
- Moonstone Investigations, LLC
- P. Eagle Protection, LLC. (Miami Branch), DbA Miami Patrol Eagle Protection, LLC
- Precise Protective Research, Inc.
- Safeguard Protection Services, LLC.
- Scma, Inc.

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- South Florida Elite Security Agency, Inc.
- Southern Security & Investigation Inc
- Specialized Protection Services, Inc
- Spere, Inc., Dba Spere Security
- Stonegate Allied Services LLC
- Traveling Angels Security, Inc.
- Ultimate Guard Protection Services, LLC
- V.O.K. Protective Services, Inc.
- Viking Defense, Inc.
- Wright Worldwide Protection, LLC

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

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

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>

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Resolution No. R-959-11, adopted on November 15, 2011, authorizes execution of agreements in the aggregate amount of \$8,000,000 with G4S secure solutions (USA) Inc., and U.S. Security Associates, Inc. for a two-year term with three two-year options to renew to obtain security guard services for multiple special taxing districts in Miami-Dade County.
<http://intra/gia/matter.asp?matter=112034&file=true&yearFolder=Y2011>

Resolution No. R-960-11, adopted on November 15, 2011, authorizes execution of agreements in the aggregate amount of \$50,400,000 with 50 state security service, Inc., G4S Secure Solutions (US) Inc., Security Alliance of Florida LLC, U.S. Security Associates, Inc., and Kent Security Services, Inc. for a two-year term with three two-year options to renew to obtain security guard services for multiple special taxing districts in Miami-Dade County.
<http://intra/gia/matter.asp?matter=112035&file=true&yearFolder=Y2011>

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-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://intra/gia/matter.asp?matter=171632&file=true&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 County Mayor to conduct a full review prior to the reprocurement of replacement contracts for goods and services of the scope of services or goods requested to ensure such contracts reflect the current needs of the County and include such information in recommendations to the Board.
<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

Implementing Order 2-13 sets forth the County's guidelines and procedures regarding legal opinions with respect to the competitive processes. Notwithstanding any contrary provision of any other Administrative Order or Implementing Order, it is the policy of the Board that the procedures expressed in this Implementing Order shall be applicable to and shall govern administrative requests for and opinions rendered by the County Attorney's Office in connection with any competitive process of the County, its agencies and administrative boards, including the Public Health Trust. The opinions covered shall include any relating to the responsiveness of any bidder or proposer where the determination may affect the outcome of the solicitation. This Implementing Order is directory in nature only, designed to guide the administration and the County Attorney's Office in the rendering of such opinions, and is not intended to create any rights for any participant in a bid contest or other proceeding.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-13.pdf>

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Implementing Order 3-38 sets forth the County's policies and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

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Researcher: MF Reviewer: PGE

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF CONTRACT NO. SS10063 FOR THE PURCHASE OF NYXCELL CELLULAR TRACKING EQUIPMENT TO TACTICAL SUPPORT EQUIPMENT, INC. IN AN AMOUNT NOT TO EXCEED \$696,139.00 FOR THE INITIAL THREE-YEAR TERM AND TWO, ONE-YEAR OPTIONS TO RENEW FOR THE MIAMI-DADE POLICE 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 approve, by a two-thirds vote of the members present, a designated purchase for *Contract No. SS10063* to Tactical Support Equipment, Inc. for the purchase of Nyxcell Cellular Tracking Equipment in the amount of up to \$696,139 for a term of three-years with two, one-year options to renew for the Police Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

There is no procedural history for this item currently.

ANALYSIS

The purpose of this item is for the County to establish a long-term contract with Tactical Support Equipment, Inc. (TSE) to purchase new cellular telephone tracking devices for County police vehicles to conduct tracking of cell phones, including a hand-held device that has the technological capability of locating cellular devices in multi-family units and hotels, as the existing provider of this service (Harris Corporation) will cease providing such tracking technology effective June 2020. The Administration is recommending a Designated Purchase as competition for this service is not practicable as TSE is the sole supplier of the technology – Nyscell Cellular Tracking Equipment – that meets the operational requirements of the Police Department. The designated purchase under *Contract No. SS10063* with TSE is for a term of three years plus two, one-year options to renew with a cumulative value of up to \$696,139.

The new technology is intended to replace the Police Department's current cell phone tracking technology provided by Harris Corporation under *Contract No. GS-35F-0283J-4*. Harris informed the County that as of June 2020, the company will no longer be a provider of cellular tracking technology and software updates needed for MDPD to access cellular phone signals. Accordingly, this item ensures that a contract is in place to facilitate cellular tracking which is critical in aiding criminal investigations. In calendar year 2017, the Police Department's Telecommunications Unit participated in excess of 300 investigations in which the use of cellular telephone tracking technology was vital to the case.

Under the contract, TSE shall provide the Police Department with a Nyxcell Cell Site Simulator and associated support services. More specifically, the equipment is an eight channel portable base station unit. The contract also requires TSE to provide support and maintenance services, consisting of software/firmware updates, system enhancements and system operation profile releases as new technologies are released. TSE shall also provide the County a one-week on-

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site training for up to six personnel at a mutually agreed upon date and time. The acquisition of the requested equipment will allow for the outfitting of a vehicle with the needed tracking technology. The equipment includes a hand-held device that is effective for locating cellular devices within multi-unit structures such as apartment complexes and hotels. This cellular tracking technology provided by TSE is unique to the market in that it allows for the searching of eight cellular bands simultaneously.

The fiscal impact for the three-year term is \$593,889; with the two, one-year options to renew, the proposed designated contract's cumulative value is \$696,139. That value is broken down as follows:

- \$531,806 for the 8 Channel Portable Base Station Unit
- \$41,632.11 for a Handheld DF
- \$20,450 for New Equipment Training
- \$51,125 for Maintenance and Support Services for OTR Year 1
- \$51,125 for Maintenance and Support Services for OTR Year 2

OCA conducted a search for the procurement's Commodity Code, 68087 (Surveillance and Counter-Surveillance Equipment), on the Business Management Workforce System's Certified Vendor Directory on April 13, 2020. Listed below is the local SBE identified.

- Green-Energy-Products.com, LLC Miami, FL SBE-G&S

As TSE is the sole source provider of the technology needed to support the Police Department's operations, the SBE would be unable to fulfill this contract's requirements.

OCA performed due diligence on the awarded vendor, Tactical Support Equipment, Inc. on April 13, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw (Legal Cases)
Tactical Support Equipment, Inc. Business Address: 2773 Pinecrest Drive SE, South Port, NC	North Carolina Secretary of State Active Principal Address: 2773 Pinecrest Drive SE Southport, NC 28461 Filed: March 26, 2002	No account on file	No account on file	No relevant cases found

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ADDITIONAL INFORMATION

Based on information found on Tactical Support Equipment, Inc's website, the North-Carolina based company is a disabled-veteran owned company, providing surveillance and radio communications equipment for use in law enforcement and military operations.

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

The illustrations below are from Tactical Support Equipment, Inc's website, depicting the types of specialized surveillance communications equipment the company provides.



Dual Mobile Handheld Radio Box



Remote Observation Post

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

Section 2-8.1(b)(3) of the Code of Miami-Dade County (Procedures for purchases when competitive procedures are not practicable) Notwithstanding the requirements of section 2-8.1(b)(1), formal sealed bids for purchase of goods or services shall not be required where such formal sealed bids would not be practicable as set forth herein. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) 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. Where appropriate in a Designated Purchase, the County shall pursue the maximum amount of competition available under the circumstances, which may include telephonic bids and informal price quotations. Any recommendation by the Mayor for the award of a Designated Purchase shall at a

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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. A recommendation for award of a Designated Purchase shall not be subject to the protest procedures set forth in section 2-8.4. Nothing in this subsection is intended to affect or modify any federal or state requirements relating to competitive purchases.

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>

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

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

Resolution No. R-477-18, adopted on 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 1011-15, adopted November 3, 2015, directs the County Mayor or designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution No. R-187-12, adopted by the Board on 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-716-12, adopted by the Board on 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>