



**OFFICE OF THE COMMISSION AUDITOR
MIAMI-DADE BOARD OF COUNTY COMMISSIONERS**

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

BOARD OF COUNTY COMMISSIONERS MEETING

May 5, 2020

9:30 A.M.

Virtual Meeting

Yinka Majekodunmi, CPA
Commission Auditor

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Research Notes**

Item No. 5E

File No. 200601

Researcher: CB Reviewer: PGE

ORDINANCE GRANTING PETITION OF LENNAR HOMES, LLC. FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT GENERALLY BOUNDED ON THE NORTH BY NW 131 STREET, ON THE EAST BY EAST GOLF DRIVE/NW 22ND COURT, ON THE SOUTH BY NW 199TH STREET, AND ON THE WEST BY THE WEST GOLF DRIVE; CREATING AND ESTABLISHING WESTVIEW NORTH COMMUNITY DEVELOPMENT DISTRICT PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFFERED DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Parks, Recreation and Open Spaces

This item was adopted on first reading at the April 7, 2020 BCC meeting.

ANALYSIS

OCA completed the required background research regarding the appointment of Maria Carolina Herrera, Teresa Baluja, Carmen Orozco, Raisa Krause, and Yadira Monzon, as members of the Westview North Community Development District Board of Supervisors, noting no adverse findings.

APPLICABLE LEGISLATION

Resolution No. R-636-14, adopted on July 1, 2014, requires OCA to complete background research on applicants being considered to serve on County Boards and Trusts that require nominations and/or appointments by the BCC.

<http://intra/gia/matter.asp?matter=141238&file=true&yearFolder=Y2014>

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**Item No. 8A1
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 forwarded to the BCC with a favorable recommendation by the Chairwoman's Policy Council at its April 20, 2020 meeting. Prior to this action, 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 reestablish 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 previous PSA for the Stormwater Master Plan, valued at \$1,729,312, was also with CDM Smith. It was approved by the Board on October 23, 2012 (R-849-12) for a three-year term with two one-year extensions. Since the expiration of the PSA, MDAD has been working with existing service orders on the Storm Water Master Plans at Opa-locka and Miami Executive Airports, in accordance with the PSA's provision which states that the contract is to remain effective until all services orders underway at the end of the contract period have been completed and accepted, so long as monies have not been exhausted.

The present contract amount of \$3,308,250 includes a \$300,000 (10%) contingency allowance and an \$8,250 Inspector General (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. The project scope for the PSA involves updating the Plans at Opa-locka and Miami Executive Airports as new construction projects are completed, and updating the Plan for the more complex stormwater system at Miami International Airport. In furtherance of updating and maintaining the drainage master plans for MDAD facilities, the project scope specifically 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;

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- 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;
- 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:

- CDM Smith Inc. – 275 points
- 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).

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Pursuant to Resolution No. R-421-16, OCA conducted a performance record verification in the Capital Improvements Information System (CIIS) on April 24, 2020 with the following findings:

Awarded Firm	Previous Agreements with the County (Past Three Years)	Total Value of Previous County Contracts (Past Three Years)	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.	70	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	License Types: Architect Business; Geology	<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

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	Principal Address: 75 State Street #701 Boston, MA 02109 Filed: April 23, 1974	Miami, FL 33131 Status: Paid and Current	Business; Registry	<p>District Court. Allegations (Gross Negligence): Defendant failed to provide a 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.</p> <p><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): Defendant CDM Smith Inc. breached its duty to plaintiff by failing to perform within the applicable standard of care in its professional capacity as a consultant for planning, conceptual engineering, design, and construction administration services by proceeding despite uncovered design errors and refusing to support remediation/repair efforts, 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.</p>
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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: 3850 Bird Road Suite 601 Miami, FL 33146 Filed: September 18, 2006	Business Address: 3850 Bird Road Suite 601 Miami, FL 33146 Status: Paid and Current	License Type: Registry	No cases.
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:	Business Address: 1985 NW 88 Ct. Suite 101 Doral, FL 33172	License Type: Registry	No relevant cases.

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		1985 NW 88 Ct. Suite 101 Doral, FL 33172 Filed: April 5, 2001	Status: Paid and Current		
Nova Consulting, Inc.	SBE A/E Subconsultant: (8%; \$240,000)	Florida Profit Corporation Active Principal Address: 10486 NW 31 Terrace Doral, FL 33172 Filed: May 5, 1995	Business Address: 3850 Bird Rd., Suite 502 Miami, FL 33146 Status: Paid and Current	License Type: Registry	No relevant cases.
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	Other Subconsultant (No contract measures)	Florida Limited Liability Company	Business Address: 7990 SW 117 th Ave., Suite 137	License Type: Registry	No relevant cases.

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– effective May 8, 2019)		Active	Miami, FL 33183		
		Principal Address: 6401 SW 87 Avenue, Suite 200 Miami, FL 33173			
		Filed: May 8, 2019			

DEPARTMENTAL INPUT

OCA posed the following question to the Miami-Dade Aviation Department. The department's answers are shown below in italics.

- Who was the prior PSA contractor and when did the contract expire? What was the term and value?
The previous was also with CDM and was approved by the Board by R-849-12 and executed in November of 2012, the term was three years with two one-year extensions and the PSA expired in November of 2017. Contract value was \$1,729,312. Since the expiration of the PSA, we have been working with existing services orders on the Storm Water Master Plans at Opa-locka and Miami Executive Airports.

The contract provides that as long as the allocated monies have not been exhausted, the contract will be effective until all services orders underway at the end of the contract period have been completed and accepted. In addition to continuing to update the master plans at Opa-locka and Miami Executive, as new construction projects are completed, we will be utilizing the new PSA to undertake the update of the Stormwater Master Plan at MIA. The system is much more complex than both TMB and OPF combined.

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.

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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_-_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_-_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_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE

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>

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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-849-12, adopted October 23, 2012, approved a Professional Services Agreement between Miami-Dade County and CDM Smith, Inc. for the Stormwater Master Plan Project No. E11-MDAD-02 at Miami International Airport, Kendall-Tamiami Executive Airport, Opa-Locka Executive Airport, Homestead General Aviation Airport, and Dade Collier Training and Transition Airport, in an amount not to exceed \$1,729,312.00.

<http://intra/gia/matter.asp?matter=121746&file=true&yearFolder=Y2012>

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

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

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

<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>

Ordinance 14-79, adopted September 23, 2014, sets 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. 8F3
File No. 200365

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$600,000 FOR PREQUALIFICATION POOL NO. RTQ-00837 PURCHASE, MAINTENANCE, AND REPAIR OF PHYSICAL FITNESS EQUIPMENT FOR MULTIPLE DEPARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should authorize the approval of additional expenditure of up to \$600,000 for *Prequalification Pool No. RTQ-00837* for the purchase, maintenance, and repair of physical fitness equipment for the Fire Rescue and Parks, Recreation and Open Spaces departments.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was heard at the Health Care and County Operations Committee (HCCO) meeting of March 12, 2020 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to approve increased spending of \$600,000 under *Prequalification Pool No. RTQ-00837* to enable the Fire Rescue Department (MDFR) and the Parks, Recreation and Open Spaces Department (PROS) to continue to purchase, repair and maintain physical fitness equipment. This pool was established under the County Mayor's delegated authority for \$870,000 for a four-year term for use by multiple County departments. There are two groups under the pool: Group 1 is for purchase of equipment and Group 2 is for repair and maintenance services.

The gym equipment covered under the pool's scope of work includes, but is not limited to, ellipticals, treadmills, weight training, bicycles, ab reformers, benches, bars and handles, rowers and climbers. The pool has an effective date of September 1, 2018 and expires on August 31, 2022. There is an SBE set-aside that applies to this pool, authorizing spot market competitions up to \$100,000 where there are three or more SBE-certified firms available. However, the pool's four prequalified vendors are neither local firms nor certified SBEs.

MDFR is requesting increased spending of \$300,000 through the remainder of the pool term to purchase equipment for new fire stations as well as to replace equipment that is beyond economic repair. PROS' justification for its requested increase of \$300,000 is to cover the cost of its preventative maintenance plan, purchase equipment for new community centers and repay the Corrections and Rehabilitation Department for a \$100,000 loan.

The current pool has a cumulative value of \$870,000. With the approval of this request, the modified cumulative value will increase by \$600,000 to \$1,470,000, or 68.9% higher. OCA performed a review of the Bid Tracking System (BTS) on April 30, 2020. According to the information found on BTS, of the \$870,000 allocated to this pool, a total of \$389,191.85 has been released, leaving a balance of \$480,808.15

Table 1 below shows the expenditure designations and associated commission districts for this modification request.

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Table 1

Department	Primary Use Designation	Commission District
Miami-Dade Fire Rescue (MDFR)	New Fire Station Nos. 18, 29 & 68 (and Countywide fire stations)	All
Parks, Recreation and Open Spaces (PROS)	Fitness Center at North Pointe Community Center (7351 NW 186 St.)	District 1
	Father Gerard Jean-Juste Community Center at Oak Grove Park (690 NE 159 St.)	District 2
	Arcola Lakes Senior Center (8401 NW 14 Ave.)	District 2
	Goulds Park (11350 SW 216 St.)	District 9
	Gwen Cherry Park (7090 NW 22 Ave.)	District 2

OCA performed a search for commodity codes 93111 (Athletic and Sporting Goods Equipment and Access), 90917 (Athletic Facility Maintenance and Repair), and 96701 (Athletic, Sporting, Recreational, Fishing, Hunting, and Camping Equipment Manufacturing Services) on the Business Management Workforce System's Certified Vendor Directory on April 30, 2020. Listed below are the local SBEs identified:

- Ballpark Maintenance, Inc. Miami, FL SBE-G&S
- Blue Home Builders Corp., dba BH Builders Medley, FL SBE-G&S
- Howard Seal Coating & Land Clearing, Inc. Miami, FL SBE-G&S
- McCourt Construction Inc. Miami, FL SBE-G&S
- The Player's Connection of Florida, LLC Hialeah, FL SBE-G&S

OCA performed due diligence on the prequalified vendors on the following dates: March 9 and 10, 2020 and April 21, 2020; the results are shown below.

Awarded Firm(s)	Corporate Registration	Tax Collectors Office	Florida DBPR	Westlaw
Coastal Fitness Discount Cardio and Training, Inc.	Florida Profit Corporation Active Principal Address: 1900 Okeechobee Blvd. #A-10 West Palm Beach, FL Filed: June 8, 1999	No account on file	No account on file	No relevant cases

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Gym Source USA, LLC	<p>Foreign Limited Liability Company</p> <p>Active in New Jersey via the NJ Division of Revenue and Enterprise Services</p> <p>Inactive in Miami-Dade County (Revoked Sept. 27, 2019 for annual report)</p> <p>Principal Address: 100 Central Ave. Teterboro, NJ</p> <p>Filed in Miami-Dade: December 3, 2013</p> <p>Filed in NJ: December 4, 2013</p>	<p>Business Address: 9410 S. Dixie Highway Miami, FL</p> <p>Status: Paid and Current</p>	No account on file	No relevant cases
ProMAXima Manufacturing, LLC	<p>West Virginia Secretary of State – Limited Liability Company</p> <p>Active</p> <p>Principal Address: 5310 Ashbrook Dr. Houston, TX</p> <p>Filed: June 1, 2018</p>	No account on file	No account on file	No relevant cases
Wellway Exercise Sales & Service Corporation	<p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address: 7540 W. McNab Rd #E-5 N. Lauderdale, FL</p> <p>Filed: April 24, 1995</p>	No account on file	No account on file	No cases found

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ADDITIONAL INFORMATION

Based on information found on the vendors' websites (excepting one vendor) on April 21, 2020, below is a synopsis of each.

- ❖ Coastal Fitness Discount Cardio and Training, Inc. – The company was established approximately 20 years ago and provides residential and commercial fitness equipment.
<http://www.coastalfitness.com/>
- ❖ Gym Source USA, LLC – The company provides retail sales of fitness equipment and products for both residential and commercial. <https://www.gymsource.com/>
- ❖ ProMAXima Manufacturing, LLC – The company offers a variety of fitness equipment, serving high schools, colleges and universities, gyms, apartments, hotels and the public sector. <https://www.promaxima.com/>
- ❖ Wellway Exercise Sales & Service Corporation – No company website was found after conducting online searches on six separate search engines – Google, Yahoo, Bing, Lycos, Dogpile and DuckDuckGo. According to YellowPages.com, the company has been in operation for 23 years.
<https://www.yellowpages.com/north-lauderdale-fl/mip/wellway-exercise-7887884>

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

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-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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Research Notes**

**Item No. 8F3
File No. 200365**

Researcher: MF Reviewer: PGE

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>

**BCC Meeting
May 5, 2020
Research Notes**

**Item No. 8F4
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

This item was brought before the Chairwoman's Policy Council on April 20, 2020 and forwarded to the BCC with a favorable recommendation.

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. ASD does not intend to expand the program, long-term, beyond the three-year initiative expiring in December 2021 as the 3-year scope was defined by the State Veterinarian and the State Rabies Advisory Board.

According to the World Health Organization, rabies is defined as 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 racoons and coyotes that eat the bait, thereby reducing the risk of exposure to rabies to humans and domestic animals.

Miami-Dade County encountered 11 rabies cases (9 eight raccoons, two cats and one otter) in calendar year 2018 and 2 rabies cases in calendar year 2019. To address the issue, on April 26, 2019, the ASD Director signed a Declaration of

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Item No. 8F4

File No. 200613

Researcher: VW Reviewer: PGE

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 22, 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.

The ratified emergency contract, *Contract No. E-10013*, took effect on May 1, 2019 and expired on April 30, 2020, indicating a contract duration of one year. Furthermore, the contract expired prior to the May 5, 2020 scheduled approval of the 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 22, 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; Veterinarian Course Provider Status: Current/Active	No relevant cases found

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File No. 200613**

Researcher: VW Reviewer: PGE

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 (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>

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>

DEPARTMENTAL INPUT

OCA sent the following questions to ASD on April 29, 2020; the Department responded April 30, 2020. The responses are delineated below.

- Does ASD intend to expand the program, long-term, beyond the three-year initiative expiring in Dec. 2021; if so, will another non-competitive acquisition with Boehringer be pursued?
ASD Response: No. The 3-year Scope was defined by the State Veterinarian and the State Rabies Advisory Board.
- How many cases of rabies were documented in Miami-Dade County for calendar year 2019?
ASD Response: 2 in Miami-Dade County in calendar 2019 and another 127 in the rest of the State of Florida.
- What accounts for the increase in the price per dose from the prior contract from \$1.23 to \$1.28?
ASD Response: The prior purchase was done under an Emergency Purchase therefore the UAP and IG fees were not included. As part of this long term contract, the vendor adjusted the price to account for all costs it expects during the life of the contract.

APPLICABLE LEGISLATION/POLICY

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

<https://library.municode.com/fl/miami> -

[dade county/codes/code of ordinances?nodeId=PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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**Item No. 8F4
File No. 200613**

Researcher: VW Reviewer: PGE

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=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-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>

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.

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

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**Item No. 8F5
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

This item was heard at the Chairwoman's Policy Council meeting of April 20, 2020 and forwarded to the BCC with a favorable recommendation.

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 because the awardee, Goodwill Industries, is the only vendor that meets the department's requirements, i.e., (1) maintain 501(c)(3) charitable status with the IRS and (2) 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.

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File No. 200614

Researcher: MF Reviewer: PGE

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. Resolution R-718-17 directs the County Mayor to commence planning for reprocurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods or services;_Based on the contract's original expiration date of November 26, 2019, re-procurement planning should have commenced no later than May 2018 to ensure award of this replacement contract prior to that expiration date.

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

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 30, 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 30, 2020, none are categorized as either a 501(c)(3) or a State of Florida nonprofit business entity.

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Researcher: MF Reviewer: PGE

OCA performed due diligence on the awarded vendor, Goodwill Industries of South Florida, Inc., on April 30, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
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 101 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/>

An April 1, 2020 Miami Herald article reported that Goodwill Industries of South Florida had established the Goodwill Employee Emergency Fund on its website to assist the more than 2,000 laid off workers due to Covid-19. According to a quote attributed to the organization's president, the nonprofit is in dire need of cash because more than 80% of Goodwill's income is derived from its 36 stores.

<https://www.miamiherald.com/news/coronavirus/article241689401.html>

DEPARTMENTAL INPUT

OCA sent an inquiry to MDAD on April 30, 2020 and the Department responded the same day. The Department's response is delineated below.

- Considering information in the press (see link to Herald article below) regarding layoffs at Goodwill, does MDAD anticipate the vendor encountering any difficulty with rendering the monthly \$13,000 payment as stipulated in the contract? If so, what's MDAD's contingency plan for the delivery of these services? Finally, since the declaration of the COVID-19 pandemic, what has been the impact on the quantity of unclaimed items in the Lost & Found lot?
MDAD Response: Goodwill will not be automatically billed \$13,000. The new contract is set up so that we contact Goodwill when we have a full lot of items. The department will bill them once they pick up a full lot. If we don't have enough items we don't call them for pick up; therefore, they are not billed the \$13,000. In fact, we do not anticipate calling them again during the remainder of the contract term because there are

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Researcher: MF Reviewer: PGE

very few items to be picked up. MDAD has storage capacity to hold the items in the meantime. As airlines rebound and passenger volumes increase, we anticipate the volume of unclaimed items to climb back up to historical levels.

MDAD has not received any concerns or feedback from the organization related to the terms of this agreement. These items do generate revenue for the non-profit and require their workforce handle/process/sell the items (so this may generate jobs). The current agreement expires mid-May with no extension authority. The new agreement was already vetted by the Chairwoman's Policy Council. I defer to ISD for any alternatives they may have for service continuity.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code of Miami-Dade County (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

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 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)

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**Item No. 8F5
File No. 200614**

Researcher: MF Reviewer: PGE

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 No. 718-17, adopted July 7, 2017, directs the County Mayor to commence planning for reprourement no later than 18 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 18 months prior to expiration.

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

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

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

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. 8F6
File No. 200623**

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

This item was heard at the Chairwoman's Policy Council meeting of April 20, 2020 and forwarded to the BCC with a favorable recommendation.

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 because TSE is the sole supplier of the technology – Nyxcell Cellular Tracking Equipment – that meets the operational requirements of the Police Department (MDPD).

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 fiscal impact for the initial three-year term is \$593,889; with the two, one-year options to renew, the proposed 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

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*, which according to the Bid Tracking System expired on March 10, 2019. The cumulative value of that contract for the nine-year term is \$705,100. Table 1 compares the annual value of the expired contract with that of the recommended replacement contract.

Table 1

Expired Contract/Vendor (Harris Corporation)		Dates
Initial Amount (years 1 through 5)	\$389,000	3/8/10 – 3/10/14
OTR 1 (year 6)	\$48,625	3/11/14 – 9/10/14
OTR 2 (year 7)	\$48,625	9/11/14 – 2/5/15
OTR 3 (year 8)	\$90,000	2/6/15 – 8/4/15
OTR 4 (year 9)	\$128,850	11/4/13 – 3/10/19
TOTAL \$705,100		
Recommended Vendor (TSE)		Dates
Initial Amount (year 1)	\$531,806	2020
Year 2	\$41,632.11	2021
Year 3	\$20,450	2022
OTR 1 (year 4)	\$51,125	2023
OTR 2 (year 5)	\$51,125	2024
TOTAL \$696,139		

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, MDPD'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 MDPD 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-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.

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 30, 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 MDPD 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 30, 2020; below are the findings.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
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 litigation found

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/>

An American Civil Liberties Union (ACLU) report from November 2018 raised concerns about the use of cell phone tracking devices, known as stingray devices, by local and state police departments. According to the ACLU, the use of such technology is invasive because while it is used to track a suspect's cell phone, the technology also gathers information from cell phones of many other bystanders.

<https://www.aclu.org/issues/privacy-technology/surveillance-technologies/stingray-tracking-devices-whos-got-them>

OCA also found a September 2017 article from The Washington Post discussed the topic of trick cellphones that, according to industry insiders, have been used quietly for years by police and federal agents. In 2017 an appeals court in Washington ruled that a search warrant was necessary to gather such information. The ACLU has helped argue against this type of cell tracking device, citing a violation of the Fourth Amendment, which protects Americans against warrantless use of invasive, covert technology.

<https://www.washingtonpost.com/news/true-crime/wp/2017/09/21/police-use-of-stingray-cellphone-tracker-requires-search-warrant-appeals-court-rules/>

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 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.

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-515-19, adopted May 7, 2019, changed the deadline to seek approval of successor contracts or extensions of existing contracts from 30 to 60 days prior to expiration.

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

Resolution No. R-477-18, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons why goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

Resolution No. 718-17, adopted July 7, 2017, directs the County Mayor to commence planning for reprourement no later than 18 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 18 months prior to expiration.

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

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

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

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 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 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>

**BCC Meeting
May 5, 2020
Research Notes**

**Item No. 8F7
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 was forwarded to the BCC with a favorable recommendation by the Chairwoman's Policy Council at its April 20, 2020 meeting. Prior to passage, the following discussion transpired:

- Chairwoman Edmonson inquired about Borden Dairy Company's bankruptcy filing and whether there was a backup plan in place in the event that the company is unable to fulfill its obligations under the contract.
- Director Tara Smith, Internal Services Department (ISD), advised that ISD contacted Borden Dairy Company to verify the status of the corporation, and the vendor provided the information that it had voluntarily filed a Chapter 11 Bankruptcy to pursue financial restructuring options. The Director noted the vendor had reached an agreement with its lenders in early March 2020 for a longer term, and the bankruptcy was filed intentionally to avoid the layoff of any employees and the sale of any assets as a result of the present COVID-19 situation. She stated that the firm plans to be back to normal operations by the end of May 2020, and that ISD would monitor the firm and move forward with awarding this very competitively-priced contract so long as the vendor's statements prove true. If the firm is unable to perform under the contract, then ISD will work with the departments to use small purchase orders.

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.

**BCC Meeting
May 5, 2020
Research Notes**

**Item No. 8F7
File No. 200618**


Researcher: JFP Reviewer: PGE

The County has been accessing the M-DCPS contract since December 1, 2017 with Borden Dairy Company as the vendor. The initial term of the current 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. Borden Dairy Company remains the primary vendor, with the alternate being 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.

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	Percent Change
Initial Contract Term	\$500,000	622,000	\$1,122,000	 124%
Option Term 1	\$0	\$408,000	\$408,000	100%
Option Term 2	\$0	\$408,000	\$408,000	100%
TOTAL:	\$500,000	\$1,438,000	\$1,938,000	288%

The contract's Blanket Purchase Order (BPO) shows that \$354,000 of the contract's current cumulative allocation of \$500,000 has been released (as of May 1, 2020), leaving a balance of \$146,000 in the contract's fifth month of a 33-month term. CAHSD recently issued its first Purchase Orders to date and has spent just \$4,000 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.

**BCC Meeting
May 5, 2020
Research Notes**

**Item No. 8F7
File No. 200618**

Researcher: JFP Reviewer: PGE

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.

An April 24, 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. Dean Foods, America's largest milk producer, filed for bankruptcy November 12, 2019. Borden said it filed for bankruptcy because of tumbling milk consumption combined with the rising price of milk crippling the dairy industry, preventing it from being able to afford its debt load and 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-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>

**BCC Meeting
May 5, 2020
Research Notes**

Item No. 8F7
File No. 200618

Researcher: JFP Reviewer: PGE

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

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

Resolution No. R-477-18, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a nonlocal vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

Implementing Order 3-38 sets forth the County's policies and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

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

**BCC Meeting
May 5, 2020
Research Notes**

**Item No. 8F8
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 additional expenditure authority in an amount of up to \$2,100,000 for *Pool No. RTQ-00578* for the purchase of various laboratory instruments for multiple departments.

PROCEDURAL HISTORY

Department/Requester: Internal Services Department (ISD)

This item was brought before the Chairwoman's Policy Council meeting on April 20, 2020 and was forwarded to the BCC with a favorable recommendation.


ANALYSIS

The purpose of this item is to approve additional expenditure authority in an amount of 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, for multiple County departments. The pool includes two groups: (1) Purchase and Equipment and (2) Installation and Repair Services: This pool was originally approved pursuant to Resolution No. R-34-18 on January 23, 2018 which authorized expenditure of up to \$3,387,000 for a term of five years. The Police Department is the single biggest user of this pool, relying on it to support the operations of its Forensic Services Bureau.

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, which is the study of changes in tissue characterized by disease. However, histopathology is now being done in-house and the ME, during Fiscal Year 2018-19, used a large part of its allocation under the pool to purchase equipment required to establish the Histology Laboratory. This request for \$1,200,000 in additional funds shall replenish the department's allocation, covering the costs of instrumentation and related equipment to support both ME's toxicology and histology laboratories for the remainder of the pool term.

MDPD is requesting additional expenditure of \$900,000 to support its Forensic Services Bureau. The department explained that the cost of the Bureau's yearly maintenance agreements, new equipment requiring maintenance agreements, customary increases by vendors, and pre-approved capital purchases far exceed its funding under this pool. The requested increased spending will cover MDPD's needs under this pool for the remainder of the pool term, avoiding a shutdown of forensic services operations and loss of accreditation.

The fiscal impact to the County for this request for increased spending is \$2,100,000. If approved, the pool's cumulative value would be \$5,487,000. Below is a fiscal chronology of *Pool No. RTQ-00578*, showing the percentage increase with this modification:

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%)

**BCC Meeting
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Research Notes**

**Item No. 8F8
File No. 200615**

Researcher: IL Reviewer: PGE

OCA conducted a review of this pool on the Bid Tracking System's (BTS) Blanket Purchase Order tab on April 27, 2020. (See Below)

Department		Allocation Amount	Released Amount	Balance	Requested Amount	Justification
Miami-Dade Examiner	Medical	\$ 950,000	\$ 813,675	\$ 136,324	\$ 1,200,000	A large portion of the original allocation was utilized to purchase the equipment required for the Histology Laboratory. Histology was previously being conducted through a contract, however, this service will now be done in house and an additional allocation is required.
Miami-Dade Department	Police	\$ 1,300,000	\$ 725,713	\$ 574,285	\$ 900,000	Due to the cost of the FSB's yearly maintenance agreements, new equipment requiring maintenance agreements, customary increases by vendors and pre-approved capital purchases, far exceeds the current amount of this contract. The current allocated amount will not cover the costs incurred within the next four years.
Miami-Dade Recreation and Open Spaces	Parks,	\$ 50,000	\$ 476	\$ 49,524	\$ 0	N/A
Regulatory & Economic Resources		\$ 292,000	\$ 124,074	\$ 167,926	\$ 0	N.A
Miami-Dade Water and Sewer		\$ 795,000	\$ 361,509	\$ 433,491	\$ 0	N/A
Total		\$ 3,387,000	\$ 2,025,447	\$ 1,361,550	\$ 2,100,000	

Note that both departments requesting additional funds still have funds in their accounts as of April 20, 2020.

Currently, there are 22 prequalified vendors in the Bid Tracking System (BTS), of which none have a local address, and none are certified Small Business Enterprises. Resolution No. R-477-18 requires more than 75% of vendors in a pool to be local businesses. Note, however, that OCA found none of the 22 vendors to have a local address, lowering the percentage of local vendors to 0%. The original market research conducted by ISD did reveal that local vendors were not as readily available for this contract. A market research in Miami-Dade, Broward and Palm Beach County was conducted, the results confirmed the limitation on local firms providing this service. The award table attached to the mayoral memorandum does not indicate each vendor's qualifying group.

**BCC Meeting
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Research Notes**

**Item No. 8F8
File No. 200615**

Researcher: IL Reviewer: PGE

OCA conducted a due diligence analysis of the 22 vendors in BTS on April 20, 2020; OCA's findings are below:

No.	Vendor Name	Sunbiz	DBPR	Tax Collector	West Law
1.	<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	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.
2.	<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
3.	<u>BRUKER DALTONICS INC</u>	Foreign Profit Corporation In-active on Sunbiz Principal Address: 40 Manning Road, Billerica, MA 01821 Date Filed: 05/24/2019	Nothing Found	Nothing Found	No relevant cases on file
4.	<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
5.	<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
6.	<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

**BCC Meeting
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**Item No. 8F8
File No. 200615**

Researcher: IL Reviewer: PGE

No.	Vendor Name	Sunbiz	DBPR	Tax Collector	West Law
7.	<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
8.	<u>FISHER SCIENTIFIC COMPANY LLC</u>	Foreign Limited Corporation Principal Address: 300 Industry Drive, Pittsburg, PA ,15275 Date Filed: 0/16/1998	Main Address: 300 Industry Drive, Pittsburg, PA ,15275 No Complaints	Nothing Found	No relevant cases on file
9.	<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
10.	<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
11.	<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
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>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
14.	<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

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No.	Vendor Name	Sunbiz	DBPR	Tax Collector	West Law
15.	<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
16.	<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
17.	<u>PEAK SCIENTIFIC INC</u>	Florida Profit Corporation Principal Address: 19 Sterling Rd. Suite 1, Billerica, Ma 01862 Date Filed: 07/19/2016	Nothing Found	Nothing Found	No relevant cases on file
18.	<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
19.	<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
20.	<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.
21.	<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
22.	<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

OCA conducted a search of commodity code 495 for this procurement on the Business Management Workforce System on April 20, 2020. The search yielded zero small business firms as a result.

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APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code of Miami-Dade County (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials, and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single-vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

Resolution No. R-716-12, adopted September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

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

Resolution No. R-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.

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

Resolution No. R-477-18, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons why goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

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. 8K2
File No. 200341**

Researcher: IL Reviewer: PGE

RESOLUTION, AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE IN ACCORDANCE WITH SECTIONS 125.379(2) AND 125.411, FLORIDA STATUTES, AMENDED AND RESTATED COUNTY DEED TO INCREASE THE SALES PRICES OF HOMES TO BE CONSTRUCTED AND SOLD BY HABITAT FOR HUMANITY OF GREATER MIAMI, INC. THROUGH THE MIAMI-DADE COUNTY INFILL HOUSING INITIATIVE PROGRAM ("INFILL HOUSING PROGRAM") FROM \$175,000.00 UP TO THE CURRENT MAXIMUM SALES PRICE OF \$205,000.00 AND TO GRANT ADDITIONAL TWO-YEAR EXTENSION, RESPECTIVELY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH INSTRUMENTS THAT INDICATE THE COUNTY'S INTENT TO GRANT ADDITIONAL TWO-YEAR EXTENSIONS TO A TOTAL OF 13 INFILL HOUSING PROGRAM DEVELOPERS TO ALLOW SUCH DEVELOPERS TO CONTINUE TO DEVELOP CERTAIN FORMER COUNTY-OWNED PROPERTIES WITH SINGLE-FAMILY HOMES TO BE SOLD TO VERY LOW-, LOW- OR MODERATE INCOME HOUSEHOLDS IN ACCORDANCE WITH THE INFILL HOUSING PROGRAM, TO TAKE ALL ACTIONS NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN THE COUNTY DEEDS, AND TO PROVIDE COPIES OF THE RECORDED COUNTY DEEDS AND THE RESTRICTIVE COVENANTS REQUIRED BY THE COUNTY DEEDS TO THE PROPERTY APPRAISER

ISSUE/REQUESTED ACTION

Whether the Board should authorize amending County deeds to: (1) approve an increase to the sales price, from \$175,000 to the current maximum sales price of \$205,000, for single-family homes to be constructed and sold by Habitat for Humanity of Greater Miami, Inc. (Habitat for Humanity) through the County's Infill Housing Initiative Program; (2) grant additional two-year extensions to Habitat for Humanity to continue to develop 54 former County-owned properties with single-family homes to be sold in accordance with the Infill Program; and (3) grant additional two-year extensions to 13 Infill Program developers to allow them to continue to develop certain former County-owned properties with single-family homes.

PROCEDURAL HISTORY

Prime Sponsor: Housing, Social Services & Economic Dev. Committee

Requester/Department: Public Housing and Community Development (PHCD)

This item was presented at the HSED meeting on March 9, 2020 and was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to gain Board authorization to amend deeds related to properties conveyed to Habitat for Humanity and 13 other Infill Housing Program developers to extend construction deadlines by two years. The item also seeks Board approval for Habitat for Humanity to increase the sales price for 13 homes from \$175,000 to the maximum Infill Program price of \$205,000. The justification for the increase provided in the mayoral memorandum is premised on an increase in construction costs as well as recent changes to the zoning regulations in the Gould's area which has forced a redesign of those homes at an additional cost. Habitat for Humanity advised that many of the homes in the Gould's area are subject to a new zoning code (i.e., Goulds Community Urban Center District), with some requirements being stricter than the FL Building Code.

The Board conveyed properties to Habitat for Humanity via County deeds; such deeds include a maximum sales price of \$175,000. In February 2017, the Board adopted Resolution No. R-145-17, approving a revised maximum sales cap from \$175,000 to \$205,000 for the County's Infill Housing Program. Habitat for Humanity has applied for an increase in the sales

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price caps for the completion of development of the affordable housing on the properties, and the County has agreed to increasing the sales price to the maximum amount of \$205,000. The relevant deeds will be amended to reflect the new maximum sales price. This item also provides for the execution of an Amended and Restated County Deed whereby Habitat for Humanity is granted a two-year extension to facilitate the continued development of 54 former County-owned properties with single-family homes to be sold to very low-, low- or moderate-income households per Infill Program requirements. A similar extension is being granted to 13 other developers, as set forth in the due diligence table below, to complete comparable Infill Program projects, impacting a total of 187 lots across Commission districts 1, 2, 3 and 9. The delay in constructing these homes has been centered on the lengthy approvals during the permitting process, additional municipal requirements beyond those required by Florida Building Code, water and sewer plan reviews, lateral connections, obtaining approvals from the health department for septic tanks, platting variances, and Florida Power and Light connections. For those reasons a two-year extension is requested. If no waiver is recorded and a certificate of occupancy is not issued within two (2) years from the date of this Deed, any party may rely upon the fact that a reverter has occurred and that title has reverted to the County.

There is no fiscal impact to the County as a result of increasing the maximum sales price for the 13 properties as costs are borne by the program developers. However, if the deeds' reverter clause is exercised and such properties return to the County, there would be an annual cost of \$54,772 for monitoring and maintaining the properties. Note that while \$205,000 is the sales cap for an Infill Program home, the median sale price for a home in Miami-Dade County, according to Zillow, is \$297,100, as of February 29, 2020 and the median household income, according to the most recent US Census Bureau data, is \$48,982.

The Infill Housing Initiative Program intends to increase the availability of affordable homes for very low-, low- and moderate-income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within, and in some cases outside of the Infill Target Areas, and generate payment of ad valorem taxes. The Infill Housing Initiative Program shall encourage the redevelopment of vacant, dilapidated or abandoned property through the sale or conveyance of County property to qualified developers and the inclusion of privately owned vacant, dilapidated or abandoned properties located within and outside of the Infill Target Areas. The community development corporations and developers shall be required to develop affordable single-family homes to be sold to very low-, low- and moderate-income eligible person or eligible households. Although the Infill Housing Initiative Program is primarily designed to create affordable homeownership of single-family homes, the County under limited circumstances may at its sole discretion permit developers to rent these homes to qualified very low-, low- or moderate-income families.

Figure 1 below highlights the due diligence conducted by OCA on Habitat for Humanity and the other 13 developers.

Firm Name	Corporate Registration	Tax Collector	West Law
34 Ways Foundation	California Domestic Non-Profit Principal Address: 1875 Century Park East, #600, Los Angeles, CA 90067 Date Filed: 05/31/2016 Status: Dissolved	None	None
Affordable Housing and Community Development, Inc.	Florida Not for Profit Corporation Principal Address: 13611 S. Dixie Hwy. #109, Suite 434, Miami, FL 33176 Date Filed: 10/27/2017	N/A	None

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Firm Name	Corporate Registration	Tax Collector	West Law
CAZO Construction Corp.	Florida for Profit Corporation Principal Address: 3461 S.W. 8 Street, Miami, FL 33135 Date Filed: 06/06/1979	Multiple accounts on file. Owner address: 3461 S.W. 8 Street, Miami, FL 33135 Current and Paid	None
Collective Developers, LLC.	Florida Limited Liability Company Principal Address: 4900 W. Hallandale Beach Boulevard, Pembroke Park, FL 33023 Date Filed: 11/20/2015	Multiple accounts on file. 2600 N.W. 48 Ter Miami, FL 33142 Current and Paid	None
ECOTECH Visions Foundation, Inc.	Florida Not for Profit Corporation Principal Address: 670 N.W. 113 Street, Miami, FL 33168 Date Filed: 06/14/2007	Multiple accounts on file. Owner Address: 670 N.W. 113 Street, Miami, FL 33168 Current and Paid	None
Habitat for Humanity of Greater Miami	Florida Not for Profit Corporation Principal Address: 3800 N.W. 22 nd Ave Miami, FL 33142 Date Filed: 02/13/1989	Multiple accounts on file. Owner address: 3800 N.W. 22 nd Ave Miami, FL 33142 Current and Paid	No relevant cases
Housing Programs, Inc.	Florida Not for Profit Principal Address: 16499 N.E. 19 Avenue, Suite 212, North Miami, FL 33162 Date Filed: 10/14/2011	Multiple accounts on file. Owner Address: 16499 N.E. 19 Ave, Suite 212, Miami, FL 33162 Current and Paid	None
J.L. Brown Development Corporation	Florida for Profit Corporation Principal Address: 13645 Old Cutler Road, Palmetto Bay, FL 33158 Date Filed: 08/08/2000	Multiple accounts on file. Owner Address: 13645 Old Cutler Road, Palmetto Bay, FL 33158 Current and Paid	None

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Firm Name	Corporate Registration	Tax Collector	West Law
Little Haiti Housing Association, Inc. d/b/a Haitian American Community Development Corp.	Florida Not for Profit Corporation Principal Address: 181 N.E. 82 Street, Suite 100, Miami, FL 33138 Date Filed: 03/11/1987	None	None
Miami-Dade Affordable Housing Foundation, Inc.	Florida Not for Profit Corporation Principal Address: 7855 N.W. 12 Street, Suite 102, Doral, FL 33126 Date Filed: 01/26/1999	Multiple accounts on file. Owner Address: 7855 N.W. 12 Street, Suite 102, Doral, FL 33126 Current and Paid	None
Nana & CRC Affordable Housing, LLC.	Florida Limited Liability Company Principal Address: 22121 South Dixie Highway, Miami, FL 33170 Date Filed: 05/27/2016	None	None
Palmetto Homes of Miami, Inc.	Florida for Profit Corporation Principal Address: 4952 N.W. 7 Avenue, Miami, FL 33127 Date Filed: 03/05/1996	Owner Address: 4952 N.W.7 Avenue, Miami, FL 33127 Current and Paid	None
Soaring to Achieve Results Systematically Development Center, Inc.	Florida Not for Profit Corporation Principal Address: 1801 N.W. 186 Street, Miami, FL 33056 Date Filed: 01/03/2011	None	None
Women In Need of Destiny Inc.	Florida Not for Profit Corporation Principal Address: 1345 N.W. 192 Terrace, Miami, FL 33169 Date Filed: 01/12/2016	Multiple accounts on file. Owner Address: 20022 N.W. 12 CT Miami, FL 33169	None

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Figure 2 below serves to compare Infill Program sales prices to market prices. The data was provided by the Property Appraiser's Office.

2019 Sales Data within 1/4 Mile Radius of Habitat's Lots in District 9

	Folio	Address	Property Use	Year Built	Adj Sq. Ft	# Beds	# Baths	Sale Month	Sale Amount
1	30-6912-004-0552	11925 SW 215 ST	Single-Family	Multi.	1,275	4	2	Feb-19	\$206,000
2	30-6912-005-0120	11920 SW 215 ST	Single-Family	2001	1,275	3	2	Apr-19	\$260,000
3	30-6912-008-0680	12220 SW 218 ST	Single-Family	9999	1,860	3	2	Mar-19	\$299,900
4	30-6913-005-0230	12245 SW 218 ST	Single-Family	2007	1,622	3	2	Aug-19	\$280,000
5	30-6913-005-0350	12224 SW 217 ST	Single-Family	2010	1,574	4	2	Sep-19	\$289,000
6	30-6912-001-0130	21201 SW 119 AVE	Single-Family	Multi.	1,754	4	2	Jul-19	\$284,900
7	30-6912-041-0400	12030 SW 210 TER	Single-Family	Multi.	1,393	3	2	Dec-19	\$300,000
8	30-6912-041-0500	11970 SW 210 TER	Single-Family	1990	1,415	3	2	Oct-19	\$260,000
9	30-6912-041-0860	11802 SW 210 TER	Single-Family	1990	1,758	3	2	Aug-19	\$280,000
10	30-6913-005-0200	12285 SW 218 ST	Single-Family	2018	1,938	4	2	Jan-19	\$295,000

DEPARTMENTAL INPUT

The following questions were posed to the PHCD on March 4, 2020. The departments answers are delineated below.

1. If we raise the sales price are, we making it less attainable for Miami-Dade residents that are classified very low-, low-, and moderate-income?

PHCD Response: Per IO 3-44, the Maximum Sales Price is \$205,000. This proposed item **does not** raise the sales price cap for the Infill Program. The Board conveyed properties to Habitat via County Deeds, which included a maximum sales price of \$175,000. In February 2017, the Board approved an increase in the maximum sales price for the Infill Program from \$175,000 to \$205,000 and executed Amended and Restated Deeds for all qualified Infill Developers, except Habitat. Habitat elected to continue to sell its homes up to \$175,000. Per Habitat, in its letter attached to the Mayor's Memo (Exhibit 1); due to the increased construction costs, and additional zoning requirements in the Gould's area, they are requesting that their Deeds be amended to the maximum sales price of \$205,000, which shall apply to thirteen homes under development or to be developed.

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2. Could the increase in price lead to gentrification, making the homes more affordable for investors rather than folks with very low-, low-, and moderate-income?
PHCD Response: No. Since February 2017, Infill Developers have been selling homes to very low, low, and moderate-income families for up to \$205,000 in all Infill Target Areas, including District 9.
3. Did PHCD meet with the Affordable Housing Advisory Board on this increase, and if so, what was the Board's position on it? (Please provide a copy of the transcript if available).
PHCD Response: There is no proposed increase in the maximum sales price for the Infill Program. Therefore, it was not necessary to meet with the AHAB.
4. Who conducts the appraisals of the Infill Housing Program Home? If a third party does, what is the name of the company?
PHCD Response: Every lender orders its own appraisal from whomever they choose.
5. How many single-family homes will be built by Habitat for Humanity of Greater Miami, Inc., and how many per commission district?
PHCD Response: This item extends the timeframe for 187 homes to be built in various Commission districts (1, 2, 3, and 9), of which 54 will be built by Habitat. Additional details are included in Exhibit 2, attached to the Mayor's Memo.
6. When will the construction of these homes be completed and when will they be available for sale?
PHCD Response: Within two-years per the proposed legislation.
7. What are the changes in the Zoning Code in the Gould's area that resulted in higher costs for Habitat for Humanity?
PHCD Response: Habitat has advised that many of the homes in the Gould's area are subject to charrettes and new zoning code (Goulds Community Urban Center District), with some requirements beyond the FL Building Code.
8. How many homes have been constructed by developers with septic tanks and where are they located?
PHCD Response: This information is not tracked. When there are no sewer lines, the option available to the developer is a septic tank, which must be approved by the State Health Department.
9. Of the 54 former County-Owned properties, how many have been developed?
PHCD Response: The extension is needed to complete 54 homes.
10. How much time had originally been given prior to this request for a two-year extension?
PHCD Response: Two years. An item went to the Board last year to increase the maximum sales price for the program; there was also a companion item to extend the timeframe in the County Deeds for two (2) years. Once the sales price item was withdrawn, the companion item was also withdrawn. This item has the same provision as the prior companion item to extend the County Deeds for two (2) years.
11. Could PHCD update the figures provided concerning how many properties were sold by the given year in the bracketed amount?
PHCD Response: The Annual Report for the Infill Program was submitted to the Board and has been approved and provided to OCA. It is available upon request
12. OCA inquired as to how many properties had received a two-year extension within the last 5-years?
PHCD Response: Advised that Resolution No. R-556-17 contained a list broken down by developer and Commission District of properties that had also received or could receive a two-year extension. That list has been attached to this note as attachment A. The Amended and Restated Deed for each developer has specific language in Section 2, providing for the two-year extension.

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ADDITIONAL INFORMATION

In the Spring of 2019 (April 9, 2019) a legislative effort came before the BCC to raise the sales price cap from \$205,000 to \$235,000 for homes built on County land. However, this legislation was not successfully adopted. This item is distinguishable because it does not aim to raise the sales amount beyond the established cap of \$205,000, rather it aims to raise the sales price to the already established maximum amount for 13 Habitat properties.

http://intra.miamidade.gov/gia/lic_shell.asp?function=legsearch&status=process

APPLICABLE LEGISLATION/POLICY

Section 125.379(1), of the Florida Statutes, (Disposition of County property for affordable housing) requires each County to prepare an inventory list at least every three (3) years of all real County properties that are appropriate for use as affordable housing and further allows the governing body of the County to revise the inventory list upon conclusion of a public hearing held before the governing body.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html

Section 125.379(2), of the Florida Statutes, (Disposition of County property for affordable housing): properties identified as appropriate for use as affordable housing on the inventory list may be offered for sale, and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html

Section 125.411, of the Florida Statutes, (Conveyance of land by County) relates to deeds of conveyance of lands.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html

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

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR

Section 17-121, of the Code of Miami-Dade County, relates to the Infill Program, whose purpose is to increase the availability of affordable homes for very low, low and moderate-income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH17HO_ARTVIIINHAIN_S17-121TIPU

Resolution No. R-1214-18, adopted December 4, 2018, authorized the conveyance of the county-owned property located at 276 N.E. 78 Street, Miami, FL to Housing Programs Inc., A Florida Not For Profit Corporation, at a price of \$10.00 for the purpose of rehabilitating an existing house located on the property and selling such house to a very low, low-or moderate-income household.

<http://www.miamidade.gov/govaction/matter.asp?matter=182775&file=true&fileAnalysis=true&yearFolder=Y2018>

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Resolution No. R-618-18, adopted June 5, 2018, authorized the conveyance of four county-owned properties to J.L. Brown Development Corporation., A Florida Corporation, at a price of \$10.00 for the purpose of developing such properties with affordable housing to be sold to a very low, low-or moderate-income households.

<http://www.miamidade.gov/govaction/matter.asp?matter=181076&file=true&fileAnalysis=true&yearFolder=Y2018>

Resolution No. R-495-18, adopted May 15, 2018, authorized the conveyance of three county-owned properties to Community Development. Inc., A Florida Not for Profit Corporation, at a price of \$10.00 for the purpose of developing such properties with affordable housing to be sold to a very low, low-or moderate-income households.

<http://www.miamidade.gov/govaction/matter.asp?matter=180850&file=true&fileAnalysis=true&yearFolder=Y2018>

Resolution No. R-141-18, adopted February 6, 2018, authorized the conveyance of three county-owned properties to 34 Ways Foundation, A Louisiana Not for Profit Corporation, at a price of \$10.00 for the purpose of developing such properties with affordable housing to be sold to a very low, low-or moderate-income households.

<http://intra/gia/matter.asp?matter=180012&file=true&yearFolder=Y2018>

Resolution No. R-139-18, adopted February 6, 2018, authorized the conveyance of three county-owned properties to Ecotech Visions Foundation, Inc., A Florida Not for Profit Corporation, at a price of \$10.00 for the purpose of developing such properties with affordable housing to be sold to a very low, low-or moderate-income households.

<http://www.miamidade.gov/govaction/matter.asp?matter=172890&file=true&fileAnalysis=false&yearFolder=Y2017>

Resolution No. R-556-17, adopted May 16, 2017, the New Infill Housing Initiative Programs requirements for 10 qualified infill developers, namely: Cazo Construction Corp., Collective Developers LLC, Habitat for Humanity of Greater Miami, Inc., Housing Programs, Inc., Little Haiti Housing Association, Inc., D/B/A Haitian American Community Development Corp., Miami-Dade Affordable Housing Foundation, Inc., Nana & CRC Affordable Housing, LLC., Palmetto Homes of Miami, Inc., Soaring to Achieve Results Systematically Development Center, Inc., and Women in Need of Destiny Inc., as well as the execution of a promissory note in the amount of \$28,000 from the Nana & CRC Affordable Housing, LLC.

<http://www.miamidade.gov/govaction/matter.asp?matter=171082&file=true&fileAnalysis=false&yearFolder=Y2017>

Resolution No. R-380-17, adopted April 4, 2017, established the policy requiring the County Mayor to provide written notification to the District Commissioner in which the County-owned property lies no less than four (4) weeks prior to placing any item on the agenda requesting approval of the sale, lease or surplus of county-owned property.

<http://intra/gia/matter.asp?matter=170414&file=true&yearFolder=Y2017>

Resolution No. R-145-17, adopted February 2, 2017, amending Implementing Order No. 3-44 related to the administration of the Miami-Dade County infill housing initiative; program; revising definitions, establishing procedures, program fees and reporting requirements for the administration of the program; approving Infill Program guidelines.

<http://intra/gia/matter.asp?matter=170776&file=false&yearFolder=Y2017>

Resolution No. R.556-17, adopted May 16, 2017, authorized the mayor to execute amended and restated County deeds and County deeds to incorporate the new infill housing initiative programs requirements for 10 qualified infill developers.

<http://www.miamidade.gov/govaction/matter.asp?matter=171082&file=true&fileAnalysis=false&yearFolder=Y2017>

**BCC Meeting
May 5, 2020
Research Notes**

Item No. 8K2
File No. 200341

Researcher: IL Reviewer: PGE

Resolution No. R-958-16, adopted November 1, 2016, declaring surplus of 35 county owned properties located in Miami-Dade County, at a price of \$10.00 to Nana & CRC Affordable Housing LLC., a Joint Venture and Florida Limited Liability Company for the purpose of developing infill housing and rental housing to be sold or rented to very-low, low-and moderate-income households.

<http://intra/gia/matter.asp?matter=162616&file=false&yearFolder=Y2016>

Resolution No. R-869-16, adopted October 5, 2016, declaring surplus 18 county owned properties located in Miami-Dade County, at a price of \$10.00 for infill housing development to Collective Developers LLC., a Florida Limited Liability Company and a Not for Profit entity.

<http://intra/gia/matter.asp?matter=161827&file=true&yearFolder=Y2016>

Resolution No. R-191-16, adopted March 8, 2016, declaring surplus 10 county owned properties located in Miami-Dade County, at a price of \$10.00 for infill housing development to Housing Programs, Inc., a Not for Profit, Florida Corporation.

<http://intra/gia/matter.asp?matter=160053&file=true&yearFolder=Y2016>

Resolution No. R-980-15, adopted November 3, 2015, granted Miami-Dade Affordable Housing Foundation, twelve additional months to develop four previously conveyed property with housing to be sold to qualified homebuyers through the county's infill housing initiative program.

<http://intra/gia/matter.asp?matter=151916&file=true&yearFolder=Y2015>

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-538-14, adopted June 3, 2014, conveyance of 5 single-family home sites for \$10.00 to Soaring to Achieve Results Systematically Development Center, Inc., a Not for Profit, Florida Corporation.

<http://intra/gia/matter.asp?matter=141084&file=true&yearFolder=Y2014>

Resolution No. R-1005-14, adopted November 5, 2014, conveyance of 5 single-family home sites for \$10.00 to Women in Need of Destiny, Inc., a Not for Profit, Florida Corporation

<http://intra/gia/matter.asp?matter=142115&file=true&yearFolder=Y2014>

Resolution No. R-787-12, adopted October 2, 2012, conveyance of 8 single-family home sites for \$10.00 to Housing Programs, Inc., a Not for Profit, Florida Corporation for infill housing development.

<http://intra/gia/matter.asp?matter=130078&file=false&yearFolder=Y2013>

Resolution No. R-376-11, adopted May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-376-11.pdf>

**BCC Meeting
May 5, 2020
Research Notes**

Item No. 8K2
File No. 200341

Researcher: IL Reviewer: PGE

Resolution No. R-974-09, adopted July 21, 2009, directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County.
<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

Resolution No. R-1324-08, adopted December 2, 2008, established the maximum sales price for the homeownership second mortgage program and homeownership units developed under the infill and housing development programs.
<http://intra/gia/matter.asp?matter=090353&file=false&yearFolder=Y2009>

Implementing Order No. 3-44, establishes the process for the implementation and management of the Infill Program for Miami-Dade County, whereby the procedures are established to carry out the goals of the Infill Program.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

Administrative Order No. 8-4, states that the authority to sell, lease or otherwise dispose of county-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of county-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

ATTACHMENT A

Count	Infill Developer	Address	Lot Size	District	Plot Type	% Complete	Sale Status	Pgm Enter Date	Roll#
1	CAZO CONSTRUCTION CORP	1212 NW 103 ST	5,300	2	C	0.00%	NOT SOLD	9/3/2014	30-3102-006-0150
2	CAZO CONSTRUCTION CORP	1527 NW 99 ST	9,996	2	C	0.00%	NOT SOLD	9/3/2014	30-3102-010-0400
3	CAZO CONSTRUCTION CORP	2610 NW 106 ST	8,302	2	C	0.00%	NOT SOLD	9/3/2014	30-2134-000-0350
4	CAZO CONSTRUCTION CORP	2120 NW 98 ST	5,250	2	C	0.00%	NOT SOLD	9/3/2014	30-3103-008-0260
5	CAZO CONSTRUCTION CORP	1748 NW 94 ST	4,200	2	C	0.00%	NOT SOLD	9/3/2014	30-3103-018-0430
6	CAZO CONSTRUCTION CORP	2010 NW 99 TER	14,000	2	C	0.00%	NOT SOLD	9/3/2014	30-3103-019-0530
7	CAZO CONSTRUCTION CORP	5831 NW 32 AVE	3,050	2	C	0.00%	NOT SOLD	9/3/2014	30-3116-009-1080
8	CAZO CONSTRUCTION CORP	2910 NW 30 ST	6,750	2	C	0.00%	NOT SOLD	9/3/2014	30-3128-011-1060
9	CAZO CONSTRUCTION CORP	3085 NW 29 ST	6,900	2	C	0.00%	NOT SOLD	9/3/2014	30-3128-011-2240
10	CAZO CONSTRUCTION CORP	3100 NW 53 ST	4,359	3	C	0.00%	NOT SOLD	9/3/2014	30-3121-016-0120
11	CAZO CONSTRUCTION CORP	3910 NW 23 AVE	7,565	3	C	0.00%	NOT SOLD	9/3/2014	30-3122-008-1880
12	CAZO CONSTRUCTION CORP	5011 NW 23 AVE	4,360	3	C	0.00%	NOT SOLD	9/3/2014	30-3122-021-0500
13	CAZO CONSTRUCTION CORP	4846 NW 24 CT	10,650	3	C	0.00%	NOT SOLD	9/3/2014	30-3122-000-0510
14	CAZO CONSTRUCTION CORP	10334 SW 172 ST	5,550	9	C	0.00%	NOT SOLD	9/3/2014	30-5032-010-0111
15	CAZO CONSTRUCTION CORP	10020 Hibiscus ST	9,500	9	C	0.00%	NOT SOLD	9/3/2014	30-5032-004-0980
16	CAZO CONSTRUCTION CORP	10221 SW 178 ST	4,000	9	C	0.00%	NOT SOLD	9/3/2014	30-5032-000-0420
17	CAZO CONSTRUCTION CORP	10431 SW 183 ST	11,900	9	C	0.00%	NOT SOLD	9/3/2014	30-5032-016-0530
18	CAZO CONSTRUCTION CORP	10210 SW 183 ST	5,800	9	C	0.00%	NOT SOLD	9/3/2014	30-5032-015-0220
19	CAZO CONSTRUCTION CORP	11551 SW 216 ST	6,970	9	C	0.00%	NOT SOLD	9/3/2014	30-6007-000-0090
20	CAZO CONSTRUCTION CORP	21765 SW 111 AVE	7,500	9	C	0.00%	NOT SOLD	9/3/2014	30-6018-003-0550
21	CAZO CONSTRUCTION CORP	11085 SW 219 ST	10,900	9	C	0.00%	NOT SOLD	9/3/2014	30-6018-003-0970
22	CAZO CONSTRUCTION CORP	10760 SW 217 ST	10,647	9	C	0.00%	NOT SOLD	9/3/2014	30-6018-004-0310

ATTACHMENT A

Count	Infill Developer	Address	Lot Size	District	Lot Type	% Complete	Sale Status	Pgm Enter Date	File
23	CAZO CONSTRUCTION CORP	10910 SW 212 ST	7,200	9	C	0.00%	NOT SOLD	9/3/2014	30-6912-004-0170
24	CAZO CONSTRUCTION CORP	11987 SW 218 ST	7,000	9	C	0.00%	NOT SOLD	9/3/2014	30-6912-004-0960
25	CAZO CONSTRUCTION CORP	12065 SW 213 ST	5,400	9	C	0.00%	NOT SOLD	9/3/2014	30-6912-008-1640
26	CAZO CONSTRUCTION CORP	22180 SW 122 AVE	5,706	9	C	0.00%	NOT SOLD	9/3/2014	30-6913-000-0522
27	CAZO CONSTRUCTION CORP	22225 SW 119 AVE	5,223	9	C	0.00%	NOT SOLD	9/3/2014	30-6913-001-0461
28	CAZO CONSTRUCTION CORP	21849 SW 118 CT	7,500	9	C	0.00%	NOT SOLD	9/3/2014	30-6913-002-0070
29	CAZO CONSTRUCTION CORP	21915 SW 118 CT	7,500	9	C	0.00%	NOT SOLD	9/3/2014	30-6913-002-0100
30	CAZO CONSTRUCTION CORP	11841 SW 220 ST	7,500	9	C	0.00%	NOT SOLD	9/3/2014	30-6913-002-0130
31	CAZO CONSTRUCTION CORP	14360 SW 272 ST	8,025	9	C	0.00%	NOT SOLD	9/3/2014	30-6934-006-0040
32	CAZO CONSTRUCTION CORP	26405 SW 139 AVE	12,335	9	C	0.00%	NOT SOLD	9/3/2014	30-6934-003-0630
33	CAZO CONSTRUCTION CORP	10360 SW 177 ST	11,500	9	C	0.00%	NOT SOLD	9/3/2014	30-5032-000-0590
34	CAZO CONSTRUCTION CORP	13101 SW 232 PL	6,250	9	C	0.00%	NOT SOLD	9/3/2014	30-6913-011-2400
35	CAZO CONSTRUCTION CORP	23102 SW 122 PL	6,250	9	C	0.00%	NOT SOLD	9/3/2014	30-6913-011-2410
36	CAZO CONSTRUCTION CORP	23103 SW 122 PL	6,250	9	C	0.00%	NOT SOLD	9/3/2014	30-6913-011-2420
37	COLLECTIVE DEVELOPERS LLC.	2381 NW 56 ST	6,556	3	C	0.00%	NOT SOLD	Pending	30-3115-040-0301
38	COLLECTIVE DEVELOPERS LLC.	4615 NW 31 CT	7,200	3	C	0.00%	NOT SOLD	Pending	30-3121-000-0290
39	COLLECTIVE DEVELOPERS LLC.	596 NW 101 ST	5,450	3	C	0.00%	NOT SOLD	Pending	30-3101-013-0440
40	COLLECTIVE DEVELOPERS LLC.	7643 NW 14 PL (Adj. N)	6,588	3	C	0.00%	NOT SOLD	Pending	30-3111-031-1070
41	COLLECTIVE DEVELOPERS LLC.	6340 NW 19 AVE	7,500	3	C	0.00%	NOT SOLD	Pending	30-3115-000-0100
42	COLLECTIVE DEVELOPERS LLC.	6230 NW 19 AVE	15,000	3	C	0.00%	NOT SOLD	Pending	30-3115-000-0300
43	COLLECTIVE DEVELOPERS LLC.	625 NE 70 ST	5,400	3	C	0.00%	NOT SOLD	Pending	01-3218-007-0030
44	COLLECTIVE DEVELOPERS LLC.	600 NW 69 ST	8,000	3	C	0.00%	NOT SOLD	Pending	01-3113-024-1730

ATTACHMENT A

Count	Infill Developer	Address	Lot Size	Distance	Lot Type	% Complete	Sale Status	Pgm Enter Date	Folio
45	COLLECTIVE DEVELOPERS LLC.	174 NW 57 ST	6,800	3	C	0.00%	NOT SOLD	Pending	01-3113-060-0660
46	COLLECTIVE DEVELOPERS LLC.	3759 NW 23 CT	5,834	3	C	0.00%	NOT SOLD	Pending	01-3122-008-1800
47	COLLECTIVE DEVELOPERS LLC.	1075 NW 48 ST	5,000	3	C	0.00%	NOT SOLD	Pending	01-3123-011-0740
48	COLLECTIVE DEVELOPERS LLC.	1221 NW 53 ST	8,900	3	C	0.00%	NOT SOLD	Pending	01-3123-012-0210
49	COLLECTIVE DEVELOPERS LLC.	1529 NW 38 ST	5,840	3	C	0.00%	NOT SOLD	Pending	01-3123-018-0120
50	COLLECTIVE DEVELOPERS LLC.	1528 NW 39 ST	6,750	3	C	0.00%	NOT SOLD	Pending	01-3123-038-0500
51	COLLECTIVE DEVELOPERS LLC.	524 NW 53 ST	12,028	3	C	0.00%	NOT SOLD	Pending	01-3124-013-2550
52	COLLECTIVE DEVELOPERS LLC.	2600 NW 48 TER	11,025	3	C	0.00%	NOT SOLD	Pending	30-3122-06-00010
53	COLLECTIVE DEVELOPERS LLC.	2601 NW 48 ST	11,130	3	C	0.00%	NOT SOLD	Pending	30-3122-060-0020
54	COLLECTIVE DEVELOPERS LLC.	About 27 AVE NW 49 ST	3,150	3	C	0.00%	NOT SOLD	Pending	30-3122-015-0050
55	COLLECTIVE DEVELOPERS LLC.	About 27 AVE NW 49 ST	3,150	3	C	0.00%	NOT SOLD	Pending	30-3122-015-0060
56	COLLECTIVE DEVELOPERS LLC.	About 27 AVE NW 49 ST	2,510	3	C	0.00%	NOT SOLD	Pending	30-3122-015-0070
57	COLLECTIVE DEVELOPERS LLC.	2630 NW 48 ST	2,544	3	C	0.00%	NOT SOLD	Pending	30-3122-015-0110
58	COLLECTIVE DEVELOPERS LLC.	2641 NW 48 ST	6,300	3	C	0.00%	NOT SOLD	Pending	30-3122-015-0120
59	COLLECTIVE DEVELOPERS LLC.	2948 NW 45 ST	4,959	3	C	0.00%	NOT SOLD	Pending	30-3121-026-0700
60	COLLECTIVE DEVELOPERS LLC.	4420 NW 30 AVE	6,003	3	C	0.00%	NOT SOLD	Pending	30-3121-028-0340
61	COLLECTIVE DEVELOPERS LLC.	1854 NW 63 ST	7,200	3	C	0.00%	NOT SOLD	Pending	30-3115-005-3760
62	COLLECTIVE DEVELOPERS LLC.	1828 NW 68 TER	7,200	3	C	0.00%	NOT SOLD	Pending	30-3115-005-5610
63	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	10349 SW 183 ST	5,250	9	P	95.00%	UNDER CONTRACT	1/20/2011	30-5032-016-0685
64	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	733 NW 69 ST	7,150	2	C	0.00%	UNDER CONTRACT	6/18/2014	01-3114-019-0640
65	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	1498 NW 59 ST	5,300	3	C	0.00%	NOT SOLD	3/21/2016	01-3114-035-0990
66	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	2110 NW 68 ST	6,950	3	C	0.00%	UNDER CONTRACT	3/21/2016	30-3115-020-0301

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ATTACHMENT A

Count	Infill Developer	Address	Lot Size	District	Plot Type	% Complete	Sale Status	Pgm Enter Date	Folio
67	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	1606 NW 58 Terr	5,300	3	C	0.00%	NOT SOLD	3/21/2016	01-3114-035-2810
68	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	1620 NW 58 Terr	5,300	3	C	0.00%	NOT SOLD	3/21/2016	01-3114-035-2815
69	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	1578 NW 58 Terr	5,300	3	C	0.00%	NOT SOLD	2/21/2016	01-3114-035-2820
70	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	798 NW 35 ST	6,950	3	C	0.00%	NOT SOLD	2/21/2016	01-3126-008-0010
71	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	7530 NW 15TH	5,400	3	C	60.00%	UNDER CONTRACT	4/21/2016	30-3111-031-0781
72	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	2135 NW 57TH	5,250	3	C	95.00%	UNDER CONTRACT	4/21/2016	30-3115-024-0190
73	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	2267 NW 57 ST	5,600	3	C	90.00%	UNDER CONTRACT	4/21/2016	30-3115-025-0180
74	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	2217 NW 58 ST	5,640	3	C	90.00%	UNDER CONTRACT	4/21/2016	30-3115-034-0280
75	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	3362 NW 51 ST	5,940	3	C	90.00%	UNDER CONTRACT	4/21/2016	30-3121-034-1735
76	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	3366 NW 51 St	5,940	3	C	90.00%	UNDER CONTRACT	4/21/2016	30-3121-034-1740
77	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	1937 NW 51 TERR	5,000	3	C	100.00%	UNDER CONTRACT	4/21/2016	30-3122-052-5240
78	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	4435 NW 23 AVE	8,733	3	C	95.00%	UNDER CONTRACT	4/21/2016	30-3122-029-0430
79	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	10254 SW 178 St	11,138	9	C	0.00%	NOT SOLD	8/4/2016	30-5032-000-0930
80	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	10465 SW 172 St	8,085	9	C	0.00%	NOT SOLD	8/4/2016	30-5032-013-0840
81	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	10535 SW 178 St	12,698	9	C	0.00%	NOT SOLD	8/4/2016	30-5032-012-0190
82	HABITAT FOR HUMANITY OF GREATER MIAMI, INC.	22885 SW 123 CT	6,250	9	C	0.00%	NOT SOLD	8/4/2016	30-6913-011-1290
83	HOUSING PROGRAMS, INC.	844 NW 63 ST	5,850	2	C	0.00%	NOT SOLD	6/6/2016	01-3114-036-0200
84	HOUSING PROGRAMS, INC.	1020 NW 63 ST	5,850	2	C	0.00%	NOT SOLD	6/6/2016	01-3114-036-0380
85	HOUSING PROGRAMS, INC.	920 NW 66 ST	5,300	2	C	0.00%	NOT SOLD	6/6/2016	01-3114-036-2250
86	HOUSING PROGRAMS, INC.	8723 NW 21 CT	6,037	2	C	0.00%	NOT SOLD	9/3/2014	30-3103-025-0040
87	HOUSING PROGRAMS, INC.	8922 NW 21 CT	3,650	2	C	0.00%	NOT SOLD	9/3/2014	30-3103-024-0300
88	HOUSING PROGRAMS, INC.	9010 NW 21 AVE	4,000	2	C	0.00%	NOT SOLD	9/3/2014	30-3103-023-0110

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Count	Infill Developer	Address	Lot Size	District	Lot Type	% Infill Complete	Sale Status	Pgm Enter Date	Portfolio
89	HOUSING PROGRAMS, INC.	3021 NW 93 ST	7,000	2	C	0.00%	UNDER CONTRACT	9/3/2014	30-3104-003-3701
90	HOUSING PROGRAMS, INC.	8749 NW 29 AVE	5,093	2	C	0.00%	UNDER CONTRACT	9/3/2014	30-3104-007-0320
91	HOUSING PROGRAMS, INC.	1909 NW 95 ST	5,625	2	C	0.00%	UNDER CONTRACT	9/3/2014	30-3103-019-1100
92	HOUSING PROGRAMS, INC.	2153 NW 94 ST	13,357	2	C	0.00%	UNDER CONTRACT	9/3/2014	30-3103-022-0050
93	HOUSING PROGRAMS, INC.	787 NW 34 ST	7,193	3	C	1.00%	NOT SOLD	3/12/2013	01-3126-008-0260
94	HOUSING PROGRAMS, INC.	793 NW 34 ST	7,193	3	C	1.00%	NOT SOLD	3/12/2013	01-3126-008-0265
95	HOUSING PROGRAMS, INC.	2263 NW 43 ST	3,696	3	C	0.00%	NOT SOLD	9/3/2014	30-3122-029-0380
96	HOUSING PROGRAMS, INC.	1400 NW 71 ST	4,140	3	C	0.00%	NOT SOLD	6/6/2016	01-3114-017-0110
97	HOUSING PROGRAMS, INC.	155 NW 68 TER	4,200	3	C	0.00%	NOT SOLD	6/6/2016	01-3113-006-0330
98	HOUSING PROGRAMS, INC.	1401 NW 70TH ST	8,098	3	C	0.00%	NOT SOLD	6/6/2016	01-3114-017-0100
99	HOUSING PROGRAMS, INC.	1380 NW 46 ST	5,350	3	C	0.00%	NOT SOLD	6/6/2016	01-3123-035-0260
100	HOUSING PROGRAMS, INC.	1460 NW 71 ST	4,140	3	C	0.00%	NOT SOLD	6/6/2016	01-3114-017-0190
101	HOUSING PROGRAMS, INC.	6747 NW 4 CT	4,000	3	C	0.00%	NOT SOLD	6/6/2016	01-3113-024-2510
102	LITTLE HAITI HOUSING ASSOCIATION, INC.	11204 NW 15 CT	7,500	2	C	0.00%	NOT SOLD	8/6/2014	30-2135-022-0170
103	LITTLE HAITI HOUSING ASSOCIATION, INC.	745 NW 97 ST	7,000	2	C	0.00%	NOT SOLD	8/6/2014	30-3102-013-0830
104	MIAMI-DADE AFFORDABLE HOUSING FOUNDATION	720 NW 133 ST	8,031	2	C	0.00%	NOT SOLD	2/4/2014	06-2126-020-0270
105	MIAMI-DADE AFFORDABLE HOUSING FOUNDATION	981 NW 109 ST	13,205	2	C	0.00%	NOT SOLD	2/4/2014	30-2135-002-1470
106	MIAMI-DADE AFFORDABLE HOUSING FOUNDATION	845 NW 111 ST	9,750	2	C	0.00%	NOT SOLD	2/4/2014	30-2135-002-1100
107	MIAMI-DADE AFFORDABLE HOUSING FOUNDATION	1167 NW 113 TER	7,950	2	C	0.00%	NOT SOLD	2/4/2014	30-2135-010-0290
108	NANA & CRC AFFORDABLE HOUSING, LLC.	1467 NW 73 ST	3,500	3	C	0.00%	NOT SOLD	Pending	30-3111-038-0210
109	NANA & CRC AFFORDABLE HOUSING, LLC.	6235 NW 20 AVE	3,500	3	C	0.00%	NOT SOLD	Pending	30-3115-010-0180
110	NANA & CRC AFFORDABLE HOUSING, LLC.	1818 NW 63 ST	3,600	3	C	0.00%	NOT SOLD	Pending	30-3115-005-3800

ATTACHMENT A

Count	Infill Developer	Address	Lot Size	District	Lot Type	% Complete	Sale Status	Pgm Enter Date	Folio
111	NANA & CRC AFFORDABLE HOUSING, LLC.	1777 NW 86 TER	3,600	3	C	0.00%	NOT SOLD	Pending	30-3115-005-1060
112	NANA & CRC AFFORDABLE HOUSING, LLC.	1730 NW 68 ST	3,600	3	C	0.00%	NOT SOLD	Pending	30-3115-005-2110
113	NANA & CRC AFFORDABLE HOUSING, LLC.	1725 NW 84 ST	3,600	3	C	0.00%	NOT SOLD	Pending	30-3115-005-2411
114	NANA & CRC AFFORDABLE HOUSING, LLC.	1724 NW 63 ST	3,600	3	C	0.00%	NOT SOLD	Pending	30-3115-005-2970
115	NANA & CRC AFFORDABLE HOUSING, LLC.	1822 NW 63 ST	3,600	3	C	0.00%	NOT SOLD	Pending	30-3115-005-3780
116	NANA & CRC AFFORDABLE HOUSING, LLC.	1876 NW 58 ST	3,600	3	C	0.00%	NOT SOLD	Pending	30-3115-005-5250
117	NANA & CRC AFFORDABLE HOUSING, LLC.	1854 NW 68 TER	3,600	3	C	0.00%	NOT SOLD	Pending	30-3115-005-5590
118	NANA & CRC AFFORDABLE HOUSING, LLC.	4524 NW 31 CT	3,600	3	C	0.00%	NOT SOLD	Pending	30-3121-000-0050
119	NANA & CRC AFFORDABLE HOUSING, LLC.	1750 NW 62 TER	3,640	3	C	0.00%	NOT SOLD	Pending	30-3115-005-3270
120	NANA & CRC AFFORDABLE HOUSING, LLC.	1541 NW 67 ST	3,400	3	C	0.00%	NOT SOLD	Pending	01-3114-018-0090
121	NANA & CRC AFFORDABLE HOUSING, LLC.	1570 NW 69 ST	3,600	3	C	0.00%	NOT SOLD	Pending	01-3114-018-1180
122	NANA & CRC AFFORDABLE HOUSING, LLC.	4401 NW 32 AVE	3,960	3	C	0.00%	NOT SOLD	Pending	30-3121-033-0430
123	NANA & CRC AFFORDABLE HOUSING, LLC.	1021 NW 76 ST	4,250	3	C	0.00%	NOT SOLD	Pending	01-3113-042-1250
124	NANA & CRC AFFORDABLE HOUSING, LLC.	1781 NW 68 TER	3,600	3	C	0.00%	NOT SOLD	Pending	30-3115-005-1070
125	NANA & CRC AFFORDABLE HOUSING, LLC.	4230 NW 31 AVE	4,400	3	C	0.00%	NOT SOLD	Pending	30-3121-033-0760
126	NANA & CRC AFFORDABLE HOUSING, LLC.	5032 NW 24 AVE	4,738	3	C	0.00%	NOT SOLD	Pending	30-3122-000-0071
127	NANA & CRC AFFORDABLE HOUSING, LLC.	7221 NW 16 AVE	4,750	3	C	0.00%	NOT SOLD	Pending	30-3111-023-0260
128	NANA & CRC AFFORDABLE HOUSING, LLC.	1021 NW 76 ST	5,500	3	C	0.00%	NOT SOLD	Pending	30-3111-035-1250
129	NANA & CRC AFFORDABLE HOUSING, LLC.	1744 NW 44 ST	4,928	3	C	0.00%	NOT SOLD	Pending	01-3122-047-0060
130	NANA & CRC AFFORDABLE HOUSING, LLC.	1886 NW 50 ST	4,796	3	C	0.00%	NOT SOLD	Pending	01-3122-014-0481
131	NANA & CRC AFFORDABLE HOUSING, LLC.	1866 NW 47 TER	4,796	3	C	0.00%	NOT SOLD	Pending	01-3122-014-1180
132	NANA & CRC AFFORDABLE HOUSING, LLC.	137 NE 60 ST	4,500	3	C	0.00%	NOT SOLD	Pending	01-3113-051-0100

ATTACHMENT A

Count	Infill Developer	Address	Lot Size	District	Lot Type	% complete	Sale Status	Pgm Enter Date	File #
133	NANA & CRC AFFORDABLE HOUSING, LLC.	294 NE 58 ST	5,000	3	C	0.00%	NOT SOLD	Pending	01-3113-065-1170
134	NANA & CRC AFFORDABLE HOUSING, LLC.	1871 NW 41 ST	4,440	3	C	0.00%	NOT SOLD	Pending	01-3122-035-0871
135	PALMETTO HOMES OF MIAMI, INC.	2905 NW 98 ST	8,650	2	C	0.00%	NOT SOLD	9/3/2014	30-3104-003-0260
136	PALMETTO HOMES OF MIAMI, INC.	826 NW 98 ST	14,500	2	C	0.00%	NOT SOLD	8/28/2014	30-3102-013-0850
137	PALMETTO HOMES OF MIAMI, INC.	1900 NW 93 ST	5,250	2	C	0.00%	NOT SOLD	8/28/2014	30-3103-011-0250
138	PALMETTO HOMES OF MIAMI, INC.	1929 NW 96 ST	7,000	2	C	0.00%	NOT SOLD	8/28/2014	30-3103-019-0911
139	PALMETTO HOMES OF MIAMI, INC.	707 NW 95 TER	7,000	2	C	0.00%	NOT SOLD	8/28/2014	30-3102-013-0110
140	SOARING TO ACHIEVE RESULTS SYS DEV CT.	1157 NW 106 ST	5,200	2	C	0.00%	NOT SOLD	8/28/2014	30-2135-020-0130
141	SOARING TO ACHIEVE RESULTS SYS DEV CT.	2347 NW 103 ST	7,650	2	C	0.00%	NOT SOLD	8/28/2014	30-2134-012-0850
142	SOARING TO ACHIEVE RESULTS SYS DEV CT.	1832 NW 112 ST	5,300	2	C	0.00%	NOT SOLD	8/28/2014	30-2134-011-1680
143	SOARING TO ACHIEVE RESULTS SYS DEV CT.	1428 NW 99 ST	9,996	2	C	0.00%	NOT SOLD	8/28/2014	30-3102-010-0630
144	SOARING TO ACHIEVE RESULTS SYS DEV CT.	1907 NW 95 ST	6,875	2	C	0.00%	NOT SOLD	8/28/2014	30-3103-019-1090
145	WOMEN IN NEED OF DESTINY, INC. (WIND)	16332 NW 40 CT	4,280	1	C	0.00%	NOT SOLD	4/17/2015	34-2117-005-0020
146	WOMEN IN NEED OF DESTINY, INC. (WIND)	15695 NW 38 CT	9,600	1	C	0.00%	NOT SOLD	4/17/2015	34-2117-004-3090
147	WOMEN IN NEED OF DESTINY, INC. (WIND)	16301 NW 37 CT	6,420	1	C	0.00%	NOT SOLD	4/17/2015	34-2117-004-4020
148	WOMEN IN NEED OF DESTINY, INC. (WIND)	2291 NW 152 TER	6,500	1	C	0.00%	NOT SOLD	4/17/2015	34-2115-008-1100
149	WOMEN IN NEED OF DESTINY, INC. (WIND)	1935 NW 155 ST	4,950	1	C	0.00%	NOT SOLD	4/17/2015	34-2115-005-0050

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**Item No. 802
File No. 200234**

Researcher: IL Reviewer: PGE

RESOLUTION AWARDING A DESIGN-BUILD CONTRACT TO POOLE & KENT COMPANY OF FLORIDA WITH A CONTRACT AMOUNT NOT TO EXCEED \$195,555,440.00 WITH A TOTAL CONTRACT TERM OF ONE THOUSAND TWENTY-NINE (1,029) DAYS FOR THE SOUTH DISTRICT WASTEWATER TREATMENT PLANT (SDWWTP) AND ONE THOUSAND EIGHTY-SIX (1,086) DAYS FOR THE CENTRAL DISTRICT WASTEWATER TREATMENT PLANT (CDWWTP) FOR A PROJECT ENTITLED DESIGN-BUILD SERVICES FOR THE CONSTRUCTION OF THE SDWWTP AND THE CDWWTP SLUDGE THICKENING AND DEWATERING BUILDINGS; PROJECT NO. DB18-WASD-02; CONTRACT NO. 19PKCOF002; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS OF SECTION 2-8.2.12(4)(D) AND (E) RELATED TO ACCELERATION OF CERTAIN WATER AND SEWER DEPARTMENT CONTRACTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE DESIGN-BUILD CONTRACT AND TO EXERCISE THE TERMINATION AND OTHER PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve an award for a Design-Build contract to Poole & Kent Company of Florida (Poole and Kent), with a contract amount not to exceed \$195,555,440, for a total contract term of 1,029 calendar days for the South District Wastewater Treatment Plant (SDWWTP) and 1,086 days for the Central District Wastewater Treatment Plant (CDWWTP) for a project entitled "Design-Build for the Construction of the SDWWTP and CDWWTP Sludge Thickening and Dewatering Buildings."

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Water & Sewer Department (WASD)

This item was presented at the ICI meeting on March 10, 2020 and forwarded to the BCC with a favorable recommendation. Prior to the conclusion of the discussion on this item, Commissioner Martinez inquired as to whether local preference was being waived. Namita Uppal Chief Procurement officer advised that local preference was not being waived one of the proposers wanted local preference to be waived. The County Attorney's office advised that the Director of a Department had the ability to make a recommendation to the Mayor and the Mayor at his/her option could waive local preference. The County Attorney's office clarified that the local preference ordinance is an ordinance of the Board and only the Board could amend or make exceptions to the ordinance. Mr. Kevin Lynskey, Director of WASD stated the due to the addition of scope and price negotiation which is why made the estimate 6% over due to the Class IV estimate. Mr. Lynskey stated that WASD was successful in bringing the bid down and added more work for the consultant.

ANALYSIS

Miami-Dade County has entered into a Consent Decree (United States District Court for the Southern District of Florida, Case No. 1:12-cv-24400-FAM) with the United States Environmental Protection Agency, the State of Florida, and Florida Department of Environmental Protection to remediate its aging wastewater infrastructure. The purpose of this award is to satisfy the requirements identified in the Consent Decree as CD Projects 1.06, 1.08, 2.12, 2.13, 2.16 and 2.18(2) This item requests Board approval of an award for a Design-Build contract to Poole & Kent Company of Florida, with a contract amount not to exceed \$195,555,440, for a total contract term of 1,029 days for the South District Wastewater Treatment Plant (SDWWTP), and 1,086 days for the Central District Wastewater Treatment Plant (CDWWTP) for the construction of the SDWWTP and CDWWTP sludge thickening and dewatering buildings. The estimated NTP date for this project was April 1, 2020, however, the item has not yet been approved by the Board and is likely to impact the estimated NTP date. Below is a breakdown of the CD Projects compliance dates:

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Table -1

CD Project No.	Compliance Date	Completion Date from Estimated NTP	Variance
1.06	January 06, 2023	January 25, 2023 (1029 days)	19 days
1.08	January 06, 2023	January 25, 2023 (1029 days)	19 days
2.12	January 13, 2023	March 23, 2023 (1086 days)	69 days
2.13	January 13, 2023	March 23, 2023 (1086 days)	69 days
2.16	January 13, 2023	March 23, 2023 (1086 days)	69 days
2.18	January 13, 2023	March 23, 2023 (1086 days)	69 days

This project was not approved under the WASD Acceleration Ordinance because the base value of the bid exceeds the base estimate by more than 10%. The base bid from Poole and Kent is approximately 15.6% higher than the base estimate. As a result, Board approval is required for this contract.

Under the design-build contract, the awardee shall provide all resources and professional services to perform the planning, engineering design, coordination with Water and Sewer Operations, permitting, construction, code compliance inspections, concrete, soil and other materials testing, fabrication and installation, labor and equipment necessary for the construction of all civil/site, process mechanical, architectural, structural, electrical, instrumentation, plumbing, HVAC, fire protection, odor control components and all other necessary components to facilitate successful design, construction and commissioning of the new sludge thickening and dewatering building located at 3989 Rickenbacker Causeway, Miami, Florida (CDWWTP) and at 8950 SW 232 Street, Miami, Florida (SDWWTP). The districts that will be impacted are Commission District 7, represented by Xavier L. Suarez and Commission District 8, represented by Daniella Levine Cava.

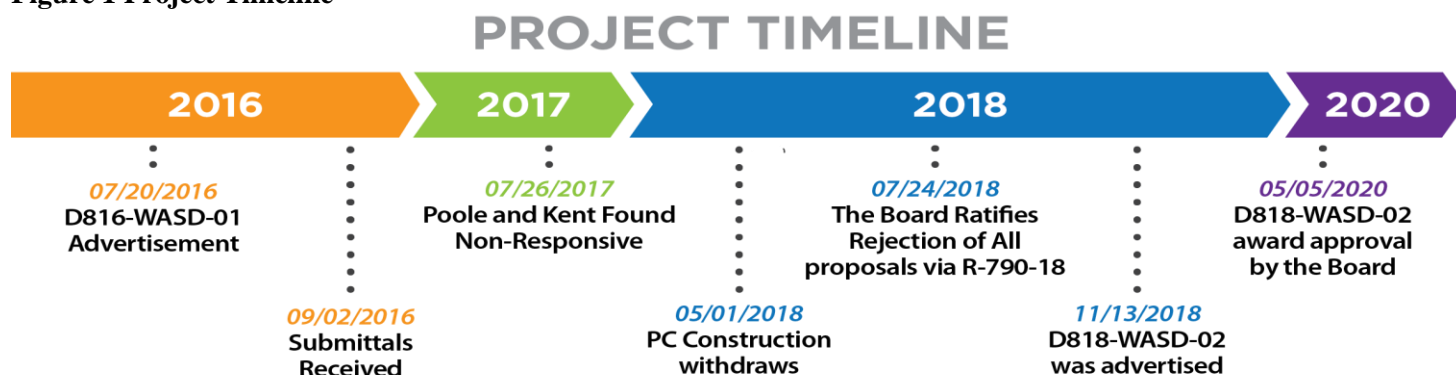
The fiscal impact of this project is not to exceed an amount of \$195,555,440. As previously mentioned, the base bid of \$177,972,000 was 15.6% higher than the cost estimate \$157,004,412, provided by the Design Criteria Professional (DCP), Stantec Consulting, Inc. The DCP conducted an evaluation to identify possible factors for the discrepancy between the values. Two factors influenced the variance; the first factor was that the DCP's estimate was largely based on an Advancement of Cost Consulting (AACE) class 4 estimate (the design-build portion was a class 4, the construction-ready component has a Class 2). These level estimates have an expected accuracy range of: Low-15% to-30% to High +20% to+50%. The second factor is that only one bid was received for this project. The DCP based its estimate on a competitive bidding environment with a minimum of 3+ bidders. Having only two bidders can increase the cost from 20% to 30%. The number of bidders that will ultimately propose on a given project is typically affected by the project size, scope and complexity, by the availability of local contractors meeting the required project qualifications and the availability of a local pool of qualified personnel and tradesmen.

On July 20, 2016 this project was originally advertised, two submittals were received (submittal 1- Poole and Kent and submittal 2 – PC Construction) on September 2, 2016. Poole and Kent was deemed non-responsive due to its loss of a necessary team member and PC Construction withdrew from the procurement. Resolution 790-18 ratified the rejection of all proposals for DB16-WASD-01. Below is a timeline of milestones from the previous and current procurement (DB16-WASD-01/DB18-WASD-02). See Figure 1.

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Researcher: IL Reviewer: PGE

Figure 1 Project Timeline



The RDBS was advertised on November 13, 2018. Two proposals were received in response to the solicitation. One of the two (Garney Companies Inc.) withdrew from the competitive selection process for the following reasons: Garney Companies Inc. was not in agreement with the inclusion of a local preference stipulation in this procurement. Garney Companies Inc. sent a letter to WASD stating that their withdrawal was motivated by the County's unwillingness to waive the local preference resulting in a disadvantage to Ganey Companies Inc., a non-local firm.

The key specific services to be provided by the awardee, Poole and Kent, has been bulleted below:

- A combined Sludge Thickening and Dewatering Building to house the sludge thickening system, the digested sludge dewatering system, and other engineering features to support the thickening and dewatering process. Support systems to include dry polymer feed and storage (for both thickening and dewatering sludge), polymer dosage optimization system, dewatered cake pumping and storage, cake conveyance, Thickened Waste Activated Sludge (TWAS) pumping, thickening and dewatering centrate pumping, mono-rails, bridge crane, truck load-out facilities for dewatered cake, provisions for future cake transfer to proposed biosolids management facilities (provided by others), plant service water and sewer systems, other ancillaries required for a completely functional facility.
- The building shall be cast-in-place lower level, with precast upper-level walls, and shall be designed to meet all local and state building code requirements. The building shall be two stories high, the finished floor elevation shall comply with WASD "Design Guide for Hardening Wastewater Treatment Facilities against Flooding from Surge, Sea Level Rise and Extreme Rainfall," and the footprint shall be approximately 150 feet by 140 feet. Features of the building shall include operations and control room, break room, locker rooms and bathrooms, industrial facility freight elevator, electrical room, mechanical room, loading and unloading areas, chemical storage and feeding area, storage areas, and operator parking area. The building's exterior should include architectural features and themes like the adjacent facilities onsite. The roof shall be double tee and hollow core construction. The building foundations shall be based on spread footers and Wet-wells associated with the building shall be installed "at-grade."
- Thickening system consisting of six centrifuges (4 operational, 2 standby). Centrifuges should be suitable for un-manned operations.
- Thickened Waste Activated Sludge pumping via six transfer pumps. Each thickening sludge transfer pump will receive TWAS directly from its corresponding Centrifuge without the utilization of TWAS Wet-wells.

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OCA performed a search of the technical certifications on the Business Management Workforce System on April 20, 2020, the SBE A&E firms found are listed in Table 2 below:

Table 2

Technical Certification	Description	SBE A/E Firms
6.03 (Prime)	Water and Sanitary Sewer Systems – Water and Sanitary Sewage Treatment Plants	22 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
11.00 (Prime)	General Structural Engineering	Non-identified
16.00 (Prime)	General Civil Engineering	Non-identified
17.00 (Prime)	Engineering Construction Management	Non-identified
9.02 (Other)	Soils, Foundations and Materials Testing – Geotechnical and Materials Engineering Services	11 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
9.03 (Other)	Soils, Foundations and Materials Testing – Geotechnical and Materials Engineering Services	4 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
10.05 (Other)	Contamination Assessment and Monitoring	15 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
12.00 (Other)	General Mechanical Engineering	Non-identified
13.00 (Other)	General Electrical	Non-identified
14.00 (Other)	Architecture	Non-identified
15.01 (Other)	Surveying and Mapping – Land Surveying	15 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification

The following SBE measures were set for this project:

SBE-Architectural/Engineering - 14.00%

SBE – Goods and Services - 2.00%

SBE- Construction - 9.43%

CWP- Community Workforce Program – 10.00%

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OCA conducted a due diligence analysis of the awarded firm and the sub-consultants that are satisfying SBE goals on April 20, 2020 on Table 3 below:

Table 3

Firm	Sunbiz	Tax Collector	License Type	West Law	SBE G&S	SBE A/E	SBE Cons
Poole and Kent Company of Florida (PRIME)	Foreign Profit Corporation Principal Address: 1781 N.W. North River Drive, Miami, FL 3325 Date Filed: 07/01/2004	None	License Type: Construction Business Information No License Complaints	No Relevant Cases	N/A	N/A	N/A
A.D.A. Engineering, Inc.	Florida for Profit Corporation Principal Address: 8550 N.W. 33 Street, Suite 202, Miami, FL 33122 Date Filed: 02/17/1981	Multiple Accounts Business Address: 8550 N.W. 33 Street, Suite 202, Miami, FL 33122 Paid/Current	License Type: Certified General Contractor and Construction Business Information No License Complaint	No Relevant Cases	N/A	2.0% (Civil Engineering)	N/A
Axioma 3, Inc.	Florida for Profit Corporation Principal Address: 7418 S.W. 48 Street, Miami, FL 33155 Date Filed: 02/23/1988	Business Address: 7418 S.W. 48 Street, Miami, FL 33155 Paid/Current	License Type: Architect Business No License Complaint	No Relevant Cases	N/A	3.5% (Architecture)	N/A

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Firm	Sunbiz	Tax Collector	License Type	West Law	SBE G&S	SBE A/E	SBE Cons
Bello and Bello Land Surveying Corporation	Florida for Profit Corporation Principal Address: 12230 S.W. 131 Avenue, Suite 201, Miami, FL 33186 Date Filed: 11/05/2002	Business Address: 12230 S.W. 131 Avenue, Suite 201, Miami, FL 33186 Paid/Current	None	No Relevant Cases	N/A	.50% (Surveying)	N/A
Carollo Engineers, Inc.	Foreign Profit Corporation Principal Address: 2700 Ygnacio Valley Road, Suite 300, Walnut Creek, CA 94598 Date Filed: 05/25/2000	Business Address: 703 Waterford Way, Suite 560, Miami, FL 33126 Paid/Current	License Type: Registry No License Complaint	No Relevant Cases	N/A	N/A	N/A
Chen Moore and Associates, Inc.	Florida for Profit Corporation Principal Address: 500 West Cypress Creek Road, Suite 630, Ft Lauderdale, FL 33309 Date Filed: 11/07/1986	Business Address: 2103 Coral Way Suite 401, Miami, FL 33145 Paid/Current	License Type: Landscape Architect Business and Registry No License Complaint	No Relevant Cases	N/A	N/A	N/A

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Firm	Sunbiz	Tax Collector	License Type	West Law	SBE G&S	SBE A/E	SBE Cons
Corcel Corp	Florida for Profit Corporation Principal Address: 2461 N.W. 23 Street, Miami, FL 33142 Date Filed: 12/10/1982	Business Address: 2461 N.W. 23 Street, Miami, FL 33142 Paid/Current	None	No Relevant Cases	1.65% (Furnish Pipe, Valves, Fittings, Pumps and Related)	N/A	N/A
Dodec, Inc.	Florida for Profit Corporation Principal Address: 3140 W. 84 Street, Bay #2, Hialeah, FL 33018 Date Filed: 10/10/1997	Multiple Accounts Business Address: 3140 W. 84 Street, Bay #2, Hialeah, FL 33018 Paid/Current	License Type: Certified General Contractor, Certified Mechanical Contractor, Certified Plumbing Contractor, and Construction Business Information No License Complaint	No Relevant Cases	N/A	N/A	3.288% (Mechanical Engineering)
Eli's Mechanical Corp.	Florida for Profit Corporation Principal Address: 16172 S.W. 2 Drive, Pembroke Pines, FL 33027 Date Filed: 09/06/2012	None	License Type: Certified Mechanical Contractor, and Construction Business Information No License Complaint	No Relevant Cases	N/A	N/A	1.096% (Mechanical Engineering)

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Firm	Sunbiz	Tax Collector	DBPR	West Law	SBE G&S	SBE A/E	SBE Cons
Fraga Engineers, LLC.	Florida Limited Liability Company Principal Address: 135 San Lorenzo Avenue, Suite 890 Coral Gables, FL 33146 Date Filed: 1/3/2006	Multiple Accounts Business Address: 135 San Lorenzo Avenue, Suite 890 Coral Gables, FL 33146 Paid/Current	License Type: Registry and Architect Business No License Complaint	No Relevant Cases	N/A	5.00% (Heat Ventilation and Air Conditioning)	N/A
Gamboa Engineers, LLC.	Florida Limited Liability Company Principal Address: 17433 S.W. 65 Court, Southwest Ranches, FL 33331 Date Filed: 02/10/2012	Business Address: 7035 S.W. 47 Street, Unit B30, Miami, FL 33155 Paid/Current	License Type: Registry No License Complaint	No Relevant Cases	N/A	3.4% (Electrical Engineering)	N/A
Gresham Smith	Registered in Tennessee General Partnership Principal Address: 222 2ND Ave S Suite 1400 Nashville, TN 37201-2373 Date Filed: 06/09/2014	Business Address: 2 Alhambra Plaza 1200, Coral Gables, FL 33134 Paid/ Current	License Type: Landscape Architect, Interior Design Business, Architect Business, Geology Business and Registry No License Complaint	No Relevant Cases	N/A	N/A	N/A

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Firm	Sunbiz	Tax Collector	DBPR	West Law	SBE G&S	SBE A/E	SBE Cons
Lehman Pipe and Plumbing Supply, Inc.	Florida for Profit Corporation Principal Address: 3575 N.W. 36 Street, Miami, FL 33142 Date Filed: 12/08/1947	None	None	No Relevant Cases	.350% (Furnish Pipe, Valves, Fittings, Pumps and Related)	N/A	N/A
Longitude Surveyors, LLC.	Florida Limited Liability Company Principal Address: 7769 N.W. 48 Street Suite 375 Doral, FL 33166 Date Filed: 03/12/2004	Business Address: 7769 N.W. 48 Street Suite 375 Doral, FL 33166 Paid/Current	License Type: Registry No License Complaint	No Relevant Cases	N/A	.50% (Surveying)	N/A
Mar's Contractors, Inc.	Florida Profit Corporation Principal Address: 13303 S.W. 135 Avenue, Miami, FL 33186 Date Filed: 01/24/1992	Business Address: 13303 SW 135 Avenue, Miami, FL 33186 Paid/Current	License Type: Certified General Contractor, Certified Plumbing Contractor, Certified Mechanical Contractor, and Construction Business Information No License Complaint	No Relevant Cases	N/A	N/A	2.507% (Mechanical and Plumbing)

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Firm	Sunbiz	Tax Collector	DBPR	West Law	SBE G&S	SBE A/E	SBE Cons
Nutting Engineers of Florida, Inc.	Florida for Profit Corporation Principal Address: 1310 Neptune Drive, Boynton Beach, FL 33426 Date Filed: 02/16/1967	Business Address: 2051 N.W. 112 Avenue, Suite 126, Sweetwater, FL 33172 Paid/Current	License Type: Registry No License Complaint	No Relevant Cases	N/A	N/A	N/A
Sunshine State Air Conditioning, Inc.	Florida for Profit Corporation Principal Address: 4960 N.W. 165 Street, B-11, Miami, FL 33014 Date Filed: 08/28/2007	Business Address: 4960 N.W. 165 Street, Suite B11, Miami Gardens, FL 33014 Paid/Current	License Location: 4960 N.W. 165 Street, B-11, Miami, FL 33014 No License Complaint	No Relevant Cases	N/A	N/A	2.575% (Heat Ventilation and Air Conditioning)
Terracon Consultants, Inc.	Foreign Profit Corporation Principal Address: 10841 S. Ridgeview Road, Olathe, KS 66061 Date Filed: 12/31/2003	Business Address: 16200 N.W. 59 Ave, Suite 106, Miami Lakes, FL 33014 Paid/Current	License Type: Asbestos Consultant Engineer, Certified Building Contractor, Geology Business, Construction Financial Officer and Registry No License Complaint	No Relevant Cases	N/A	N/A	N/A

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Firm	Sunbiz	Tax Collector	DBPR	West Law	SBE G&S	SBE A/E	SBE Cons
Vital Engineering, Inc.	Florida for Profit Corporation Principal Address: The Sunset Bldg., 7100 S.W. 99 Avenue, Suite 202, Miami, FL 33173 Date Filed: 02/09/2003	Business Address: 7100 S.W. 99 Avenue, Suite 202, Miami, FL 33173 Paid/Current	License Type: Registry, No License Complaint	No Relevant Cases	N/A	2.00% (Electrical Engineering)	N/A
Total					2.0%	14.00%	9.43%

Pursuant to Resolution No. R-421-16 a performance record verification was conducted by OCA in the Capital Improvements Information System (CIIS) April 28, 2020: There are 62 performance evaluations in the Capital Improvements Information Systems Database with an average rating of 3.5 out of 4.0. The firm history report attached to the item states that Poole and Kent has received eight contracts totaling \$219,625,377, between December 1, 2016, and December 1, 2019.

ADDITIONAL INFORMATION

Poole and Kent Company has performed work as mechanical sub-contractor for the work performed at the Tampa Bay Water Treatment Plant. The plant uses high-rate ballasted flocculation, ozone, disinfection, and biologically active filtration to produce drinking water better than federal and state standards at just 53.9 center per 1,000 gallons.

<https://www.pkflorida.com/services/design-build>

APPLICABLE LEGISLATION/POLICY

Chapter 287 of the Florida Statutes, Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties, will govern how each agency shall publicly announce, in a uniform and consistent manner, each occasion when professional services must be purchased for a project the basic construction cost of which is estimated by the agency to exceed the threshold amount provided in s. 287.017 for CATEGORY FIVE or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, except in cases of valid public emergencies certified by the agency head. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html

Section 2-1701 of the County Code (Community Workforce Program) Bid and proposal documents for Capital Construction Contracts/Work Order to which a local workforce goal has been applied shall require the contractor, to develop and submit to the County, within fifteen (15) days of notification of award of the contract, a Workforce Plan outlining how the goal will be met and containing all of the information and elements required by this Section

[County Code Link](#)

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

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTINGE_S2-8.1COPUGE)

Section 2-8.2.12 (4)(d) and (e) of the County Code (WASD Consent Decree) provides for the acceleration of Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Program projects, establishes policies and procedures for the approval of contracts related to those projects, specifically the right to amend contracts and extend the time for completion of any contract for construction, materials or professional services, including waivers of liquidated damages and other compensable and/or non-compensable time extensions as well as to negotiate and settle claims, and issue settlement agreement(s) or change orders for additional work under contracts and amendments where: the change order or claim does not exceed ten percent (10%) of the base contract amount; and the contingency allowance shall be utilized to ensure minimal disruption in work flow and shall be documented on the appropriate contingency authorization draw. Change orders shall be submitted to replenish the contingency account in a timely manner; and the limitations provided in (4)(e)(i) above shall not apply to any change order or amendment related to emergency actions impacting remediation, public safety, health requirements or recovery from a natural disaster.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTINGE_S2-
8.2.12MIDEWASEDECODECAIMPRACOR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR)

Section 2-10.4 of the County Code provides the rules and regulations associated with the procurement of professional, architectural, engineering, landscape architectural, or land surveying and mapping services. Requires a public announcement, submission of qualifications, certification committee, competitive selection committee, and competitive negotiations.

[https://library.municode.com/fl/miami dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTINGE_S2-
10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTINGE_S2-10.4ACPRARENLAARLASUMASE)

Section 2-10.4(7) of the County Code provides, each contract for professional services shall contain a prohibition against contingent fees, as required by Chapter 287, Florida Statutes. For the breach or violation of this provision the County Commission may terminate the agreement without liability or, at its discretion, deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTINGE_S2-10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTINGE_S2-10.4ACPRARENLAARLASUMASE)

Ordinance 14-79 (Sea Level Rise), adopted on September 3, 2014, amending Section 2-1 of the Code of Miami-Dade County, Florida, to require 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; providing severability, inclusion in the code, and an effective date.

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

Implementation Order (I.O.) 3-41, (SBE Program), establishes procedures related to the Miami-Dade County Small Business Enterprise Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-41.pdf>

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**Item No. 802
File No. 200234**

Researcher: IL Reviewer: PGE

Implementing Order (I.O.) 3-32, (Small Business Enterprise Architecture And Engineering Program): It is the policy of Miami-Dade County that not less than 10% of the County's total annual expenditures of all project-specific contracts for professional architectural, landscape architectural, engineering, and surveying and mapping services, shall be expended with CBE-A/E's certified under the CBE-A/E ordinance.

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

Implementing Order (I.O.) 3-22, (Small Business Enterprise Construction Services Program): Except where Federal or State laws or regulations mandate to the contrary, this Implementing Order governs construction services (including design-build, alteration, installation, painting, maintaining or repairing a public improvement), funded in whole or in part by County funds for all Miami-Dade County departments and agencies.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO03-22.pdf>

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution No. R-281-14, adopted March 18, 2014, approving Mayor's recommendations relating to proposed Consent Decree with federal and state environmental enforcement agencies and authorizing the Mayor and County Attorney to modify proposed Consent Decree and advise the Court accordingly.

<http://www.miamidade.gov/govaction/matter.asp?matter=140568&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-421-16, adopted May 17, 2016, direction the Mayor or Mayor's designee to attach to all items recommending Design and/or Construction Contract Awards of \$1,000,000/00 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 contractors work.

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

Resolution No. R-790-18, adopted July 24, 2018, action by County Mayor related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance pursuant to Section 2-8.2.12 of the Code of Miami-Dade County, Florida specifically the rejection of all proposals for Design-Build Services for the construction of the South District Wastewater Treatment Plant and the Central District Wastewater Treatment Plant Sludge Thickening and Dewatering Buildings – Project No. DB16-WASD-01

<http://intra/gia/matter.asp?matter=181612&file=true&yearFolder=Y2018>

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

<http://www.miamidade.gov/govaction/matter.asp?matter=182536&file=true&fileAnalysis=false&yearFolder=Y2018>

**BCC Meeting
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Research Notes**

**Item No. 11A9
File No. 200407**

Researcher: CB Reviewer: PGE

RESOLUTION APPOINTING JOHN L. GAY, JR. TO THE BOARD OF COMMISSIONERS FOR N.W. 7TH AVENUE CORRIDOR COMMUNITY REDEVELOPMENT AGENCY IN ACCORDANCE WITH SECTION 163.356(2), FLORIDA STATUTES, AND SECTION 2-1889 OF THE CODE OF MIAMI-DADE COUNTY

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Chairwoman Audrey M. Edmonson, District 3
Department/Requester: None

This item was forwarded to the BCC with a favorable recommendation by the Housing, Social Services & Economic Development Committee at its March 9, 2020 meeting.

ANALYSIS

OCA completed the required background research regarding the appointment of John L. Gay, Jr. to the N.W. 7th Avenue Corridor Community Redevelopment Agency and the following information was found:

- October 20, 2014; Federal Tax Lien in the amount of \$30,716, noting no release on file.

APPLICABLE LEGISLATION

Resolution No. R-636-14, adopted on July 1, 2014, requires OCA to complete background research on applicants being considered to serve on County Boards and Trusts that require nominations and/or appointments by the BCC.
<http://intra/gia/matter.asp?matter=141238&file=true&yearFolder=Y2014>

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**Item No. 11A18
File No. 200312**

Researchers: MF/IL Reviewer: PGE

RESOLUTION DIRECTING THE COUNTY MAYOR TO REVIEW AND SUBMIT TO THE BOARD A RECOMMENDATION REGARDING A PROPOSAL FROM SANTA'S ENCHANTED FOREST, INC. TO OPERATE A HOLIDAY-THEMED, TEMPORARY FAIR AT TROPICAL PARK IN NOVEMBER AND DECEMBER, 2020, AND TO ADVISE THIS BOARD IN WRITING WITHIN 30 DAYS WHETHER THE MAYOR FINDS THAT IT IS IN THE COUNTY'S BEST INTEREST TO WAIVE COMPETITIVE BIDDING AND PROCEED WITH SUCH A PROPOSAL

ISSUE/REQUESTED ACTION

For the County Mayor to review and submit a recommendation to the Board pertaining to a proposal from Santa's Enchanted Forest, Inc. to allow the temporary operation of the holiday-themed park from November through December 2020, determining whether waiving the competitive bidding process to proceed with such a proposal is in the best interest of the County.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Joe A. Martinez, District 11

Co-Sponsors: Chairwoman Audrey Edmonson, District 3; Vice Chairwoman Rebeca Sosa, District 6; Commissioner Sally Heyman, District 4; and Commissioner Barbara J. Jordan, District 1

Department/Requester: None

This item was heard at the Chairwoman's Policy Council meeting of April 20, 2020 and forwarded to the BCC with a favorable recommendation. The Council voted 6-1, to forward the item to the BCC, with Commissioner Javier D. Souto, who represents District 10 and the area, casting the dissenting vote. Commissioner Dennis Moss was absent from the vote. Below is a synopsis of the discussion that transpired at the CPC meeting:

- Parks, Recreation and Open Spaces Department (PROS) Director Maria Nardi stated that prior to Covid-19, that given the fact that the Santa's Enchanted Forest contract expired in March 2020, PROS was considering hosting a holiday lighting celebration at Tropical Park. With the current landscape of Covid-19, the department is relying on health experts' medical guidance as to whether this could occur, given the social distancing requirements.
- Commissioner Javier D. Souto expressed his concern amid the Covid-19 pandemic and the various unknowns, including what could occur with the virus situation between now and December.
- Commissioner Esteban Bovo inquired as to whether this item would be an RFP and whether this was a one-time extension for Santa's Enchanted Forest. His main concern centered upon a capacity cap placed on these types of events considering the social distancing requirements.
- Ms. Nardi confirmed the item before the Council was for consideration of a one-time extension. She also indicated that the proposed holiday lighting for December would be conducted in-house through the County.
- Assistant County Attorney Melanie Spencer clarified that the item before the Council was merely for the Mayor to only consider a new contract; this would not give Santa's Enchanted Forest a one-year contract. In order for a one-year contract to be in place, it would require a bid waiver, which the Board must authorize for approval.
- Commissioner Sally Heyman commented on her support for Santa's Enchanted Forest, citing that the good outweighs the bad because it is a great venue for the children and all constituents; she stated it would be best

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to provide the venue with the one-year extension and then for the County to conduct the appropriate RFP next year.

- Commissioner Rebeca Sosa questioned why PROS did not start procurement on this item 18 months prior to its expiration date, as it is normally the case with contracts.
- Ms. Nardi indicated this item had not previously gone before the BCC to advise that the lease agreement would expire.
- Commissioner Barbara Jordan said she agreed with Ms. Sosa's point, questioning why this item had not been brought forth to the Board 18 months prior to its expiration. She expressed concern that by doing so, it gave the impression that the County had deliberately allowed this to expire, giving the Board no option whether to renew, extend or seek an RFP.
- Ms. Nardi responded that she was not aware of such legislation and apologized for the situation.
- Assistant County Attorney Monica Rizo clarified that the legislation Ms. Sosa and Commissioner Jordan were referring to (Resolution No. R-718-17), applied specifically to goods and services and not to lease agreements. In terms of the recently expired contract, it was deemed a lease agreement to allow Santa's use of the property to host a fair.
- Chairwoman Audrey Edmonson stated she would support the recommendation for an extension.
- Commissioner Joe Martinez stated it was his understanding that PROS staff had met with the representatives from Santa's about two years ago, so PROS knew the contract was expiring – to which Ms. Nardi answered in the affirmative.
- Mr. Martinez pointed out that this item was originally supposed to be a proposal as an RFP and was withdrawn in January 2020, prior to the Covid-19 pandemic. In his view, the contract lapsed thus putting the Board in an uncomfortable position. Mr. Martinez said he favored allowing the one-year extension and moved the item for approval.
- Ms. Sosa indicated she recommends for all contracts and leases come to the Board 18 months prior to their expiration to allow a competitive process to occur.

Note that most of the public comments received for this item consisted of members from the public speaking against, Santa's Enchanted Forest. For this item, there were a total of 29 comments received, of which 17 were opposed and 12 were in favor. Many of the arguments made by the residents centered upon the following:

- Some residents in favor of Santa's Enchanted Forest had business dealings with the event.
- Other residents in favor stated they favored the venue as a place for children to enjoy during the holiday season.
- The residents who spoke in opposition stated there is a lack of competition.
- There were other residents who oppose the venue due to traffic congestion.

ANALYSIS

The purpose of this item is to discuss a proposal submitted by Santa's Enchanted Forest, Inc., to allow the venue to temporarily operate the holiday-themed park for one season from November through December 2020, and determine whether it is in the best interests of the County to waive the required competitive bidding process while a solicitation for future uses at the location is being finalized by the County. The venue has operated annually on a recurring basis since 1984 from Tropical Park located at 7900 SW 40 Street, in Commission District 10, represented by Senator Javier D. Souto. The long-standing lease agreement between the venue and the County expired in March 2020. This past year, Santa's Enchanted Forest operated its final season from October 31, 2019 through January 5, 2020.

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File No. 200312**

Researchers: MF/IL Reviewer: PGE

A history of the lease agreements and associated items between Santa's Enchanted Forest and the County are depicted in Figure 1 below.

Figure 1

Date	Title	Outcome	Discussion	File/Reso No. (Web Link)
5/11/1999	Recommended that the Board waive Administrative Order 3-16 and public bidding procedures at this time and approve the County Manager's appointment of appropriate County staff to negotiate a Lease Agreement with Santa's Enchanted Forest, Inc.	Adopted via Resolution No. R-518-99	Unavailable on Webcast	File No. 991121
01/25/2000	Recommended that the Board award a negotiated agreement with Santa's Enchanted Forest, Inc., to provide a holiday light display and related activities at tropical park	Adopted via Resolution No. R-64-00	Commissioner Souto expressed concern approving the use of Tropical Park without going through a bid process. Assistant County Attorney Hugo Benetiz indicated that this event was viewed as a temporary fair and as such was exempted from Article VI, Section I of the Charter. He stated the Charter also provided provisions for exemptions regarding user and non-spectator participation and recreation at playground facilities. Commissioner Souto recused himself from voting on the foregoing matter.	File No. 000172
10/23/2001	Resolution authorizing an amendment to the lease agreement with Santa's Enchanted Forest Inc., to correct scrivener's errors and discrepancies between the	Adopted via Resolution No. R-1148-01	Unavailable on Webcast	File No. 012094

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	agreement and the construction rider, attached to the agreement as Exhibit D.			
04/28/2004	Oral Status Report on Santa's Enchanted Forest	N/A	Commissioner Souto requested to be kept abreast of the status of the case involving the arrest of Vice President and Board member of Santa's Enchanted Forest, Brian Shechtman.	File No. 041088
06/16/2004	Status Report on Santa's Enchanted Forest	N/A	Commissioner Souto requested the Office of the Inspector General, the State Attorney's Office, and the Miami Herald investigate the contract between the County and the operator of the Santa's Enchanted Forrest attraction at Tropical Park. Commissioner Souto also requested staff invite Mr. Dan Paul, the attorney who drafted the Miami-Dade County Charter, to the next Committee meeting to address the use of public parks by private companies.	File No. 041718
01/16/2020	Recommendation requesting that the Mayor prepare a solicitation for the land currently leased by Santa's Enchanted Forest, Inc., pursuant to Article 7 of The Home Rule Charter and to present the solicitation to the Board of County Commissioners for the Board's approval prior to the advertisement of such solicitation.	N/A	Item was withdrawn at the 1/16/20 meeting of the Parks, Recreation and Cultural Affairs Comm.	File No. 193121

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File No. 200312**

Researchers: MF/IL Reviewer: PGE

05/05/2020	Directing the Mayor to review and submit a recommendation regarding a proposal from Santa's Enchanted Forest Inc. to operate a holiday-themed temporary fair at Tropical Park in Nov. and Dec. 2020 and advise the Board within 30 days whether it is in the County's best interests to waive competitive bidding and proceed with such proposal.	N/A	Unavailable on Webcast	File No. 200312
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OCA conducted a due diligence review of Santa's Enchanted Forest, Inc. on April 20, 24 and 29, 2020, the results are shown below.

Vendor	Corporate Registration	Tax Collector	DBPR	Westlaw
Santa's Enchanted Forest, Inc.	<p>Florida Profit Corporation</p> <p>Active</p> <p>Principal address: 11900 Biscayne Blvd. Suite 500 North Miami, FL</p> <p>Date Filed: July 17, 1984</p>	No account on file	No account on file	<p><i>Jhon Jairo Diaz (parent of), v. D&J Amusement Inc., et al.</i>, Case No. 2019-026747-CA-01, filed September 11, 2019 in 11th Judicial Circuit Miami-Dade County. Allegation: Negligence - Defendant negligently operated the premises in the proper condition by failing to warn the dangerous condition of rainbow rock ride due to this plaintiff (a minor) caused sustained severe injuries. Case status: Pending court action.</p> <p><i>Veronica Itzel Anguiano Villanueva, et al, v. Santa's Enchanted Forest, Inc.</i>, Case No. 2019-016223-CA-01, filed May 30, 2019 in the 11th Judicial Circuit Court, Miami-Dade</p>

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Researchers: MF/IL Reviewer: PGE

County. Allegation: Defendant negligently operated the premises by failing to warn and remove the dangerous condition while walking within the premises and that caused trip and fall to the minor plaintiff thereby causing injuries and damages to the plaintiff minor. Case status: Pending court action.

Levine v. Santa's Enchanted Forest, Inc., Case No. 1:17-CV-20214, filed January 18, 2017 in the U.S. District Court, Southern District of Florida (Miami). Allegation: Defendant failed to modify its establishment in a manner that permit the use of Segway power-driven mobility devices inside its premises, causing plaintiff to be denied full and equal access to its offered goods and services due to his disability. Case status: Closed through mediation; the outcome of the mediation was no available for viewing.

ADDITIONAL INFORMATION

Santa's Enchanted Forest dubs itself the World's Largest Holiday Theme Park, featuring 100 rides, shows, games and attractions. <https://www.santasenchantedforest.com/>

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Researchers: MF/IL Reviewer: PGE

According to a January 10, 2020 article from WPLG Channel 10 News, park management officials estimate more than one million guests visit the venue each year. <https://www.local10.com/news/local/2020/01/10/is-this-the-end-of-santas-enchanted-forest/>

A February 2020 article in the *Miami Herald* discussed a petition drive initiated by Santa's Enchanted officials via change.org calling for residents to support a proposed one-year extension of the venue's operation, while negotiations/discussions with the County are undertaken. As of April 20, 2020, there were 14,965 supporters who had signed the petition.

<https://www.miamiherald.com/miami-com/things-to-do/article240427256.html>;

https://www.change.org/p/carlos-a-gimenez-mayor-miami-dade-county-keep-santa-s-enchanted-forest-at-tropical-park-for-the-2020-holiday-season?recruiter=1043591316&utm_source=share_petition&utm_medium=email&utm_campaign=share_email_responsive&utm_term=share_petition&recruited_by_id=0ac31e50-5267-11ea-b06d-1f8848025447

An April 22, 2020 article in the Miami Herald stated Santa's Enchanted Park officials urged County officials to reconsider extending the park's lease for one-year in the aftermath of the Covid-19 pandemic, as an opportunity to allow residents to return to the theme park during the holidays.

<https://www.miamiherald.com/news/local/community/miami-dade/article242179051.html>

During Santa's Enchanted Forest's 2019-2020 season, the venue offered guests the following three tiers of price admissions:

- Season Pass (unlimited season visits): Child: \$50.47, Adult \$60.75, Seniors \$50.47
- Single Day Ticket: Child \$27.10, Adult \$35.51, Seniors \$27.10
- Santa's Express Pass (add-on to admission) - ages 3 and up: \$18.69

APPLICABLE LEGISLATION

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

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Item No. 11A19

File No. 200804 (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

Whether the Board should direct the Mayor or his designee to prepare and submit a report that analyzes demographic data (age, race, ethnicity, and gender) pertaining to the number of individuals in the County who have tested positive for coronavirus disease 2019 (COVID-19), and, upon determination of a demographic(s) being disproportionately impacted by COVID-19, prepare a plan to provide additional support in services to aid the affected population(s).

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

Department/Requester: None

This item was amended and then forwarded, as amended, to the BCC with a favorable recommendation by the Chairwoman's Policy Council at its April 20, 2020 meeting. Prior to passage, the following amendment was read into the record:

Section 3 on page 7 was amended to read, "if such report reveals that any particular race, ethnicity, age group, or other demographic included therein has been disproportionately impacted by COVID-19, directs the County Mayor or County Mayor's designee to prepare a plan to provide additional support in services to aid the affected populations. At a minimum such plan shall: 1. Identify and provide for additional testing locations and services in impacted communities, which shall include, but not be limited to, diagnostics and antibodies testing; 2. Provide assistance with the acquisition and delivery of food, medication, and other household goods and services as may be necessary; 3. Identify measures that could help reduce the number of individuals infected with COVID-19 in such communities as well as other measures to reduce and prevent the transmutation of COVID-19 throughout Miami-Dade County and beyond."

A resolution, also sponsored by Commissioner Monestime, urging the United States Congress, the Centers for Disease Control and Prevention, the Florida Legislature, and the Florida Department of Health to include race, ethnicity, and other demographic information in publicly released data pertaining to individuals who have tested positive for COVID-19 is also on the May 5, 2020 BCC agenda as Agenda Item 11A32 (File No. 200661).

ANALYSIS

OCA researched COVID-19 demographic data as provided by the states' Departments of Health in various jurisdictions and produced a comparison with those populations' race and ethnicity demographic data obtained from the U.S. Census Bureau. Few U.S. jurisdictions have made race and ethnicity demographic data of COVID-19 patients 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. When compiling race and ethnicity demographic numbers, the U.S. Census Bureau delineates Hispanic separately as an ethnicity, distinguishing it from race since Hispanics identify with varying races. Jurisdictions that conflated Hispanic into the race category when collecting demographic data from COVID-19 patients were excluded. The jurisdictions included in the tables below collected and presented data using the same methodology as the U.S. Census Bureau, delineating Hispanic separately as an ethnicity, thus allowing OCA to perform a true comparison of COVID-19 demographic data against general population demographic data.

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Researchers: JFP & VW Reviewer: PGE

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 therefore 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.

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

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File No. 200804 (200660)

Researchers: JFP & VW Reviewer: PGE

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	
<i>Miami-Dade County, FL</i>	3,420 (69.7%)	69.1%	1,484 (30.3%)	30.9%	3,346
<i>District of Columbia</i>	361 (20%)	11.3%	1,445 (80%)	88.7%	544
<i>Georgia</i>	712 (9.9%)	9.8%	6,471 (90.1%)	90.2%	9,185
<i>Louisiana</i>	241 (1.4%)	5.2%	16,516 (98.6%)	94.8%	5,775
<i>Michigan</i>	525 (3.2%)	5.2%	15,802 (96.8%)	94.8%	12,876
<i>North Carolina</i>	325 (9.2%)	9.6%	3,195 (90.8%)	90.4%	1,945

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**Item No. 11A20
File No. 200342**

Researcher: CB Reviewer: PGE

RESOLUTION WAIVING, BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT, THE UNINCORPORATED AREA RESIDENCY REQUIREMENT OF SECTION 2-98.7(A)(1) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AND APPOINTING NADJEDA CHERILIEN TO THE PUBLIC NUISANCE ABATEMENT BOARD

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

Department/Requester: None

This item was forwarded to the BCC with a favorable recommendation by the Health Care and County Operations Committee at its March 12, 2020 meeting.

ANALYSIS

OCA completed the required background research regarding the appointment of Nadjeda Cherilien to the Public Nuisance Abatement Board, noting no adverse findings.

APPLICABLE LEGISLATION

Resolution No. R-636-14, adopted on July 1, 2014, requires OCA to complete background research on applicants being considered to serve on County Boards and Trusts that require nominations and/or appointments by the BCC.

<http://intra/gia/matter.asp?matter=141238&file=true&yearFolder=Y2014>

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

The Office of the Commission Auditor (OCA) was established in September 2002 by Ordinance 03-2 to provide support and professional analysis of the policy, service, budgetary and operational issues before the Miami-Dade Board of County Commissioners. The Commission Auditor's duties include reporting to the Board of County Commissioners on the fiscal operations of County departments, as well as whether the fiscal and legislative policy directions of the Commission are being efficiently and effectively implemented

These research notes, prepared in collaboration with the Miami Dade County departments as subject matter experts, is substantially less detailed in scope than an audit in accordance with the Generally Accepted Auditing Standards (GAAS). The OCA plans and performs the review to obtain sufficient, appropriate evidence to provide a reasonable basis for its findings and conclusions based on its objectives; accordingly, the OCA does not express an opinion on the data gathered by the subject matter expert(s).