



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

CHAIRWOMAN'S POLICY COUNCIL MEETING

May 7, 2020

10:00 A.M.

Virtual Meeting

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Commission Auditor

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Research Notes**

**Item Nos. 1E1 and 3B
File No. 200851 and 200377**

Researcher: MF Reviewer: PGE

STATUS UPDATE FROM THE ADMINISTRATION ON ADVANCED TRAFFIC MANAGEMENT SYSTEMS (ATMS) [SEE FILE NO. 200377]

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-01058 TO SIEMENS MOBILITY, INC. FOR PURCHASE OF ADVANCED TRAFFIC MANAGEMENT SYSTEM FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS IN A TOTAL AMOUNT NOT TO EXCEED \$160,173,671 FOR THE NINE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS CONTAINED IN EXHIBIT 1 OF THE PEOPLE'S TRANSPORTATION PLAN SECTION MAJOR HIGHWAY AND ROAD IMPROVEMENTS [SEE FILE NO. 200851]

ISSUE/REQUESTED ACTION

Whether the Board should approve award of *Contract No. RFP-01058* to Siemens Mobility, Inc. for the purchase of an Advanced Traffic Management System (ATMS) in the amount of \$160,173,671 for a term of nine years for the Department of Transportation and Public Works (DTPW), authorizing the use of Charter County Transportation Surtax funds for such purpose.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was previously deferred at the Infrastructure and Capital Improvements Committee (ICI) meeting of March 10, 2020. Prior to the deferral, the committee requested for this item to return to it for review within 90 days with the Administration's recommendation. Below is a synopsis of the discussion that transpired.

- Deputy Mayor and OMB Director Jennifer Moon informed the Committee that the updated technology devices would measure and mitigate traffic; she affirmed to Commissioner Joe Martinez that Siemens Mobility, Inc. (the selected vendor) was the newest technology, adaptive to predict and mitigate future traffic patterns.
- Commissioner Jean Monestime noted he supported the adaptability the prospective contractor was offering. He asked Ms. Moon to explain the history of why vendors seeking more money were recommended for award such as this item.
- Ms. Moon noted the chosen contractor matched the existing proposed amount of \$155 million and the work to be completed was worth \$160 million. She further noted out of the four bidders, the Department would recommend the lowest offer; Siemens Mobility Inc. (\$152 million), Horsepower Electric (\$238 million), and TransCore ITS, LLC (\$260 million) were the highest-ranking proposers.
- ISD Chief Procurement Officer Namita Uppal indicated the four companies met the Request for Proposal (RFP) requirements but they all offered different technologies.

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- Mr. Martinez referenced Kimley-Horn and the helicopter item as it related to the amount of funding Miami-Dade has awarded contractors in the past. He noted the culture of contract amounts continued to increase during the interim of negotiations even without change orders. He asked Assistant County Attorney Oren Rosenthal if there was a suggested spending cap on contracts – to which Mr. Rosenthal replied this Board would determine the appropriate spending level and the number of negotiations.
- After a discussion ensued between Mr. Martinez and Mr. Rosenthal regarding local preference and government funding for this proposed contract, Mr. Martinez confirmed local preference could not be waived unless State and Federal funding were already allocated or the Board would have to waive local preference prior to the RFP; Mr. Rosenthal concurred.
- DTPW Director Alice Bravo affirmed to Mr. Martinez that State funding was to waive local preference and this item was eligible for Federal funding which could be later applied.
- Mr. Martinez highlighted, according to Florida Statutes Chapter 2550 991, the money must already be appropriated/allocated by the State and the Administration could not waive local preference unless government funding was already available.
- Ms. Moon pointed out that State funding of \$6.4 million was outlined in the Adopted Budget Book on page 133, Volume Two; and funding through the County's Incentive Grant Program fund through the Florida Department of Transportation (FDOT).
- Mr. Martinez referenced the Inspector General's report, page 9 of 13 which noted Siemens attempted to include additional cost of approximately \$22 million and questioned the justification for that amount to which Mr. Rosenthal replied Siemens stated initially \$22 million was needed to complete the project determined at the original bid. He noted although Siemens was proficient to expedite this type of project, it was still prudent to consider Siemens with an opposing lawsuit pending, filed in 2019 in Sacramento Court for unlawful labor practice and wages [Source: Office of Commission Auditor]. Mr. Rosenthal indicated the Administration and the Board would make the determination if the lawsuit were valid and whether to continue business as it related to the firm's responsibility to perform; not affecting discrimination.
- Commissioner Rebeca Sosa expressed apprehensiveness regarding procurement procedures. She pointed out a company scored the highest and still not recommended by the Selection Committee and questioned whether the proposal price scoring or technical scoring process was fair. Ms. Sosa indicated to the Administration that the request for no change order should be in writing and the job must be performed from inception to completion. Ms. Sosa noted she could not support the County Administration's recommendation for this item because local preference was eliminated, and the regulations must apply to everyone regardless of who the companies were.
- Mr. Monestime indicated he would support forwarding the item to the full Board without a recommendation but disfavored the contract due to the amount requested and the exclusion of local preference.
- In response to Commissioner Barbara Jordan's inquiry to the Administration about the scoring amount proposed, Ms. Uppal indicated Siemens Mobility Inc. (\$152 million), Horsepower Electric (\$238 million), and TransCore ITS, LLC (\$260 million) were the highest ranking proposers, noting the top three were selected for the oral presentation.
- Ms. Moon's suggestion was to change both the hardware and the software to make the entire traffic system integral for future updates/upgrades.
- Ms. Jordan questioned the amount the bidders were asking, referenced the Budget Book as a leading guide to indicate a starting bid, and questioned why Siemens applied under another entity as opposed to its own organization's name. She opined the full Board should hear this item and stated she would approve to forward this item without a recommendation, which required a unanimous vote by the Committee.

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- A discussion ensued between Ms. Jordan and Mr. Rosenthal regarding what would happen if the Committee could not move this item forward.
- Ms. Jordan inquired how the contract amount increased by \$22 million from the initial bid. Ms. Uppal explained the increase occurred during negotiations, where it was discovered the contract did not include other needed services such as customization, training, nighttime differential, and local preference.
- Ms. Jordan reiterated there was not a definitive answer to Mr. Martinez's question as to whether or not State/Federal funds were allocated for this item. Therefore, she posed the question again. "Was there Federal and or State funding identified specifically for this project?"
- Ms. Bravo explained guidelines were followed to off-set (local) costs and clarified the Department budgeted State funding in which the application allowed the Department to pursue Federal funds.
- The item was then moved by Commissioner Daniella Levine Cava to forward this item to the full Board without recommendation. This motion was seconded by Ms. Jordan.
- Mr. Martinez recused himself from this vote; and subsequently, it was moved by Ms. Levine Cava to move this item forward to the BCC; the motion was seconded by Mr. Monestime.
- Ms. Sosa reiterated her previous concerns not to support this item. She encouraged the Administration to improve procedures and the scoring system to promote fair competition. Commissioner Sosa did not recommend the approval of this item due to the high price.
- Ms. Jordan requested a roll call vote to accept this proposed resolution and upon being put to a vote, the vote failed 3-2. (Commissioners Levine Cava, Martinez and Sosa voted "Yes"; and Commissioners Monestime and Chairwoman Jordan voted "No")
- Ms. Jordan asked Committee members to consider another motion to reconsider moving this item forward without a recommendation.
- In response to Ms. Sosa's requested guidance from Mr. Rosenthal to lead a possible proposal that would make this selection process fair, Mr. Rosenthal indicated the Committee had the following options: vote to recommend favorable; amend the item to reject the bid and implement a procedure for rebid to include local preference, foregoing State and Federal funds for this type of solicitation; enter into simultaneous negotiations to review bid from Horsepower, LLC.
- A discussion ensued among the Committee and Mr. Rosenthal regarding the outcome of approving simultaneous negotiations due to Ms. Sosa's concerns that simultaneous negotiations raised issues with other contracts.
- Mr. Rosenthal affirmed the Mayor would make a recommendation pertaining to which negotiated contract was better based on the specifications and solicitation. He noted another option would be to list in the solicitation document to represent a mutual simultaneous negotiation before the County for the resolution and for the solicitation.
- Ms. Levine Cava suggested the Administration be directed to speak with the top two vendors and return with the results.
- Mr. Rosenthal advised local preference could not be applied because the solicitation document excluded local preference due to the intent to use local and State funding.
- The item was then moved by Ms. Levine Cava to include the process of simultaneous negotiation and bring this item before the Board for final review.
- Ms. Sosa stated she would support this item if the solicitation includes local preference. She recommended starting the process with local preference within 60 days for fairness to include a signed disclosure for prospective contractors, excluding the vendors that were previously considered. Mr. Martinez suggested negotiating with all three companies and not providing a preference.

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- The item was moved by Ms. Levine Cava to open negotiations with all three vendors and return to the Board for consideration of all various factors negotiated.
- Ms. Moon addressed Ms. Levine Cava's concern whether re-solicitation would prolong the process and she indicated it would make the process difficult for completing the review. Ms. Moon suggested negotiating with all three vendors and providing the Board with the information.
- This was moved by Ms. Levine Cava to accept Ms. Moon's suggestion as a motion to review all three vendors and provide the Board with the application to include the local preference information.
- Mr. Rosenthal affirmed to Ms. Jordan local preference could not be included in the recommendation because that term was not part of the initial solicitation that was intended to be paid for with State and Federal funding. He suggested the creation of another solicitation or waive the competitive process. He noted, it was mentioned the global preference did not apply because it would alter the original solicitation that occurred.
- Ms. Sosa stated she would support this item if the solicitation included local preference and recommended to start the process with local preference within 60 days for fairness to include a signed disclosure for prospective contractors, excluding the vendors that were previously considered. She also said prohibiting anyone related to this procurement from sitting on the selection committee, and for the Selection Committee members to sign a disclosure for those making recommendations.
- Mr. Rosenthal reiterated Ms. Sosa's suggestion and noted the County Mayor would make the ultimate recommendation. He indicated the Selection Committee completed their function.
- After Committee members' further discussion to include additional terms to allow fairness for each company to compete and be treated the same, Mr. Rosenthal recapped the amendment to state: The motion would be to amend the item to reject all bids directing the Administration to go and rebid this item within 60 days and the Selection Committee would be composed of entirely new individuals and not to have any differences in the treatment of the vendors, not to use federal and state funds. Mr. Rosenthal clarified that Ms. Sosa's amendment was to have the recommendation back within 60 days from the Board's actions. Mr. Rosenthal provided the option to reject all bids including Federal and State funds to include local preference.
- Ms. Levine Cava restated her motion to allow the Administration to negotiate with all three companies and return to this Committee for consideration. This motion was seconded by Mr. Monestime.
- Mr. Rosenthal assured Mr. Martinez that the Board would decide with the Mayor's recommendation on which company to select for the award. Mr. Rosenthal also clarified to Mr. Martinez that the County would start with the same proposal that all firms had given and Mayor Gimenez could return with a recommendation and the full Board would make the decision by a vote.
- Mr. Rosenthal reminded the Committee that between the total services and prices from one firm based on the solicitation selection criteria and the total final negotiation price and services offered by the other firm, the Board must choose one of the three firms that is most qualified to award the contract.
- A discussion ensued among the Committee members regarding the solicitation criteria, total price, and what occurred at prior meetings regarding this item. Mr. Monestime requested a point of order from Ms. Jordan to explain the vote on this item at prior meetings and it failed.
- Mr. Rosenthal addressed Mr. Martinez's concerns as to whether counsel believed fair negotiations could take place because of the different scoring and solicitation criteria – to which Mr. Rosenthal replied in the affirmative. Mr. Rosenthal stated the negotiations selection could be fair based on the selection criteria for the Selection Committee.
- Upon questioning from Mr. Martinez, Mr. Rosenthal clarified negotiations would not start at zero but rather at the prospective vendors' proposal with the vendors' option to provide a lower price at negotiation.
- In response, Mr. Martinez reiterated he preferred the negotiations start at zero.

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- Ms. Levine Cava notified the Committee that Horsepower did not have the opportunity to present a new bid and proceeded to state she would offer this motion to allow this company due process.
- For clarification of the new motion offered by Ms. Levine Cava, Mr. Rosenthal read the new motion into the record as follows: “To amend this item to direct the Administration to negotiate with all three vendors and a hearing would be held at the Board of County Commissioners for the consideration of the amended item and upon approval the direction would come back before the Committee or Board. Therefore, it would be approved as amended with the direction to return to this Committee with the result.”
- Ms. Jordan requested clarification and asked Mr. Rosenthal if Ms. Levine Cava’s amendment would allow this item to return to the full Board or unless directed to return to this Committee. Mr. Rosenthal stated this item would be forwarded to the full Board unless the Administration agreed to withdraw this item and have the Administration return to this Committee with another recommendation or defer this item and have the Administration return with another item.
- Mr. Rosenthal stated the current motion now was to amend the item to require the item to be forwarded to the full Board to consider.
- In addition to Ms. Levine Cava’s amendment, she added the term, “to allow the item to return to this Committee.” Attorney Rosenthal restated the options before the Committee.
- In response to Ms. Sosa’s concerns regarding allowing this item to go before the full Board and relinquish the power of this Committee to make the decision, Mr. Rosenthal provided a recap of the amended motion, to amend the item to direct the Administration to negotiate with all three companies and return to this Committee with a recommendation, (this would require this amendment to be forwarded to the full Board) or the Committee could defer this item until no time certain and during the interim the Administration could carry out its directive.
- Mr. Rosenthal reiterated to Ms. Sosa the motion would amend this item as stated and return to the full Board; and subsequently the Administration would return to this Committee with a recommendation.
- Ms. Sosa stated she could not vote for the approval of this item because it would provide a revolving door for the same outcome to occur with the same companies.
- Ms. Levine Cava offered a new amendment which Mr. Rosenthal read into the record: to defer and direct the Administration to negotiate with all three companies and return to this Committee with a supplemental recommendation with all three negotiating contractors.
- The item was moved by Ms. Levine Cava to approve the amendment read into the record by Mr. Rosenthal. The motion was seconded by Ms. Jordan.
- Mr. Rosenthal clarified this motion would be to no date certain until such time as the recommendation was submitted by the Administration.
- Mr. Jordan requested a roll call vote, and upon being put to a vote, passed by a vote of 5-0, to defer the foregoing proposed resolution to no date certain.
- Ms. Jordan asked the Administration how much time was needed to complete the negotiation and recommendation, to which Ms. Moon replied at least 120 days to negotiate with all companies.
- Following Ms. Sosa’s comments regarding her concern to have the County Administration to expedite their task, the Committee decided the Administration should return to this Committee within 90 days with a recommendation.

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ANALYSIS

The purpose of this item is for the County to contract with Siemens Mobility, Inc. to modernize the existing ATMS and traffic controllers and to provide miscellaneous engineering implementation of traffic engineering solutions. The proposed resolution requests Board authorization to award *Contract No. RFP-01058* to Siemens Mobility, Inc., in the amount of \$160,173,671 for a nine-year term for DTPW. This project will ultimately alleviate traffic congestion by upgrading the County's existing 2,900 traffic signal controllers. Note that, according to the mayoral memorandum, this improvement to the County's traffic signalization system is both part of the original People's Transportation Plan and on the ballot presented to the electorate in November 2002.

Under the contract, the work to be conducted impacts operationally active signalized intersections. The design and construction services rendered are intended to result in a complete, functional and operable state of a modernized traffic signal system. Such services include the associated engineering design, technical specifications, permitting, device installation, infrastructure construction, system integration, operational support, training and acceptance testing.

The fiscal impact is \$160,173,671 for a nine-year term. Per the contract's Price Schedule, payment is apportioned into three task groups: (1) Group 1, *ATMS and Traffic Signal Controller Migration*, totaling \$47,627,585; (2) Group 2, *Full Actuation of Signalized Intersections*, totaling \$92,211,343.33; and (3) Group 3, *Miscellaneous Engineering Implementation*, totaling \$5,773,500. Moreover, the Price Schedule details a contingency allowance of \$9,913,992.67 as well as an allowance of \$4,647,250 for nighttime work. The contract will be funded by DTPW operating, road impact fees, surtax and bond proceeds, state and federal sources. The mayoral memorandum does not specify the amount of surtax dollars that will be designated for this contract.

Approximately 2,600 intersections are controlled using the McCain D170E controller. The remaining intersections are controlled by the Econolite Safetran Model 2070C controller. The intersections with D170E controllers are managed using the Kimley-Horn KITS software; the remaining are managed by the Econolite Centrac ATMS. The current KITS ATMS owned by the County does not include support for the Caltrans Model 2070LX controller. This contract facilitates upgrading the McCain D170E controller to the 2070LX technology. Among the benefits of the 2070LX Controller are the enhanced platform that allows additional vehicle (including bicycles) and pedestrian detection at signalized intersections and vehicle detection zones to support Transit Signal Priority and Adaptive Signal Timing operations.

Pursuant to Resolution No. R-658-17, adopted on July 6, 2017, the Board awarded a contract for \$11,134,917 to Econolite Control Products, Inc. to purchase traffic signal system modernization services for DTPW for an initial two-year term plus one, one-year option to renew. The mayoral memorandum is silent as to the interplay between this contract award and the Econolite contract. More recently, the Board approved an amendment to the County's contract with Kimley-Horn and Associates through Resolution No. R-208-20 on February 19, 2020, providing the firm additional funding of \$2,500,000 for it to assist in the ATMS modernization efforts.

The solicitation for this award was advertised on October 4, 2018. Four proposals were received. On October 30, 2019 an award recommendation was approved. On November 4, 2019, the second-ranked proposer, Horsepower Electric, Inc. filed a protest with the Clerk of the Board based on three grounds:

- 1) The RFP's terms were modified after the submission of proposals in a manner that provided an unfair competitive advantage to only one proposer (Siemens);

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- 2) Arbitrarily and capriciously disregarded and ignored conditions that Siemens' proposal was expressly based on, per Siemens own written confirmation, such that the County has knowingly recommended an award to Siemens based upon an initial Siemens proposals that it knows was illusory; and
- 3) Arbitrarily gifting Siemens an extra \$4,647,250 over its proposed price for an unspecified amount of night work that Siemens had already expressly assumed in its initial proposals that it would have to complete.

On January 6, 2020, the Hearing Examiner upheld the County's decision – excepting a provision of the final contract that differed from both the RFP and Siemens' proposal. The aforementioned provision pertained to the inclusion in the negotiated agreement of a 10-working day timeframe for the County to review and return design submittals was deemed an improper advantage to Siemens. Per the mayoral memo, after consultation with the County Attorney's Office, the award recommendation was rescinded on January 22, 2020; at that point, the County's Negotiation Team was instructed to negotiate a revised final agreement consistent with the RFP and the initial proposal. Subsequently, on January 29, 2020, negotiations resumed with Siemens pertaining to the submittal review timeframe and both parties reached an agreement, giving the County a minimum of 21 days as a review period.

Table 1 depicts the procurement timeline.

Table 1

Date	Action
October 4, 2018	Request for Proposals advertised
October 30, 2019	Award recommendation was approved
November 4, 2019	Protest filed by Horsepower Electric Inc. (2 nd ranked proposer)
January 6, 2020	Hearing Examiner upheld all actions of the County, excepting one provision pertaining to the inclusion in the negotiated agreement of a 10-working day timeframe for the County to return design submittals constituted a material advantage to Siemens.
January 22, 2020	Award recommendation was rescinded; direction given to the County Negotiation Team to negotiate revised final agreement consistent with the RFP and initial proposal
January 29, 2020	County negotiations with Siemens resumed to discuss submittal review timeframe, to which the parties reached an agreement
March 10, 2020	Item deferred at the ICI Committee meeting
May 7, 2020	Item on the CPC meeting agenda
June 2, 2020	Item to be heard by the BCC

Table 2 shows the scoring breakdown of the Competitive Selection Committee and the price differentials.

Table 2

Ranking	Proposer	Technical Score	Price Score	Total Combined Score	Price/Cost Submitted	Price Difference
1	Siemens Mobility, Inc.	3545	1000	4545	\$152,221,049	↓ - \$86,388,142 (compared to 2 nd ranked proposer)

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						↓ - \$108,198,288 (compared to 3 rd ranked proposer)
2	Horsepower Electric Inc.	3649	638	4287	\$238,609,191	----
3	TransCore ITS, LLC	3539	585	4124	\$260,419,337	----

Figures 1 and 2 show a photo of the current controller and the replacement upgraded controller (Model 2070LX), respectively, under this request.

Figure 1



Figure 2



OCA conducted a search for commodity code 55080 (Traffic Controls and Equipment, Electric Systems) on the Business Management Workforce System's Certified Vendor Directory on March 5, 2020 and May 1, 2020. Listed below is the local SBE identified:

- Precision Power and Control Corp. Hialeah, FL SBE-G&S.

Whether this vendor has the capacity to participate in any aspect of the contract's scope of work is beyond the scope of this research note.

OCA performed due diligence on the awarded vendor, Siemens Mobility, Inc. on March 5, 2020 and again on May 1, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collectors Office	Florida DBPR	Westlaw
Siemens Mobility, Inc.	Foreign Profit Corporation Active Principal Address: One Penn Plaza Suite 1100 New York, NY	No account on file	Active Licensed for: Electrical Business Information	<i>Nunery v. Siemens Mobility Inc., et al.</i> Case No. 2:20-CV-00311, filed in the U.S. District Court, Eastern District of California (Sacramento) on February 10, 2020. Allegation: Class

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	Filed: March 8, 2018			Action suit; Defendant is in violation of labor code - failed to pay minimum wages for all hours worked to provide meal and rest period, failed to pay overtime wages to plaintiff and class members. Case status: The suit was originally filed in the Sacramento Superior Court (Case No. 34-2019-00271992) in 2019 and was transferred to the District Court. As of April 9, 2020, there was a motion to remand the case back to Superior Court; a motion hearing has been set for July 23, 2020
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ADDITIONAL INFORMATION

Based on information found on Siemens Mobility, Inc.'s website, the vendor is a global market provider of smart traffic management solutions to improve traffic flow, reduce environmental pollution caused by traffic and increase road safety.

<https://new.siemens.com/us/en/products/mobility/road-solutions/traffic-management.html>

Based on information retrieved online pertaining to McCain's (the manufacturer of the new traffic controller system), the 2070LX Controller is the newest in the market. It allows users to upgrade existing intersections to a higher performance platform without replacing cabinet hardware and supports a variety of applications through modular design.

<https://www.mccain-inc.com/products/controllers/2070-controllers/2070lx-controller>

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.

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

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

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

Section 29-124(f) of the Code of Miami-Dade County (Special fund created use of surtax proceeds), sets forth the guidelines for the use of surtax proceeds. No surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two-thirds (2/3) vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust. Where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars (\$1,000,000.00) unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a majority vote. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust. Where no surtax proceeds are used to fund a contract eligible for award under the County Mayor's delegated authority and where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at one million dollars (\$1,000,000.00) or less, the Trust shall be provided with a Semi-Annual Report detailing all such contract awards. If the Trust takes exception with a contract award the County Mayor or County Mayor's designee will provide the Trust with any additional information necessary to resolve any outstanding issue and, if necessary and appropriate, work in collaboration with the Trust to take any corrective action that may be available. The Trust shall, in consultation with the County Mayor or County Mayor's designee, schedule Trust meetings monthly so as to ensure that a Trust recommendation is provided to the Commission with the Commission's agenda package.

[https://library.municode.com/fl/miami - dade_county/codes/code_of_ordinances?nodeId=PTIICOOR
CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-
124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

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

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lawsuits that include allegations of discrimination and dispositions of such lawsuits for a 10-year period through the date of the solicitation or non-competitive award recommendation; and 3) provide a report to the Board.

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

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

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

Resolution 1011-15, adopted November 3, 2015, directs the County Mayor or designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ.

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

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

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

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

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

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Item No. 2D Substitute

File No. 200852 (200034 & 200299)

Researcher: JFP & ES Reviewer: PGE & EA

ORDINANCE RELATING TO PAID SICK LEAVE FOR EMPLOYEES OF CERTAIN COUNTY CONTRACTORS; CREATING SECTION 2-8.11 AND AMENDING SECTION 2-8.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING PAID LEAVE REQUIREMENTS FOR CERTAIN COUNTY SERVICE CONTRACTS; REQUIRING COVERED EMPLOYERS TO CERTIFY COMPLIANCE AND SUBMIT DOCUMENTS AND REPORTS; AMENDING JURISDICTION OF LIVING WAGE COMMISSION TO INCLUDE ADDITIONAL RESPONSIBILITIES; ESTABLISHING PRIVATE RIGHT OF ACTION; AUTHORIZING SANCTIONS; BARRING RETALIATION AND DISCRIMINATION AGAINST COVERED EMPLOYEES; DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO DEVELOP AN OVERVIEW OF THE REQUIREMENTS OF THIS ORDINANCE FOR POSTING AT WORK SITES; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PROPOSE IMPLEMENTING ORDERS CONSISTENT WITH THIS ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ITEMS UNDER FILE NOS. 200034 AND 200299]

ISSUE/REQUESTED ACTION

Whether the Board should create Section 2-8.11 and amend Section 2-8.9 of the County Code, establishing requirements for paid sick leave for employees of certain specified County contractors, and expanding the jurisdiction of the Living Wage Commission to include additional responsibilities.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

Department/Requester: None

The original item (File No. 200034) was adopted on first reading at the January 22, 2020 Board meeting and set for public hearing before the Health Care and County Operations Committee (HCCO) on February 13, 2020. At the February HCCO meeting, Substitute No. 1 (File No. 200299) was presented and the public hearing was conducted, after which Substitute No. 1 was deferred to the March HCCO Committee. At the March meeting, the HCCO Committee deferred Substitute No. 1 to no date certain at the prime sponsor's request.

OCA's report on the fiscal and social impacts of paid leave requirements for County contractors is based on the language in Substitute No. 1, in which paid family and parental leave were amongst the requirements. This new substitute item (Substitute No. 2 – File No. 200852) removes the paid family and parental leave requirements for County contractors, with the paid sick leave requirement remaining.

ANALYSIS

The purpose of this item (Substitute No. 2 – File No. 200852) is to establish paid sick leave requirements for County service contractors (and their subcontractors) employing 15 or more employees through County contracts valued at over \$100,000 per year for provision of the following covered services: 1) Food preparation, distribution or both; 2) Security services; 3) Routine or recurring maintenance services such as custodial, cleaning, refuse removal, repair, refinishing, and recycling; 4) Clerical or other non-supervisory office work, whether temporary or permanent; 5) Transportation and parking services including, but not limited to, airport and seaport services; 6) Printing and reproduction services; or 7) Landscaping, lawn, or agricultural services.

The terms of the paid leave requirements are one hour of paid sick leave for every 30 hours worked, or 56 hours of paid time off at the beginning of each 12-month period of employment. The covered employer must not set a limit on the

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Researcher: JFP & ES Reviewer: PGE & EA

total accrual of paid sick leave at less than 56 hours per fiscal year. The employee's earned sick leave may be used for an absence resulting from: physical or mental illness, injury, or medical condition; obtaining diagnosis, care, or preventive care from a health care provider; caring for a child, parent, spouse, domestic partner or any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship; pregnancy or care for the employee's own newborn, newly-adopted child or newly placed foster child or children; domestic violence, sexual assault, or stalking.

The proposed ordinance does not retroactively apply, or apply to those service contracts that were bid or in the process of an award or were entered into before June 12, 2020, nor shall it apply to the exercise of options to renew such contracts that are scheduled to renew before July 1, 2020, unless the parties mutually agree to such requirements upon renewal, extension or modification of the contract.

OCA's report on the fiscal and social impacts of paid leave requirements for County contractors

Scope

The scope of the report encompasses a review of select existing paid sick, family and parental leave policies on the federal, state and local government levels, including mandated paid sick leave for employees of federal contractors. OCA also examined the social impacts of such paid leave policies from both the employer and employee perspectives, as well as the fiscal effects on employers implementing these policies. Note that to establish the precise financial impact of any paid leave policy to Miami-Dade County and certain contractors, a comprehensive review of all those contractors and their related contracts will be vital. Also, a detailed analysis of the offsetting fiscal and social benefits that may directly or indirectly reduce costs will be required.

Background

- Eleven (11) states and Washington, D.C. have passed paid sick leave laws, while eight states and Washington, D.C. have passed paid parental leave laws. Maine and Nevada have enacted paid leave for any reason, including sickness.
- There is no state law requiring Florida employers to provide paid sick, family or parental leave, and Florida also preempts local government authority from enacting such requirements on employers at the county or municipal level. However, an exception exists in the statute that would not restrict Miami-Dade County's authority to establish leave requirements for an employer contracting to provide goods or services for the County.
- The concern with allowing local governments to legislate on paid leave is in the creation of varying employee benefit requirements across the state and the resulting administrative burden this could place on employers whose business activity extends beyond one locality. Complying with local paid leave laws, especially when they differ from state laws or laws in neighboring jurisdictions, can present administrative challenges given that an employer may be required to afford paid leave at varying levels, or to some employees and not others depending on where the work is being performed.
- The economic concern with mandating an employer-funded paid sick leave or paid family or parental leave program lies in the potential unintended consequence of employers reducing wages or employment, or increasing the price of their product or services to satisfy paid leave requirements within the confines of their budgets, whether it be due to actual cost-related burdens or anticipatory measures in response to negative perception and assumptions of the law's effects.

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Summary of key findings on the social and fiscal impacts of Paid Sick Leave

The County-specific fiscal analysis concludes that the projected increase to direct costs for businesses governed by this paid sick leave mandate is nominal as a percentage of their overall personnel cost.

- OCA estimated a projected total fiscal impact under two scenarios of paid sick hours utilized for the pool of eligible vendors at \$2.3 and \$3.0 million, which is 2.1% and 2.7% in additional costs to the covered employers. This calculation does not account for potential offsetting savings to the employers or benefit to public health, and it also assumes that any time taken in the past for the sick leave was not previously compensated. None of the scenarios are considering other additional and offsetting costs, such as legal fees for the policy implementation, temporary hires or redistribution of responsibilities to cover absent employees, tax implications and other variables.
- Based on the findings of the conducted survey, the figure below illustrates the potential fiscal impact per covered employee under two scenarios by the type of employment and the occupational group, taking into consideration the corresponding average hourly salary rate, as further explained in the full report.

Projected Annual Cost for Utilized Sick Paid Leave Hours per Employee

Occupational Group	Wages and Salaries: Average Hourly Rate		Scenario 1: Based on 45 hrs/yr utilized for FT and 38 hrs/yr utilized for PT		Scenario 2: Based on 56 hrs/yr utilized for FT and PT	
	Full-Time	Part-Time	Full-Time	Part-Time	Full-Time	Part-Time
Office and Administrative Support	\$ 20.01	\$ 14.21	\$ 904	\$ 539	\$ 1,121	\$ 796
Service	\$ 14.41	\$ 11.59	\$ 651	\$ 440	\$ 807	\$ 649
Installation, maintenance, and repair	\$ 24.77	\$ 17.79	\$ 1,119	\$ 675	\$ 1,387	\$ 996
Production	\$ 19.25	\$ 13.29	\$ 870	\$ 504	\$ 1,078	\$ 744
Transportation and material moving	\$ 21.54	\$ 13.72	\$ 973	\$ 521	\$ 1,206	\$ 768

The externalities of reduced workplace contagion and presenteeism, and the lost productivity that comes with those factors, results in the program either being cost neutral or generating cost savings for the employer, with the added benefit of improved public health.

- By and large, studies show that employment and wage growth have not been significantly affected by laws requiring employers to provide sick leave to their employees.
- One study shows that employee access to paid sick leave leads to substantial decreases in employees taking time off due to illness. The increased productivity this yields can mitigate the employer expense of providing the leave, and even result in stronger wage growth.
- The perceptible costs of providing paid sick leave are abated when factoring in the tangential cost of lost productivity due to presenteeism—working while ill.
- One study, quantifying the impact of health conditions on work, found that reduced performance at work as a result of personal health amounted to the equivalent of 1.32 lost labor hours per worker per week, while work absence for either personal or family health was an average of .67 hours per worker per week.
- When coupled with health threats such as coronavirus disease 2019 (COVID-19), presenteeism and the possible spread of infection to coworkers pose the potential for grave public health consequences.
- One study on the effect of mandatory paid leave policies on seasonal flu rates in American cities shows infection rates are as much as 40 percent lower relative to cities without paid leave policies.

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- A CDC study shows that if everyone in the U.S. had access to sick leave, the number of workdays lost due to spread of the flu and similar illness might decrease by nearly 4 to 11 million per year.
- Paid sick leave may also alleviate burdens on the health care sector and decrease medical costs.

ADDITIONAL INFORMATION

OCA's full report on the fiscal and social impacts of Paid Sick, Family and Parental Leave requirements for County contractors

<https://www.miamidade.gov/auditor/library/2020-05-05-paid-leave-report.pdf>

APPLICABLE LEGISLATION/POLICY

Section 2-8.9 of the County Code details the Living Wage Ordinance for County Service contracts and County employees.

[https://library.municode.com/fl/miami -
dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-
8.9LIWAORCOSECOCOEM](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOCOEM)

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**Item No. 3C
File No. 200805**

Researcher: VW Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$7,406,000.00 FOR PREQUALIFICATION POOL NO. RTQ-1298-1/21-1 FOR PURCHASE OF PLANT MATERIAL AND TREE SERVICES FOR MULTIPLE DEPARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority in a total amount up to \$7,406,000 for Prequalification Pool No. RTQ-1298-1/21-1 for purchase of plant material and tree services for multiple County departments.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

ANALYSIS

The purpose of this item is to grant additional expenditure authority in the amount of \$7,406,000 for the purchase of plant materials and ground coverings as well as to contract for services such as tree trimming. Tree services and plantings are to be used for future parks capital improvement projects and various beautification projects while tree trimming is to be done in anticipation of hurricane season in order to mitigate potential damages that can be caused by hurricanes.

The pool was established on February 7, 2012 pursuant to Resolution No. R-131-12 in the amount of \$5,186,000 for the initial term of five years, and \$5,186,000 for the five-year option to renew term, for a cumulative allocation of \$10,372,000 before modifications. After modifications were made, the existing cumulative allocation of the pool is \$38,319,600. The users of the pool include Aviation, Community Action and Human Services, Corrections and Rehabilitation, Cultural Affairs, Fire Rescue, Internal Services, Library System, Parks, Recreation and Open Spaces, Police, PortMiami, Public Housing and Community Development, Regulatory and Economic Resources, Solid Waste Management, Transportation and Public Works, Vizcaya Museum and Gardens and Water and Sewer. The pool's option to renew term is set to expire on February 28, 2022.

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

	Amount	Percentage Increase
Initial Pool	\$5,186,000	↑ 205%
Initial Pool after Modifications	\$15,845,038.44	
Option to renew term (OTR)	\$18,850,561.56	↑ 19%
OTR after Modifications	\$22,474,561.56	
Additional Allocation Requested	\$7,406,000	
Existing Cumulative Allocation	\$38,319,600	↑ 19%
Modified Cumulative Allocation	\$45,725,600	

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Researcher: VW Reviewer: PGE

The pool's Blanket Purchase Order (BPO) shows that \$15,774,749.82 of the option to renew term's current cumulative allocation of \$22,474,561.56 has been released (as of May 5, 2020), leaving a balance of \$6,699,811.74 with one-year, nine months, and 23 days still remaining until the OTR's expiration on February 28, 2022. In other words, 70% of the OTR's allocation with a little under two years remaining until the OTR's expiration date.

Detailed below are the remaining balances of the departments requesting additional expenditure authority. The three largest users of the pool are the Parks, Recreation and Open Spaces, Public Housing and Community Development, and Aviation Departments in that order.

Department	Allocation Amount	Released Amount	Balance
AV	\$2,218,670.00	\$1,002,332.44	\$1,216,337.56
CO	\$355,000.00	\$10,815.00	\$344,185.00
CR	\$55,000.00	\$49,860.00	\$5,140.00
CU	\$100,000.00	\$60,137.00	\$39,863.00
FR	\$70,375.00	\$37,208.00	\$33,167.00
HD	\$2,242,237.74	\$1,976,946.95	\$265,290.79
ID	\$106,625.00	\$91,878.50	\$14,746.50
LB	\$289,000.00	\$157,064.95	\$131,935.05
MT	\$143,884.70	\$7,793.00	\$136,091.70
PD	\$25,000.00	\$0.00	\$25,000.00
PE	\$1,033,000.00	\$321,614.35	\$711,385.65
PR	\$13,161,395.43	\$11,060,491.20	\$2,100,904.23
SP	\$59,000.00	\$0.00	\$59,000.00
SW	\$993,755.85	\$98,968.71	\$894,787.14
VZ	\$212,617.84	\$208,179.75	\$4,438.09
WS	\$1,409,000.00	\$691,459.97	\$717,540.03
Total Amount	\$22,474,561.56	\$15,774,749.82	\$6,699,811.74

The three departments using the additional expenditure authority being requested are: the Internal Services Department (ISD) with \$100,000, the Parks, Recreation, and Open Spaces Department (PROS) with \$6,516,000, and the Public Housing and Community Development Department (PHCD) with \$790,000. ISD is requesting the additional expenditure authority to purchase plant material and tree services and to trim all trees in preparation for hurricane season. If the requested expenditure authority were approved the total modified pool value would increase to \$45,725,600.

PROS is requesting the additional expenditure authority to: replace trees, plant materials, and tree services as a result of Hurricane Irma in 2017 including the replacement of the tree canopy in the Special Taxing District; to complete beautification projects for various roadways, parks and golf courses; to hire Neat Street volunteer events and to fund the recent expansion of the Florida exhibit at the Miami Zoo. Additionally, ISD will not be renewing contract 7661-5/19-5 which expired on February 28, 2020 and thus the annual allocation under 7661-6/19-5 is being requested for contract 1298-1/21-1. PHCD is requesting the additional expenditure authority to purchase plant materials and services including tree trimming, pruning, resetting, and relocation for various housing facilities that were damaged by Hurricane Irma in 2017.

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Researcher: VW Reviewer: PGE

There are 32 prequalified vendors under this pool. These vendors provide spot market quotes for the purchase of various types of plant material and tree services. OCA conducted a due diligence review of the 32 prequalified vendors and found no issues to report with the aforementioned firms.

A May 5, 2020 search on the Business Management Workforce System for the pool's Commodity Codes, NIGP 59510: Bedding Plants and Cuttings; NIGP 59515: Bulbs and Seeds, Including Flower Seeds; NIGP 59535: Groundcovers and Vines; NIGP 59540: Nursery, Greenhouse and Floral Supplies: Labels, Planters, Pots, Tags, Trellises, etc.; NIGP 59565: Shrubbery, Evergreen; NIGP 59566: Shrubbery, Flowering; NIGP 59570: Trees, Fruit and Nut; NIGP 59575: Trees, Ornamental and Shade; NIGP 59577: Tropicals; NIGP 96888: Tree and Shrub Removal Services; NIGP 98836: Grounds and Roadside Maintenance: Mowing, Edging, Plant, Not Tree Trimming, etc.; NIGP 98888: Tree Trimming and Pruning Services, yielded 60 certified local small business enterprise firms.

APPLICABLE LEGISLATION/POLICY

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

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

Resolution No. R-131-12, adopted February 7, 2012, established a Prequalification Pool for groups 1, 2 and 3 of Contract No. 1298-1/21, Plant Material and Tree Services, and awarded group 4 of the same to A Native Tree Service, Inc., Arazoza Brothers Corp., Crodon, Inc., Groundkeepers, Inc., And Thomas Maintenance Service, Inc., in a total amount of up to \$5,186,000 for the initial term of five years with a five year option to renew of \$5,186,000.

<http://intra/gia/matter.asp?matter=112690&file=true&yearFolder=Y2011>

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

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

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

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

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

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

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

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

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**Item No. 3D
File No. 200807**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-01336 TO ADVOCATE PROGRAM, INC. AND COURT OPTIONS, INC. FOR PURCHASE OF MISDEMEANOR DIVERSION SERVICES FOR THE MIAMI-DADE STATE ATTORNEY, ELEVENTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA FOR THE FIVE-YEAR TERM, WITH AN ESTIMATED TOTAL REVENUE TO BE GENERATED OF UP TO \$10,000,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve the award of *Contract No. RFP-01336* to Advocate Program, Inc. and Court Options, Inc. for the purchase of misdemeanor diversion services in the amount of up to \$10,000,000 for a term of five years for the Miami-Dade State Attorney, Eleventh Judicial Circuit Court.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

There is no procedural history for this item currently.

ANALYSIS

The purpose of this item is for the County to award replacement *Contract No. RFP-01336* to incumbent providers Advocate Program Inc. and Court Options, Inc. for the purchase of misdemeanor diversion services to eligible offenders in the Criminal and Traffic Divisions of the Eleventh Judicial Circuit Court, encompassing the following divisions: 1) Regular Misdemeanor Crimes; 2) DUI Criminal Traffic; and 3) Miscellaneous Criminal Traffic.

The purpose of the diversion program is to afford certain criminal offenders the opportunity for alternative ways to repay the community for their crimes – in lieu of facing criminal prosecution. By agreeing to the diversion program, participants sign a contract with the Miami-Dade State Attorney's Office (SAO) and waive their right to a trial, thereby acceding compliance with program requirements. The offenders are supervised anywhere from six to 12 months and once they complete the program successfully, the State drops the criminal charges.

The fiscal impact is \$10,000,000 in revenues generated for the five-year term. The costs associated with this program are covered via payment of fees, which are paid by offenders to the providers (refer to Tables 1 and 2 for fee schedule). This replacement contract supplants current *Contract No. RFP-851*, effective March 1, 2014 and valued at \$12,500,000 for a 78-month term expiring August 31, 2020. An itemization of the revenues generated since the contract's inception in 2014 is not provided in the mayor's memo.

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 February 28, 2020, re-procurement planning should have commenced no later than August 2018 to ensure award of this replacement contract prior to that expiration date. According to the project timeline in the Bid Tracking System, the requisition for this replacement contract began August 14, 2019, and the RFP solicitation began November 27, 2019.

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Researcher: MF Reviewer: PGE

For this solicitation, five firms responded and two are recommended for award. Both selected (incumbent firms) are local. Of the other three firms – one is local and deemed non-responsive, while the other two are non-local but were ranked and scored lower than the awarded firms. Selected Pursuant to Resolution No. R-1011-15, both selected firms meet and exceed the threshold percentage of the vendors' employees who reside in the County. Advocate Program Inc's has 84 employees or 93% of its workforce as local residents; Court Options Inc. has 22 employees or 79% of its workforce as local residents.

The exact number of offenders that will be assigned to each firm will be chosen by the SAO. The awarded providers serve as liaison among the County, SAO, and Program offenders; as such the providers are responsible for delivering a host of services to offenders. Per the contract's scope, both providers – Advocate Program, Inc. and Court Options, Inc. – are tasked with carrying out the following services:

- ❖ Provide management and supervision services for eligible offenders diverted from prosecution and be able to manage up to 1,000 cases per month;
- ❖ Provide adequate office space within Miami-Dade County, equipment, and supplies to provide diversion services as requested herein;
- ❖ Comply with all federal and state laws, as well as applicable court orders, necessary to provide program services;
- ❖ Provide an annual financial disclosure of all owners or partial owners of the Provider's firm/entity;
- ❖ Include an initial budget and financial statement showing that the Provider has sufficient finances on hand to provide the program services for six months after the contract award;
- ❖ Have the capability to access the Internet and electronically transmit documentation as may be required by the SAO;
- ❖ Maintain written policies and procedures that direct the operation of the misdemeanor diversion program that shall include at a minimum the following:
 - ❖ Mission statement
 - ❖ Intake and evaluation procedure
 - ❖ Termination policy
 - ❖ Record keeping and reporting procedure
 - ❖ Fee collections and remittance procedure
 - ❖ Acceptance of indigents procedure
 - ❖ Non-discrimination policy
 - ❖ Accessibility to persons with disabilities policy
 - ❖ Other topics that may in the future be required by the SAO
 - ❖ Maintain security and document protection

Offenders in the program are required to pay fees, which are collected and distributed by the providers. Table 1 below depicts the case type, fee schedule and designated disbursement for each of the offenses covered under the misdemeanor diversion services for this item.

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Researcher: MF Reviewer: PGE

Table 1

Diversion Program	Cost of Diversion Program	Disbursement
Misdemeanor cases	Max. \$225 for offenders who agree to program participation prior to arraignment. Max. \$250 for offenders who agree to program participation at or post arraignment.	To the Provider supervising the offender
Traffic cases	Max. \$125 and \$25 for each additional case to a max. of \$175 per defendant	To the Provider supervising the offender
Back on Track (BOT)	Max. \$500 for Tier 1 supervision (offenders with a breath or blood alcohol level of 0.15) Max. \$600 for Tier 2 supervision (offenders with a blood alcohol level of 0.15 or above or have refused a breathalyzer test)	To the Provider supervising the offender
Treatment Program	Amount to be determine by Treatment Program provider	To the Treatment Program provider
Restitution	Amount to be determined by SAO (or by the Court and part of the referral)	To the victims of the offender
Denise Moon Memorial Fund	For misdemeanor referrals per the SAO chart – *refer to Table 2 of this note	To the Denise Moon Memorial Fund
Fund for a Healthier and Safer Community	BOT Tier 1, \$300; BOT Tier 2, \$500	To the Fund for a Healthier and Safer Community
Victims' Crimes Compensation Trust Fund	\$25	To the Office of the Attorney General Crimes Compensation Trust Fund
Case Processing Fee	\$50	SAO

Table 2 below shows the donation schedule for misdemeanor referrals applicable to the Denise Moon Memorial Fund. According to the Miami Foundation, the SAO established the Denise Moon Memorial Fund in 2009 for 11th Judicial Circuit to honor Ms. Moon, a longtime leader and advocate for victim services in the County.

***Table 2**

Crime Description	Donation Amount
Assault	\$50
Battery	\$50
Carrying a Concealed Weapon	\$50
Child Abuse/Neglect	\$50
Contracting without a License	\$50
Credit Card Theft	\$50
Criminal Mischief	\$50
Cruelty to Animals	\$50

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Culpable Negligence	\$50
Defrauding an Innkeeper	\$25
Disorderly Conduct	\$25
Disorderly Intoxication	\$25
DERM Violations	\$50
Dumping	\$50
Exposure of a Sex Organ/Lewd and Lascivious	\$100
Fare Evasion	\$25
Fuel Transportation	\$50
Gambling	\$25
Graffiti	\$50
Improper Exhibition of a Weapon	\$50
Loitering and Prowling	\$25
Marine and Wildlife Violations	\$50
Minimum Housing	\$50
Obscene/Harassing Phone Calls	\$50
Possession of a Legend Drug	\$50
Possession of Marijuana and Paraphernalia	\$50
Possession of Wildlife or Exotic Pets	\$50
Practicing a Licensed Profession without a License	\$50
Prostitution/Obstruction of a Highway with Intent to	\$150
Solicit	\$25
Quality of Life Crimes	\$50
Resisting without Violence	\$25
Sale of Alcohol/Tobacco to a Minor	\$50
Stalking	\$50
Theft – Petit or Retail	\$25
Trespass	\$50
Utility Theft	\$50
Vehicle for Hire/Jitney Cases Violation of a Repeat	\$50
Violence Injunction	\$50
Voyeurism	\$50
Worthless Check	\$50

OCA conducted a search for the procurement’s Commodity Code, 95223 (Court Intervention Services) on the Business Management Workforce System’s Certified Vendor Directory on May 2, 2020. There were no SBEs identified for the respective commodity code pertaining to this item.

OCA performed due diligence on the awarded firms on May 3, 2020; below are the findings.

Awarded Firms	Corporate Registration	Tax Collector’s Office	Florida DBPR	Westlaw
Advocate Program, Inc.	Florida Not For Profit Corporation	Business Address: 1150 NW 72 Ave.	No account on file	No relevant litigation

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	Active Principal Address: 1150 NW 72 Ave. Ste. 200 Miami, FL Filed: December 31, 1975	Ste. 200 Miami, FL Status: Paid and Current		
Court Options, Inc.	Florida Profit Corporation Active Principal Address: 17891 S. Dixie Hwy Ste. 201 Palmetto Bay, FL Filed: June 14, 2004	Business Address: 17891 S. Dixie Hwy Ste. 201 Palmetto Bay, FL Status: Paid and Current	No account on file	No relevant litigation

ADDITIONAL INFORMATION

OCA conducted Internet searches on the selected firms on May 3, 2020; below is a summary of the information on their respective websites.

- ❖ Advocate Program, Inc. – The provider offers serves several programs to at risk populations through a wide-array of services.
https://advocateprogram.org/?gclid=EA1aIQobChMI25PTh_uX6QIVA9VkCh34TwqiEAAAYASAAEgJR6_D_BwE
- ❖ Court Options, Inc. – The provider has seven offices and has more than 40 years of experience in the criminal justice field. Classes are offered in English and Spanish.
<http://www.courtoptions.org/>

Regarding the Denise Moon Memorial Fund, the entity's goal is to support efforts that assist victims of crime and reduce the effect that crime has in the community, by promoting job placement and educational opportunities.

Additional information regarding the Fund may be accessed here: <http://miamifoundation.org/wp-content/uploads/2018/02/2018-Denise-Moon-Memorial-Fund-Guidelines.pdf>

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.

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[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 2-8.1.5 of the Code of Miami-Dade County (Nondiscrimination) applies to entities with annual gross revenues in excess of five million dollars (\$5,000,000.00) seeking to contract with the County shall, as a condition of receiving a county contract, have: i) a written affirmative action plan which sets forth the procedures the entity utilizes to assure that it does not discriminate in its employment and promotion practices; and, ii) a written procurement policy which sets forth the procedures the entity utilizes to assure that it does not discriminate against minority- and women-owned businesses in its own procurement of goods, supplies and services. Such affirmative action plans and procurement policies shall provide for periodic review to determine their effectiveness in assuring the entity does not discriminate in its employment, promotion and procurement practices. The foregoing notwithstanding, corporate entities whose boards of directors are representative of the population make-up of the nation shall be presumed to have non-discriminatory employment and procurement policies, and shall not be required to have written affirmative action plans and procurement policies in order to receive a county contract. The foregoing presumption may be rebutted. The requirements of this section may be waived upon written recommendation of the County Manager that it is in the best interests of the County to do so and approval of the County Commission by majority vote of the members present.

[https://library.municode.com/fl/miami -
_dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.5NO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.5NO)

Section 2-8.8 of the Code of Miami-Dade County (Fair sub-contracting practices) applies to (1) *Policy*. It is the policy of this County to promote diversity in the use of Subcontractors on Miami-Dade County projects and to allow opportunities for subcontracting to as many qualified Subcontractors as possible. (2) *Definitions*. As used in this section: (a) The term *bid* means a quotation, proposal, letter of interest or offer by any bidder in response to any kind of invitation, request or public announcement to submit such quotation, proposal, letter of interest or offer for a contract. (b) The term *contract* means an agreement proposed by County or Public Health Trust staff, or approved by the County Commission or Public Health Trust in any of the following classes: (1) Procurement of goods and services not included in the classes 2, 3 and 4 below; (2) Construction of a public improvement; (3) Professional services subject to Section 287.055, Florida Statutes, and Section 2-10.4 of the Code of Miami-Dade County; or (4) Other professional services including but not limited to accounting, legal, health care, consulting and management services. (5) Contract does not mean an agreement to purchase, lease or rent real property; grant licenses, permits or franchises; operate concessions; or make grants.

[https://library.municode.com/fl/miami -
_dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.8FASUPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.8FASUPR)

Section 2-1076 of the Code of Miami-Dade County (Office of the Inspector General) applies to the creation and establishment of the Office of a Miami-Dade County Inspector General. The Inspector General shall head the Office. The organization and administration of the Office of the Inspector General shall be sufficiently independent to assure that no interference or influence external to the Office adversely affects the independence and objectivity of the Inspector General.

[https://library.municode.com/fl/miami -
_dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTLXXVIIIICOETPUTR_S2-1076OFINGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTLXXVIIIICOETPUTR_S2-1076OFINGE)

Section 2-8.9 of the Code of Miami-Dade County (Living Wage Ordinance for County Service contracts and County employees) applies to Covered employees, meaning anyone employed by any Service Contractor, as further defined in this Chapter either full or part time, as an employee with or without benefits that is involved in providing service pursuant to the Service Contractor's contract with the County.

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[https://library.municode.com/fl/miami -
dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOEM](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOEM)

Section 10.38 of the Code of Miami-Dade County (Debarment of Contractors from County Work) applies to: (1) The County shall solicit offers from, award contracts to, and consent to subcontracts with responsible contractors only. To effectuate this policy, the debarment of contractors from County work may be undertaken; (2) The serious nature of debarment requires that this sanction be imposed only when it is in the public interest for the County's protection, and not for purposes of punishment. Debarment shall be imposed in accordance with the procedures contained in this ordinance; and (3) Debarment is intended as a remedy in addition to, and not in substitution of, the evaluation of the responsibility of County bidders and contractors, and the rejection or termination of County bidders and contractors based on findings of non-responsibility on a case by case basis.

[https://library.municode.com/fl/miami -
dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH10CO_ARTIIBIPUPR_S10-38DECOCOWO](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH10CO_ARTIIBIPUPR_S10-38DECOCOWO)

Section 2-2113 of the Code of Miami-Dade County (First Source Hiring Referral Program) applies to the Referral Agency shall be the first source for employees to fill jobs created to satisfy the requirements of County Contracts. The following requirements shall be included in all County Contracts, except those covered under the Community Workforce Program ("CWP"), and except those covered under programs intended to encourage and assist in the employment of the blind and other severely handicapped persons such as described in Sections 413.032—413.037, Florida Statutes (2011): 1. The Contractor, prior to hiring to fill each vacancy arising under a County Contract, shall first notify the Referral Agency of the vacancy and list the vacancy with the Referral Agency. The listing shall contain a detailed description of the job responsibilities and qualifications, and be posted during the Referral Period. The Referral Agency shall provide a list of qualified candidates, if such candidates are available, to Contractor within twenty-four (24) hours of receiving notice of vacancy. Thereafter, Contractor shall (a) review the resumes and qualifications of the candidates, and (b) make a good faith effort as determined by the County, to fill a minimum of fifty percent (50%) of its employment needs under the County Contract from the First Source Register. Notwithstanding the foregoing, if after the Referral Period a suitable employee is not found from the Referral Agency, the Contractor is free to fill its vacancies from other sources. 2. A good faith effort to employ candidates from the Referral Agency shall constitute, at a minimum, evaluating the qualification of such candidates, and conducting interviews with those candidates who satisfy the minimum competency requirements. The Contractor is not required to hire any individual candidate referred. However, Contractors shall not commit to fill vacancies in any other manner until after the end of the Referral Period, unless the Referral Agency notifies the Contractor in writing prior to the end of the Referral Period that qualified candidates are not available in sufficient numbers to fill the vacancies. Upon such notification, the Contractor may immediately fill vacancies using other sources. 3. In determining whether a Contractor has made good faith efforts, the County may consider, among other criteria to be set forth in the Implementing Order: (a) the number, skills and composition of the Contractor's labor force ultimately hired; (b) whether minimum requirements were established for available positions beyond reasonable requirements to complete the job; (c) the number of referred candidates interviewed for the position; and (d) the Contractor's use of the First Source Register to satisfy its labor needs in contracts other than County Contracts. The County's determination as to whether a Contractor has made such good faith efforts is final and binding. 4. All competitive solicitations for County Contracts, except those covered under CWP, shall set forth the requirements of this Section.

[https://library.municode.com/fl/miami -
dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTCXLIIFISOHIREPR_S2-2113FISOHIREPR](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTCXLIIFISOHIREPR_S2-2113FISOHIREPR)

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

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Researcher: MF Reviewer: PGE

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. 919-18, adopted September 5, 2018, directs all contractors and tiered subcontractors on County contracts to provide written notice and disclosures to all workers on how to report any suspected workers' compensation fraud to appropriate State of Florida agency.

<http://intra/gia/matter.asp?matter=181917&file=true&yearFolder=Y2018>

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. 1072-17, adopted November 7, 2017, requires persons or entities contracting with Miami-Dade County to demonstrate compliance with the Equal Pay Act of 1963, Section 448.07 of the Florida Statutes, certain County ordinances, and other laws prohibiting wage rate discrimination based on sex as a condition of being awarded a County contract and directing the County Mayor to require potential vendors and contractors to provide an affidavit attesting to such compliance prior to contract award, revise the vendor affidavit form to include a separate section listing specified provisions and provide a report to the Board within 60 days.

<http://intra/gia/matter.asp?matter=171926&file=true&yearFolder=Y2017>

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>

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Resolution No. 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-40-14, adopted January 22, 2014, authorized execution of agreements with Advocate Program, Inc and Court Options, Inc. for misdemeanor diversion services for the 11th Judicial Circuit of the State of Florida in an amount not to exceed \$30,000,000, authorizing the County Mayor to execute contracts on behalf of the County, including cancellation and renewal provisions for Contract Nos. RFP851A and RFP851B.
<http://intra/gia/matter.asp?matter=132413&file=true&yearFolder=Y2013>

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>

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**Item No. 3E
File No. 200808**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01462 TO AIRGAS SPECIALTY PRODUCTS, INC. FOR THE PURCHASE OF AQUEOUS AMMONIA FOR THE MIAMI DADE WATER AND SEWER DEPARTMENT FOR A FIVE YEAR TERM IN AN AMOUNT NOT TO EXCEED \$2,670,300.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve award of *Contract No. FB-01462* to Airgas Specialty Products, Inc. for the purchase of aqueous ammonia in the amount of up to \$2,670,300 for a term of five years for the Water and Sewer Department (WASD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

There is no procedural history for this item currently.

ANALYSIS

The purpose of this item is for the County to approve award of replacement *Contract No. FB-01462* to incumbent vendor Airgas ("Airgas") Specialty Products, Inc. for the purchase of aqueous ammonia – a critical substance used in the treatment of drinking water to provide clean water to the County. The current agreement with Airgas (*Contract No. FB-00301-1*) was awarded June 1, 2016 in the amount of \$2,682,000. The current contract to Airgas is valued at \$2,849,625 for a four-year and three-month term and it is in its option to renew term presently. The proposed replacement contract valued at \$2,670,300 for a term of five years is \$11,700 less expensive – or 0.43 percent – than the current contract.

Pursuant to Resolution No. R-718-17 regarding procurement planning, the contract has an original expiration date of May 31, 2020; it was extended administratively under delegated authority, for three months, now expiring August 31, 2020 with the extension valued at \$167,625. The original value of the option to renew (OTR) is \$1,341,000; with the administrative extension and prorated value of \$167,625, brings the current OTR value to \$1,508,625.

Table 1 below shows the values of the initial contract and the subsequent option to renew since the contract's inception.

Table 1

Terms	Dates	Value
Initial Term (years 1 through 3)	6/1/16 – 5/31/18	\$1,341,000
Option to Renew (years 4 and 3 months)	6/1/18 – 8/31/2020	\$1,508,625
TOTAL		\$2,849,625

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Note: The original OTR value is \$1,341,000 – the administrative extension and proration brings the value to \$1,508,625.

According to the mayoral memorandum, an invitation to Bid was issued under full and open competition, by which four bids were received from the solicitation – including two “No Bids.” The recommended (incumbent) vendor, Airgas, submitted the lowest priced bid and was deemed the most responsive and responsible vendor. The competing vendor, Tanner Industries, Inc., is not being recommended for award, because the vendor submitted a higher bid than the incumbent vendor, by a difference of \$5,160. Table 2 below shows a tally of both vendors’ Bid submittal for this item.

Table 2

Vendor	Quantity	Unit Price	Bid Submitted
Airgas Specialty Products, Inc. (incumbent & selected)	4,300,000 lbs.	0.1242	\$534,060 Total for five years: \$2,670,300
Tanner Industries, Inc.	4,300,000 lbs.	0.1254	\$539,220

Under this replacement contract, Airgas shall provide the aqueous ammonia – ammonia dissolved in water – for the following WASD operations:

- Alexander Orr Jr. Water Treatment Plant
- John E. Preston Water Treatment Plant
- Hialeah Water Treatment Plant

The Hialeah and Preston Water Treatment Plants serve residents who live north of SW 8th Street up to the Miami-Dade/Broward line. The Alexander Orr Plant serves residents south of SW 8th Street to SW 248th Street (Source: WASD).

OCA conducted a search for the procurement’s Commodity Codes (per the Bid Tracking System), 18012 (Ammonium Hydroxide-Aqua Ammonia and Amines), 1809 (Quaternary Ammonium Derivatives-for Antistats), 48501 (Ammonia-Household plan), and 74005 (Ammonia Refrigeration) on the Business Management Workforce System’s Certified Vendor Directory on May 1, 2020. Listed below is the local SBE identified.

- Allied Paper Co. dba Allied Paper & Chemical Co. Miami, FL SBE-G&S
- Done Wright AC and Electric Service Inc. Miami, FL SBE-G&S
- Glocecol, LLC Medley, FL SBE-G&S
- Maintenance Services 360 LLC Cutler Bay, FL SBE-G&S
- N & K Enterprises Inc. Coral Gables, FL SBE-G&S
- Pancar Industrial Supply Corporation Miami, FL SBE-G&S
- Rock Int’l Distributors, Inc. Miami, FL SBE-G&S

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None of the SBEs listed herein submitted bid proposals for this item. Whether the SBEs on this list have the performance capability to fulfill the contract requirements is outside the scope of this research note.

OCA performed due diligence on the awarded vendor, Airgas Specialty Products, Inc. on May 2, 2020; below are the findings.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Airgas Specialty Products, Inc. Business Address: 2530 Sever Rd. Ste 300 Lawrenceville, GA	Foreign Profit Corporation Active Principal Address: 2530 Sever Rd. Ste 300 Lawrenceville, GA Filed: May 6, 2005	No account on file	No account on file	No relevant litigation

ADDITIONAL INFORMATION

Based on information found on Airgas Specialty Products, Inc's website, the Georgia-based company was established 120 years ago, beginning in 1891 distributing ammonia to supply slaughterhouses.

<https://airgasspecialtyproducts.com/>



According to the Journal of Chemical Education, aqueous ammonia is a colorless alkaline liquid with a strong odor. The substance is used as a cleaning agent and sanitizer. Exposure to this agent may produce irritation of skin and eyes, which can be severe; additionally, it may cause sore throat, abdominal pain, nausea if ingested. Coughing, labored breathing if inhaled.

<file:///s0143234/BCCVDI/OCA/FERNAM/Downloads/clip-aqueous-ammonia.pdf>

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

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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-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 reprocurement 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 reprocurement 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 No. 383-16, adopted May 17, 2016, approved award of Contract No. FB-00301 for purchase of Aqueous Ammonia for the Water and Sewer Department in a total amount not to exceed \$2,682,000 for a two-year term and one two-year option to renew.

<http://intra/gia/matter.asp?matter=160626&file=true&yearFolder=Y2016>

Resolution No. 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>

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Researcher: MF Reviewer: PGE

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>

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Item No. 3F
File No. 200809

Researcher: VW Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY AND THIRTEEN MONTHS OF ADDITIONAL TIME IN AN AMOUNT UP TO \$5,711,947.00 FOR A MODIFIED CONTRACT AMOUNT OF \$22,959,947.00 FOR CONTRACT NO. 43211500-WSCA-15-ACS1 FOR THE PURCHASE OF COMPUTER EQUIPMENT PERIPHERALS AND SERVICES FOR THE MIAMI-DADE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority of up to \$5,711,947 and 13 months additional time for Contract No. 43211500-WSCA-15-ACS1 for the purchase of computer equipment peripherals and services for the Miami Dade Information Technology Department (ITD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

ANALYSIS

The purpose of this item is to grant additional expenditure authority in the amount of \$5,711,947 and additional time of 13 months for the purchase of desktops, laptops, tablets, servers, storage, ruggedized devices, and related peripheral services from various original equipment manufacturers (Panasonic, EMC, and Hewlett Packard).

The current contract, which is in its option term, was accessed on October 3, 2017 pursuant to Resolution No. R-843-17 in the amount of \$5,517,000 for a term of 35 months. On December 11, 2018 additional expenditure authority was approved in the amount of \$8,240,000 pursuant to Resolution No. R-1301-18 and \$1,874,000 was approved under delegated authority. The contract is set to expire in little less than two months on June 30, 2020.

The contract's Blanket Purchase Order (BPO) shows that \$14,338,091.88 of the term's current cumulative allocation of \$17,248,000 has been released (as of May 4, 2020), leaving a balance of \$2,909,908.12 with a little under two months left in the contract term. Below is a table comparing the monthly allocation of the existing contract with the monthly allocation of the additional allocation requested for the extended term:

Allocation type	Allocation	Term	Monthly Allocation
Existing Cumulative Allocation	\$17,248,000	33 months	\$522,666.67
Additional Allocation Requested	\$5,711,947	13 months	\$439,380.54

Note that the monthly allocation for the additional requested allocation is approximately 16% lower than the monthly allocation for the existing allocation.


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File No. 200809

Researcher: VW Reviewer: PGE

The fiscal impact to the County for this request is \$5,711,947. Below is a chronology of Contract No. 43211500-WSCA-15-ACS and Contract No. 43211500-WSCA-15-ACS1:

Contract Name	Effective Date	Expiration Date	Type	Dollar Amount
43211500-WSCA-15-ACS (original access)	October 25, 2016	Mach 31, 2017	Established the Contract	\$ 990,000
43211500-WSCA-15-ACS1 (option term)	October 16, 2017	June 30, 2020	Established Second Contract	\$17,248,000
			Total	\$18,148,000
File No. 200809	TBD		Proposed Additional Expenditure	\$ 5,711,947
			Total	\$ 23,859,947  33.12%

The requested additional expenditure is being requested due to the recent need to expand County employee remote access as well as to secure the acquisition of ruggedized devices (electronic devices that are designed to operate in rough usage environments), storage, internet servers, and maintenance for Hewlett Packard Enterprise (HPE) devices which will support the proposed expansion of remote access for all County Departments.

There are 12 prequalified vendors under this pool. The below table summarizes OCA's due diligence review of the prequalified vendors, documenting only firms for which issues were found.

Awarded Firms	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Agilant Solutions, Inc.	Foreign Profit Corporation Principal Address: 3 Seaview Boulevard Port Washington, NY 11050 Date Filed: 04/27/2017	N/A	N/A	<i>Simmons v. Gartner, Inc.</i> , Case No. 3:20-CV-00098 filed in the U.S. District Court, Northern District of California (San Francisco) on January 03, 2020. Allegation: Defendant discriminated against Plaintiff on the basis of race by failing to provide accurate and complete wage statements and constructive discharge of his employment in retaliation in violations of public policy. Labor Code-Case Status: Removed from State Court to Federal Court,

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				<p>pending litigation, last motion filed was for leave to appear in Pro Hac Vice entered on January 29, 2020.</p> <p><i>Selwyn Simmons v. Gartner, Inc.</i>, Case No. CGC-19-579904 filed in the Superior Court, San Francisco County on December 04, 2019. Allegation: Defendant performed race discrimination, retaliation, failed to prevent such discrimination and performed constructive discharge as well. Case Status: Pending litigation, last motion filed was for proof service on December 06, 2019. The Case Management Conference has been scheduled for March 11, 2020.</p>
International Business Machines Corp.	<p>Foreign Profit Corporation</p> <p>Principal Address: New Orchard Road Armonk, NY 10504</p> <p>Date filed: 02/12/1934</p>	N/A	N/A	<p><i>Degnan v. International Business Machines Corporation.</i>, Case No. 2:20-CV-02055 filed in the U.S. District Court, Eastern District of Pennsylvania (Philadelphia) on April 29, 2020. Allegation: Defendant wrongfully terminated plaintiff's employment on the basis of her gender and pregnancy and in retaliation for requesting maternity leave. discharge as well. Case Status: Complaint against International Business Machines Corporation filed on April 29, 2020.</p>

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Researcher: VW Reviewer: PGE

McCormick v. International Business Machines Inc., Case No. 1:20-CV-00327 filed in the U.S. District Court, Southern District of Ohio (Cincinnati) on April 24, 2020. Allegation: Defendant discriminated the plaintiff on the basis of disability, failed to provide reasonable accommodation, and terminated the employment in retaliation for engaging in protected activities in violation of ADA. Case Status: Complaint with jury demand against International Business Machines Inc. filed on April 24, 2020.

Cahey et al v. International Business Machines Corporation., Case No. 1:20-CV-00781 filed in the U.S. District Court, District of Colorado (Denver). Allegation: Defendant intentionally and willfully failed and refused to timely pay plaintiff the full and complete amount of commissions she earned from the deals she closed. Case Status: Order by Magistrate Judge Nina Y. Wang on March 30, 2020 Setting Scheduling/Planning Conference and Setting Deadline for Filing of Consent/Nonconsent Form.

Sheppard II et al v. International Business

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Researcher: VW Reviewer: PGE

Machines et al., Case No. 1:20-CV-00959 filed in the U.S. District Court, Northern District of Georgia (Atlanta)
Allegation: Defendants discriminated against plaintiff, constructively discharged him from employment and denied him compensation, based on his race and in retaliation for his attempt to use leave under the Medical Leave Act to provide care to his family.
Case Status: Amended General Order 20-01 re court operations under the exigent circumstances created by Covid-19 and related Corona virus on April 1, 2020.

APPLICABLE LEGISLATION/POLICY

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

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

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>

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Researcher: VW Reviewer: PGE

Resolution No. R-140-15, adopted February 3, 2015, authorizes replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County.

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

Resolution No. R-843-17, adopted October 3, 2017, authorizes access of the western states cooperative alliance contract through the State of Florida Contract No. 43211500-WSCA-15-ACS through March 31, 2020 for the purchase of computer equipment and peripheral services, for the Miami-Dade Information Technology Department in the amount of \$5,517,000.00.

<http://intra/gia/matter.asp?matter=171602&file=true&yearFolder=Y2017>

Resolution No. R-1301-18, adopted December 18, 2018, authorizes additional expenditure authority in a total amount up to \$8,240,000.00 for the accessed, competitively procured and awarded western states cooperation alliance contract no. 43211500-wsca-15acs1 for the purchase of additional computer equipment peripherals and services for the Information Technology Department.

<http://intra/gia/matter.asp?matter=182652&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. 3H
File No. 200827**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$7,243,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00959 FOR PURCHASE OF MARINE PATROL BOATS AND WATERCRAFT VESSELS FOR MULTIPLE DEPARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority for *Prequalification Pool No. RTQ-00959*, for the purchase of marine patrol boats and watercraft vessels, in the amount of \$7,243,000, for various County departments.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

There is no procedural history for this item.

ANALYSIS

The purpose of the proposed item is to gain Board authorization for additional funds for *Prequalification No. RTQ-00959* in the amount of \$7,243,000 for the Fire Rescue, Parks, Recreation and Open Spaces, Police and Regulatory and Economic Resources departments to purchase marine patrol boats and watercraft vessels to support their operational needs. Some of the potential brands that can be purchased under this pool are metal shark aluminum boats and Boston Whalers. The County has historically purchased boats and other types of watercraft through one-time purchases or by accessing competitively- established contracts from other governmental entities as needed.

The pool was established pursuant to Resolution No. R-40-19 on January 23, 2019 for the Fire Rescue, Police and Parks, Recreation and Open Spaces departments for a value of \$3,361,000 for a five-year term. The Police Department has the biggest allocation (\$1,600,000) under the pool. The Parks, Recreation and Open Spaces Department was added to the pool on May 03, 2019 with an allocation of \$380,000.

The pool was established with an allocation of \$3,361,000, which was modified by \$380,000 on April 24, 2019 and \$120,000 on January 31, 2020, resulting in the current cumulative allocation of \$500,000. This request for increased spending of \$7,243,000, if approved, brings the pool's modified cumulative allocation to \$ 7,743,000. The user departments indicate that the additional allocation requested will satisfy their needs through the duration of the pool, which expires in three-years and seven months on February 29, 2024.

OCA reviewed the Blanket Purchase Order in the Bid Tracking System on May 1, 2020 for this pool and found the following per user department as summarized in the table below; the justification provided by the departments for the increased spending is also included in the table:

Department	Allocation Amount	Released Amount	Balance	Requested Additional Expenditure	Allocation Percent Increase	Justification
Fire Rescue	\$1,520,000	\$811,831	\$708,169	\$5,000,000	328%	To procure two 38' – 39' rapid response boats and one 32' - 35' open console vessel.

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Researcher: IL Reviewer: PGE

Department	Allocation Amount	Released Amount	Balance	Requested Additional Expenditure	Allocation Percent Increase	Justification
Parks, Recreation and Open Spaces	\$380,000	\$361,436	\$18,564	\$ 95,000	25%	Will be used to replace a 1992 utility boat and a 1989 work boat that are aged and damaged beyond repair.
Police	\$1,600,000	\$803,269	\$796,731	\$2,000,000	125%	To purchase two new emergency response boats, and a new center console vessel.
Regulatory and Economic Resources	\$361,000	0	\$361,000	\$ 148,000	41%	To replace an aged vessel that is now beyond repair. The department will purchase a new 22' boat to facilitate the Environmental Resources Management Division's biological monitoring and regulatory operations
Total:	\$3,861,000	\$1,976,536	\$1,884,464	\$7,243,000	187%	N/A
Total if Proposed legislation is approved	\$11,104,000	N/A	N/A	N/A	N/A	N/A

The pool has a five-year term with a forecasted average spend rate of \$772,200 dollars per year. The pre-qualification pool is in its 2nd year (the remaining duration of the contract is three-years and seven months), yet 48 % of its current cumulative allocation has been released. That amount of money was expected to be spent in year 3, the burn rate illustrates that the original estimate for these boats was not adequate.

OCA conducted due diligence on the prequalified vendors set forth in the mayor's memo; the results are seen in the table below.

Vendor	Corporate Filing	Tax collector	West Law
Brunswick Commercial and Government Products, Inc.	Foreign Profit Corporation Principal Address: 420 Megan Z Avenue Edgewater, FL Date Filed: January 29, 2004	None	None
Eric's Outboard Marine Service, Inc.	Florida For Profit Corporation Principal Address: 8755 SW 129 Street Miami, FL Date Filed: January 31, 1996	None	None

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Gravois Aluminum Boats, LLC dba Metal Shark Boats	Incorporated in Louisiana Limited Liability Company Principal Address: 6814 E. Admiral Doyle Drive Jeanerette, LA 70544 Date Filed: October 26, 2006	None	None
Inventech Marine Solutions, LLC	Incorporated in Washington State Limited Liability Company Principal address: 5626 Imperial Way SW Bremerton, WA 98312 Date Filed: March 3, 2014	None	None
Lake Assault Boats, LLC	Incorporated in Wisconsin Foreign Limited Liability Company Principal Address: 310 E. Superior Street, Suite 250 Duluth, MN 55802 Date Filed: February 14, 2011	None	None
SAFE Boats International, LLC	Incorporated in Washington State Limited Liability Company Principal Address 8800 SW Barney White Road Bremerton, WA 98312 Date Filed: December 23, 1996	None	None

Of the six firms on this pool, one is a local firm. Pursuant to Resolution No. R.-477-18, the department must disclose reasons why fewer than 75 percent of vendors recommended are nonlocal. This pool remains open for additional firms to be awarded. An SBE set-aside applies for spot market competition up to \$100,000 where permitted by the funding source when there are three or more SBE-certified firms available. However, the set-aside will not apply as only one vendor is local.

OCA performed a search for commodity code 12090 (Trailers, Boat); on the Business Management Workforce System's Certified Vendor Directory on May 1, 2020. The search yielded no local SBEs:

ADDITIONAL INFORMATION

Information found on Brunswick Commercial and Government Products, Inc.'s website shows the vendor designs Boston Whalers for search and rescue and law enforcement applications.

<http://brunswickcgp.com/about-us/>

Information found on Eric's Outboard Marine Service, Inc.'s website shows sales Yamaha outboard motors and has a service shop with positive reviews.

<https://www.ericsoutboard.com/testimonial>

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Information found on Gravois Aluminum Boats, LLC dba Metal Shark Boats website shows the vendor designs different boat models for law enforcement and fire rescue in the United States and Internationally.

<http://www.metalsharkboats.com/law-enforcement/>



Based on information found on Lake Assault Boats, LLC's, website, this company specializes in making search and rescue and law enforcement boats.

<http://www.lakeassault.com/styles/fireboats/>



APPLICABLE LEGISLATION/POLICY

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

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

Resolution No. R-187-12, adopted 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>

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Resolution No. R-395-12, adopted by the Board on 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-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>

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the Mayor to conduct a full review of the scope, prior to the re-procurement of replacement contracts for goods or services 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 contract language.

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

Resolution No. R-477-18, adopted by the Board 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. R-40-19, adopted January 23, 2019, authorizing establishment of Prequalification Pool RTQ-00959 in a total amount up to \$3,361,000.00 for the purchase of marine patrol boats and watercraft vessels for multiple departments for a five-year term.

<http://intra/gia/matter.asp?matter=182500&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. 3J
File No. 200692**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING THE PROFESSIONAL SERVICES AGREEMENTS BETWEEN MIAMI-DADE COUNTY AND TSAO DESIGN GROUP, INCORPORATED, AND CSA CENTRAL, INC., PROJECT NO. A19-PHCD-01, FOR PROJECT SCHEMATIC DESIGN FOR VARIOUS PUBLIC HOUSING SITES, NOT TO EXCEED \$500,000.00, INCLUSIVE OF A TEN PERCENT CONTINGENCY ALLOWANCE OF \$45,455.00; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENTS AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the award and execution of Non-Exclusive Professional Services Agreements with TSAO Design Group, Incorporated and CSA Central Inc., *Project No. A19-PHCD-01*, to provide schematic design services for various public housing sites in an amount not to exceed \$500,000 inclusive of a 10 percent contingency allowance in the amount of \$45,455 for a contract period of two-years, with two, one-year options to renew for the Miami-Dade Public Housing and Community Development department (PHCD).

PROCEDURAL HISTORY

Prime Sponsor: None

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

This item was brought before the Chairwoman's Policy Council on April 20, 2020, Commissioner Joe Martinez invoked the 3-day rule.

ANALYSIS

The purpose of this item is to request that the Board approve Professional Services Agreements with TSAO Design Group, Incorporated (TSAO) and CSA Central Inc., (CSA) to provide schematic design and related services for PHCD. The department requires these services for the design of housing developments that include two-story townhouses, three-story walk-ups, mid-rise and high-rise buildings inclusive of studios, one-bedroom, two-bedroom, three-bedroom, four-bedroom and five bedroom units as well as a community center or club house, gym, laundry rooms, library, parking site and common areas. These services will support PHCD rehabilitation of its aged housing developments.

Under the agreements, the consultants agree to provide complete conceptual and schematic design as well as planning and related services for various building types provided by PHCD. The awarded firms will provide a design for several Public Housing, and/or Rental Assistance Demonstration (RAD) units, workforce housing, affordable housing, and/or market rate units. Potential sites will be evaluated for design, planning, zoning requirements, height restriction, density reports describing the design concept, number and types of units, infrastructure amenities, zoning information, and description of how the design and planning concept address the requirements based on the neighborhood. Site plans should be inclusive of ingress and egress for the site, floor plans, building elevations and color rendering(s) as well as site plans for multi-use facilities such as office, commercial, educational, library, retail and grocery stores.

No service is to be delivered pursuant to the PSAs without the consultants' receipt of a Service Order from PHCD. Finally, project services shall be performed via a phased approach. The project phases are as follows:

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- Phase 1A – Programming and/or Studies
- Phase 1B – Schematic Design
- Phase 2 – Design Development
- Phase 3A – 30% Contract Documents
- Phase 3B – 75% Contract Documents
- Phase 3C – 100% Contract Documents
- Phase 3D – Bid Documents
- Phase 4 – Bidding & Award of Contract
- Phase 5 – Construction Administration Services

The total fiscal impact to the County is \$500,000 for a two-year term with two, one-year options to renew. The project location spans across various sites and has a potential countywide impact. The funding source for this project are Capital Funds Program (Federal Funds) Capital Budget page 112 FY 2018-19, Project No. 807910 of the adopted budget book. The budget book describes the project as “Architectural and Inspection Services” and shows funding totaling \$8,176,000 for the cited Fiscal Year. Each PSA recommended for award (one for TSAO and the other for CSA) is valued at \$250,000. Note that due to the federal funding for this project, SBD determined that no SBE goal could be assigned.

Additionally, the compensation section of both PSAs sets forth the base services fee structure. Payment for the services can be rendered in any of the following methods:

- Fixed Sum
- Multiple of Direct Salary Expense (with a 2.9 multiplier)

Below is a table of the maximum hourly rates per classification for the Consultant and Subconsultant concerning both PSAs:

Position	Hourly Rate	Job Responsibility	Category Title as Defined in the agreement
Principal/Senior Project Manager (PM)	\$140.00	QA/QC LEED	Quality Assurance Officer
Architect/Registered/PM	\$135.00	Architecture	Sr. Architect
Mechanical Engineer/Registered/PM	\$135.00	HVAC/FP	Sr. Engineer
Civil Engineer/Registered/PM	\$135.00	Civil	Sr. Engineer
Landscape Architect/Registered/PM	\$135.00	Not established	Sr. Architect
Estimator/Scheduler	\$120.00	Not established	Estimator
Junior Architect	\$90.00	AutoCAD/Arch	Jr. Architect
Junior Engineer	\$90.00	AutoCAD/Elec	Jr. Engineer
Junior Engineer	\$90.00	AutoCAD/HVAC	Jr. Engineer
Junior Architect	\$80.00	AutoCAD Revit Operator/Electrical Media	CADD/Revit
Clerical Administration	\$35.00	Not Established	Not Established

In no case shall the maximum billable hourly (including multipliers) rate exceed \$140.00 per hour for the Prime and Sub-consultant.

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Researcher: IL Reviewer: PGE

PHCD will utilize a rotational method when assigning work to the awarded Architectural Engineering (A/E) firms for this project. The factors that will be utilized by the Division Director of PHCD are as follows:

- A. Workload,
- B. Capabilities of the team,
- C. Schedule, and
- D. Familiarity with the location and infrastructure.

A Notice to Professional Consultants was advertised on June 13, 2019, under full and open competition. On July 26, 2019, the Clerk of the Board received five proposals in response to the solicitation. Modis Architects, LLC was amongst the five proposals received and was deemed non-responsive by the Internal Services Department because the firm did not meet prequalification/technical requirements established in the Notice to Professional Consultants (NTPC). Furthermore, two other firms Mateu Architecture Inc., and Diaz, Carreno, Scotti & Partners Inc., were deemed not responsive due to a violation of section 1.6 of the NTPC, by the County Attorney's Office. A formal opinion was not rendered due to the solicitation's amount being under 1 million dollars.

The first-tier meeting was held on September 24, 2019, and two firms were evaluated, TSAO Design Group, Inc. and CSA Central Inc. The competitive selection committee voted to forego the second-tier process and recommended both firms for award. Negotiations concluded on October 17, 2019.

Below is the list of respondents for the advertised project and their final ranking after the first-tier meeting.

Firm	Principal Address per Sunbiz	Final Ranking
TSAO Design Group Inc.	160 Pine Street, San Francisco, CA 94111	1
CSA Central Inc.	8200 N.W. 41 Street, Miami, FL 33166	2

OCA conducted a review of the technical certifications associated with the project on the Business Management Workforce System (BMWS) on May 1, 2020. See findings in the table below.

Prime/Other	Code	Description	Number of SBE Firms
Prime	14.00	Architecture	None
Other	11.00	General Structural Engineering	None
Other	12.00	General Mechanical Engineering	None
Other	13.00	General Electrical Engineering	None
Other	11.00	General Structural Engineering	None
Other	12.00	General Mechanical Engineering	None
Other	13.00	General Electrical Engineering	None
Other	16.00	General Civil Engineering	None
Other	19.14	Value Analysis and Life Cycle Costing – Architecture	6 firms were identified as SBE Firms under this technical certification
Other	20.00	Landscape Architecture	None
Other	22.00	ADA Title II Consultant	None

Note that TSAO Design Group was identified in the BMWS system as a certified SBE firm.

OCA conducted a review of the two awarded firms on May 1, 2020. The table below summarizes OCA's review of the selected firm.

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Firm Name	Sunbiz	DBPR	Tax Collector	West Law
TSAO Design Group, Inc	Foreign Profit Corporation Principal Address: 160 Pine Street 6 th Floor, San Francisco, CA 94111. Date Filed: 02/12/2012	License type: Architect Business Active: No complaints on file.	One on file. Business Address: 7610 N.E. 4 th Ct, Suite 101 Miami, FL 33138 Paid/Current	No cases
CSA Central Inc.	Foreign Profit Corporation Principal Address: 8200 N.W. 41 st Street, Suite 305 Doral, FL 33166 Date Filed: 02/23/2006	License type: Architect Business Active: No Complaints on file.	Two accounts on file. Business Address: 1001 N. America Way Ste 203, Miami, FL 33132 Paid/Current	No cases

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OCA conducted a due diligence review of the awarded firms' sub-consultants on May 1, 2020.

TSAO Design Group, Inc. Sub-consultants

Awarded Subconsultants	Sunbiz	Florida DBPR	Tax Collectors Office	Westlaw
TLC Engineering Solutions Inc.	Florida Profit Corporation Principal Address: 255 South Orange Ave. Orlando, FL 32801 Date Filed: 12/31/1968	License type: Registry Active: No Complaints on File	One Account: Business Address: 5757 Blue Lagoon Dr., Suite 400, Miami, Florida 33126 Paid/Current	No relevant cases
305 Consulting Engineers LLC	Florida Limited Liability Company Principal Address: 13944 S.W. 8 Street, Miami, FL 33184 Date Filed: 03/11/2013	License type: Registry Active: No Complaints on File	One Account: Business Address: 13944 S.W. 8 th Street, Suite 21, Miami, FL 33184 Paid/Current	No relevant cases
Savino & Miller Design Studio, P.A.	Florida Profit Corporation Principal Address: 12345 N.E. 6 Ave, #A North Miami, FL 33161 Date Filed: 04/16/1993	License type: Landscape Architect Business Active: No Complaints on File	None	No relevant cases

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Sub-Consultants for CSA Central Inc.

Awarded Subconsultants	Sunbiz	Florida DBPR	Tax Collectors Office	Westlaw
Biscayne Engineering Co.,	Florida Profit Corporation Principal Address: 529 West Flagler Street., Miami, FL 33130 Date Filed: 01/12/1914	License type: Registry Active: No Complaints on File	One Account: Business Address: 529 W. Flagler St., Miami, FL 33130 Status: Paid and Current	No relevant cases
H.P. Consultants Inc.	Florida Profit Corporation Principal Address: 10220 S.W. 107 Street, Miami, FL 33176 Date Filed: 05/20/2002	License type: Registry Active: No Complaints on File	None	No relevant cases
Langan Engineering & Environmental Services, Inc.	Foreign Profit Corporation Principal Address: 300 Kimball Drive, 4 th Floor. Parsippany, NJ 07054 Date Filed: 03/16/1993	License Type: Asbestos Consultant, Asbestos Business, and Geology Business Active: No Complaints	One account: Business Address: 15150 N.W. 79 Court, Suite 200 Miami Lakes, FL 33016 Paid/Current	No relevant cases
Laura Llerana & Associates Inc.,	Florida Profit Corporation Principal Address: 13170 S.W. 128	None	None	

**CPC Meeting:
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**Item No. 3J
File No. 200692**

Researcher: IL Reviewer: PGE

	Street, Suite 207, Miami, FL 33186 Date Filed: 04/22/1980			
TJJA Architects P.A.	Florida Profit Corporation Principal Address: 14 Westward Drive, Miami Springs, FL 33166 Date Filed: 03/21/ 2001	None	None	

Pursuant to Resolution No. R-421-16, a Performance Record verification was conducted by OCA in the Capital Improvements Information System (CIIS) on May 1, 2020. The verification revealed two performance evaluations in the Capital Improvements Information Systems Database for Tsao Design Group Inc., yielding an average evaluation rating of 3.5 out of 4.0 and three performance evaluations for CSA Central Inc., yielding an average evaluation rating of 3.5 out of 4.0.

ADDITIONAL INFORMATION

TSAO Design Group has conducted multiple projects across the United States. TSAO has done projects for the San Francisco Public Library, Miami-Dade County public Housing and Community Development, City of Homestead, City of Miami amongst others.
<http://tsaodesign.com/clients-by-category>

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

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Researcher: IL Reviewer: PGE

[https://library.municode.com/fl/miami -
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Section 2-11.1 of the Miami-Dade County Code creates a minimum standard of ethical conduct and behavior for all County officials, officers, and employees.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)

Section 2-10.4 of the Miami-Dade 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=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

Ordinance 00-65 adopted May 23, 2000 (involving the expenditures of more than \$500,000.00) any contract for the construction of public improvements and any professional service agreement involving the expenditure of more than \$500,000, an item shall be added to the advertisement recommendation memorandum presented by the County Manager to the Board of County Commissioners identifying (1) each proposed 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 (2) the corresponding percentage of each proposed dedicated allowance, contingency allowance and additional services allowance in relation to the estimated contract price.

<http://intra/gia/matter.asp?matter=001521&file=false&yearFolder=Y2000>

Resolution No. R-451-14, adopted May 6, 2014, setting policy for Miami-Dade County; directing the Mayor to require all county infrastructure projects to consider potential impacts of sea level rise during all project phases including but not limited to planning, design, and construction.

<http://intra/gia/matter.asp?matter=140804&file=true&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>

Implementing Order (I.O.) 3-34 (Formation and Performance of Selection Committees) Notwithstanding any contrary provision of any other Administrative Order or Implementing Order, this Implementing Order establishes procedures for the formation and performance of selection committees in the competitive procurement process of Miami-Dade County, including competitive selection committees utilized in the acquisition of architectural and engineering professional services under Section 287.055 of the Florida Statutes.

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

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Resolution No. R-421-16, adopted May 17, 2016, requires the County Mayor to attach a list of all County Contracts awarded in the previous 3 years to the recommended contractor and summary of evaluations for Design and/or Construction Contract Awards of \$1,000,000.00 or greater.

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

Resolution No. R-1204-05, adopted October 18, 2005, directs the Mayor to evaluate in-house capabilities and expertise prior to contracting the services of outside consultants.

<http://intra/gia/matter.asp?matter=052890&file=true&yearFolder=Y2005>

Administrative Order 3-26, effective August 4, 2000, projects with construction cost estimates below the Five Million Dollar threshold, are not mandated to have a formal Value Analysis/Engineering nor a feasibility study of alternative concepts.

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

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Research Notes**

**Item No. 3AA
File No. 200672**

Researcher: JFP Reviewer: PGE

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A CONTRACT IN THE AMOUNT OF \$384,392.32 TO P & J STRIPING, INC. FOR THE PROJECT ENTITLED PEOPLE'S TRANSPORTATION PLAN PAVEMENT MARKINGS INSTALLATION; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.2.7.01 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-53; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR THIS PROJECT, WHICH WAS IN THE ORIGINAL EXHIBIT 1 OF THE PEOPLE'S TRANSPORTATION PLAN

ISSUE/REQUESTED ACTION

Whether the Board should award the contract, *RPQ No. 20190306*, to P&J Striping, Inc. in the amount of \$384,392.32 for pavement markings installation for a one-year term, and authorize the use of People's Transportation Plan Bond Program (PTP) funds for this purpose.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item has no procedural history.

ANALYSIS

The purpose of this item is to award a contract to the SBE-Con firm, P&J Striping, Inc. (P&J Striping) for the installation of pavement markings. The contract value of \$384,392.32 includes a base contract amount of \$297,636, a contingency amount of \$29,763.60, and dedicated allowances totaling \$56,992.72. The contract term is 365 days. The item authorizes the use of PTP funds to fully fund the pavement markings installation project, thus necessitating CITT approval.

The project (Project MCC 7040 Plan - CICC 7040-0/07) qualifies under the available work categories in the Neighborhood Improvements Section of the PTP Five-Year Plan, for which \$167 million is allotted, and is included in the FY 2019-20 Adopted Budget and Multi-Year Capital Plan under Volume 2, Department of Transportation and Public Works (Safety Improvements – Countywide, Project P2000000541).

DTPW advertised the solicitation through the County's Miscellaneous Construction Contract (MCC) 7040 Plan, forwarding the Request for Price Quotation (RPQ) to 66 prequalified firms. P&J Striping was the only respondent, responding on January 15, 2020 with a base bid of \$297,636—0.03 percent below the County's cost estimate. DTPW issued the recommendation for award, after finding the firm to be responsive and responsible, on January 23, 2020.

To participate in the Miscellaneous Construction Contract Program, a firm must:

- Be a licensed Construction Contractor (hold a valid State of Florida or Miami Dade County Certificate of Competency)
- Be registered and active in the Florida Department of State Division of Corporation
- Be a registered vendor with Miami Dade County, Internal Services Department, Procurement Management Services
- Complete the MCC Registration online through the Vendor Portal and attach all required documents

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- Provide proof of Insurance coverage for:
 - General Liability
 - Worker's Compensation – as required by Florida Statutes Chapter 440
 - Automobile Liability – Owned, Non-owned & Hired Vehicle

In addition to the above requirements, all participants in the MCC 7040 Plan must be certified with the County's Small Business Enterprise Construction Program in their contracting trade, maintain a local office in Miami-Dade County, hold a Local Business Tax Receipt for one year prior to certification, and the license qualifier must own a minimum of 10 percent of the company.

Eleven (11) MCC 7040 projects have been awarded to P&J Striping at award amounts totaling \$2,544,498.25. An additional two (2) MCC 7360 projects have been awarded at amounts totaling \$2,243,619.80. Pursuant to Resolution No. R-421-16, OCA conducted a performance record verification in the Capital Improvements Information System (CIIS) on May 5, 2020, finding that P&J Striping has 17 evaluations with an average rating of 3.5 points out of a possible 4.0. Its lowest evaluation was a 3.0 rating on a \$2 million DTPW MCC 7360 project completed on June 11, 2019.

Resolution No. R-1181-1 requires the consideration of safety records of prospective contractors and first-tier subcontractors for public construction projects and the inclusion of confirmation that those safety records were considered, as well as reports of any instances where the safety record may adversely affect a finding of contractor responsibility, in award memorandum to the Board. Such information was absent from the Mayoral Memorandum.

In addition, detailed below is a summary of OCA's due diligence performed on P&J Striping.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
P&J Striping, Inc.	Florida Profit Corporation Active Principal Address: 9800 NW South River Drive Medley, FL 33166 Filed: September 22, 2008	Business address: 9800 NW South River Drive Medley, FL 33166 Business Start Date: February 1, 2009. Status: Paid and Current	License type: Certified General Contractor (expires August 31, 2020)	No relevant cases.

ADDITIONAL INFORMATION

Miscellaneous Construction Contracts Program

<https://www.miamidade.gov/smallbusiness/miscellaneous-construction-contracts.asp>

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**Item No. 3AA
File No. 200672**

Researcher: JFP Reviewer: PGE

Five-Year Implementation Plan of the People's Transportation Plan
<http://www.miamidade.gov/citt/library/five-year-plan/2019/five-year-plan.pdf>

APPLICABLE LEGISLATION/POLICY

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

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE

Section 2-8.2.7.01 of the Code of Miami-Dade County governs the Miscellaneous Construction Contracts Program.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOP

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

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

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Researcher: JFP Reviewer: PGE

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

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551_FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551_FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

Section 10-33.02 of the Code of Miami-Dade County governs the Small Business Enterprise Construction Services Program.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02SMBUENCOSEPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02SMBUENCOSEPR)

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

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE)

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

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

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

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

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

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

Implementing Order No. 3-24 implements the responsible bidder ordinance and establishes an administrative procedure for resolution of complaints regarding underpayment of required hourly wages for County construction contracts.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-24.pdf>

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

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

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Researcher: JFP Reviewer: PGE

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

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

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

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

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

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

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

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

CONTRIBUTORS

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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).