



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

**COMMISSION AUDITOR'S  
INFORMATIONAL RESEARCH**

**HEALTH CARE AND COUNTY OPERATIONS  
COMMITTEE MEETING**

**June 11, 2020**

**9:30 A.M.**

**Virtual Meeting**

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Commission Auditor

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**Item No. 3A  
File No. 201013**

**Researcher: JFP Reviewer: PGE**

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$4,810,000.00 FOR A MODIFIED CONTRACT AMOUNT OF \$21,300,000.00 FOR CONTRACT NO. 060B2490021 FOR THE PURCHASE OF COMMERCIAL OFF THE SHELF SOFTWARE FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY EXTENSIONS OR CANCELLATIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize additional expenditure authority of up to \$4,810,000 for an accessed State of Maryland contract for the Information Technology Department's purchase of commercial off-the-shelf software.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

This item has no procedural history.

**ANALYSIS**

The purpose of this item is to authorize \$4,810,000 in additional expenditure authority for *Contract No. 060B2490021, Commercial Off-the-Shelf Software*—the fourth Board-approved modification since accessing the established State of Maryland contract in May 2016. The contract, originally valued at \$990,000, was established under the Mayor's delegated authority. The contract is currently valued at \$16,490,000 after the following modifications:

Mode of Modification	Date	Amount
BCC (Resolution No. R-1137-16)	12/06/2016	\$4,600,000
Delegated Authority	11/21/2017	\$250,000
Delegated Authority	12/14/2017	\$250,000
BCC (Resolution No. R-212-18)	3/6/2018	\$4,400,000
Delegated Authority	3/15/2019	\$500,000
BCC (Resolution No. R-462-19)	5/7/2019	\$4,100,000
Delegated Authority	12/30/2019	\$500,000
Mayor's Authority	3/18/2020	\$900,000
<b>TOTAL</b>		<b>\$15,500,000</b>
Original Contract Amount		\$990,000
<b>EXISTING CUMULATIVE ALLOCATION</b>		<b>\$16,490,000</b>
<b>Additional Allocation Request</b>		<b>\$4,810,000</b>
<b>MODIFIED CUMULATIVE ALLOCATION</b>		<b>\$21,300,000</b>

Additional expenditure authority is needed for ITD's continued purchase of commercial off-the-shelf software, installation, training, maintenance and support services, as well as the purchase of new software licenses required by various County departments, in order to facilitate daily departmental operations. It is the intent of the department to

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present additional modifications of this contract to the Board on an annual basis, as requested by the Board, as software needs for future years are identified. The accessed contract expires September 30, 2027.

According to the contract's Blanket Purchase Order, of the \$16,490,000 allocated, \$15,466,270.32 has been released (as of June 8, 2020), leaving a balance of \$1,023,729.68. With the requested additional expenditure of \$4,810,000, the contract value will increase to \$21,300,000. The additional allocation being requested for a one year period is based on the historical departmental expenditures from March 1, 2019 to February 28, 2020, as further detailed below.

**Departmental Expenditures  
March 2019 – February 2020**

<b>Department</b>	<b>Total Expenditure</b>
<b>CAHSD</b>	<b>\$41,239.89</b>
<b>COC</b>	<b>\$19,603.64</b>
<b>COM</b>	<b>\$179,076.98</b>
<b>DTPW</b>	<b>\$69,854.56</b>
<b>ELECTIONS</b>	<b>\$58,260.00</b>
<b>ITD</b>	<b>\$2,935,818.87</b>
<b>MDAD</b>	<b>\$416,437.85</b>
<b>MDCR</b>	<b>\$71,353.84</b>
<b>MDFR</b>	<b>\$38,316.66</b>
<b>MDPD</b>	<b>\$425,854.44</b>
<b>MDPLS</b>	<b>\$124,763.32</b>
<b>MDPR</b>	<b>\$2,451.24</b>
<b>RER</b>	<b>\$76,066.26</b>
<b>SEAPORT</b>	<b>\$10,430.15</b>
<b>WASD</b>	<b>\$339,389.67</b>
<b>Total</b>	<b>\$4,808,917.37</b>

The contract provides access to a current pool of six prequalified vendors for the purchase of a diverse array of software products used by County staff to support critical County functions, including providing protection of the County's networks and infrastructure against cyber-attacks. While all the vendors are non-local, all are active and registered to do business in the State of Florida per Sunbiz.org, the official State of Florida Division of Corporations website. Since this is a competitively accessed State of Maryland contract, the County does not have control of vendor participation.

OCA's due diligence on the prequalified vendors, including relevant litigation, is detailed below.

<b>Awarded Firm</b>	<b>Corporate Registration</b>	<b>Tax Collector's Office</b>	<b>Florida DBPR</b>	<b>Litigation (Westlaw)</b>
Carahsoft Technology Corp.	Foreign Profit Corporation	No account on file.	No account on file.	<i>Department of Labor and Industries v. Carahsoft Technology</i>

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	<p>Active</p> <p>Principal Address: 11493 Sunset Hills Road, Suite 100 Reston, VA 20190</p> <p>Filed: January 5, 2009</p>			<p><i>Corporation</i> (Case No. 19-2-10097-9) Filed on January 15, 2019 in Superior Court, Spokane County. Allegation (Tax Warrant): Failure to pay taxes.</p>
CDW Government, LLC	<p>Foreign Limited Liability Company</p> <p>Active</p> <p>Principal Address: 230 N. Milwaukee Ave., Vernon Hills, IL 60061</p> <p>Filed: January 5, 2010</p>	No account on file.	No account on file.	<p><i>Thornley Melissa v. CDW-Government, LLC</i> (Case No. 2020-CH-04346). Filed on May 27, 2020 in Circuit Court, Cook County. Allegation (Class Action): Biometric Information Privacy Act (BIPA) violation. The Defendant collected, stored and used the plaintiff and other similarly situated individuals' biometric identifiers and information without obtaining their informed written consent. Case Status: Open; Class Action complaint filed on May 27, 2020.</p> <p><i>Hall v. CDW Government LLC et al</i> (Case No. 1:20-CV-00846). Filed on February 5, 2020 in U.S. District Court, Northern District of Illinois (Chicago). Allegation (Class Action): Defendants failed to obtain written releases from plaintiff and the putative class before they collected, used, and</p>

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				<p>stored their biometric identifiers and information.</p> <p><i>MacDowell v. A&amp;T Marketing, Inc. et al</i> (Case No. 4:19-CV-00173). Filed on January 10, 2019 in U.S. District Court, Northern District of California (Oakland). Allegation: False Claims Act violation. Defendants falsely certified that their products were U.S.-made or designated country end products. Case Status: Open; Initial Case Management Conference set for August 27, 2019.</p>
DLT Solutions, LLC	<p>Foreign Limited Liability Company</p> <p>Active</p> <p>Principal Address: 2411 Dulles Corner Park Suite 800 Herndon, VA 20171</p> <p>Filed: December 2, 2009</p>	No account on file.	No account on file.	No relevant cases.
En Pointe Technologies Sales, LLC	<p>Foreign Limited Liability Company</p> <p>Active</p> <p>Principal Address: 1940 E. Mariposa Avenue El Segundo, CA 90245-3457</p>	No account on file.	No account on file.	<p><i>MacDowell v. A&amp;T Marketing, Inc. et al</i> (Case No. 4:19-CV-00173). Filed on January 10, 2019 in U.S. District Court, Northern District of California (Oakland). Allegation: False Claims Act violation. Defendants falsely</p>

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	Filed: April 14, 2015			certified that their products were U.S.-made or designated country end products. Case Status: Open; Initial Case Management Conference set for August 27, 2019.
Insight Public Sector, Inc.	Foreign Profit Corporation  Active  Principal Address: 6820 S Harl Ave. Tempe, AZ 85283  Filed: July 8, 1997	No account on file.	License Types: Electrical Business Information	<i>MacDowell v. A&amp;T Marketing, Inc. et al</i> (Case No. 4:19-CV-00173). Filed on January 10, 2019 in U.S. District Court, Northern District of California (Oakland). Allegation: False Claims Act violation. Defendants falsely certified that their products were U.S.-made or designated country end products. Case Status: Open; Initial Case Management Conference set for August 27, 2019.
Presidio Networked Solutions, LLC	Florida Limited Liability Company  Active  Principal Address: 1 Penn Plaza Suite 2832 New York, NY 10119  Filed: June 30, 2015	No account on file.	No account on file.	No relevant cases.
SHI International Corp.	Foreign Profit Corporation  Active	No account on file.	No account on file.	No relevant cases.

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	Principal Address: 290 Davidson Avenue Somerset, NJ 08873			
	Filed: August 2, 2001			

A June 10, 2020 search of the Business Management Workforce System for the firm's commodity code, 20554 - Microcomputers, Handheld, Laptop, and Notebook, Environmentally Certified Products, yielded the following two certified Small Business Enterprises:

- Laser Products, Inc.
- Network & Communication Services, Inc.

**APPLICABLE LEGISLATION/POLICY**

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

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

**Resolution No. R-1137-16**, adopted December 6, 2016, approved additional expenditure authority in the amount of \$4,600,000 for *Contract No. 060B2490021, Commercial Off-the-Shelf Software*.

<http://intra/gia/matter.asp?matter=162308&file=true&yearFolder=Y2016>

**Resolution No. 212-18**, adopted March 6, 2018, approved additional expenditure authority in the amount of \$4,400,000 for *Contract No. 060B2490021, Commercial Off-the-Shelf Software*.

<http://intra/gia/matter.asp?matter=180197&file=true&yearFolder=Y2018>

**Resolution No. R-462-19**, adopted May 7, 2019, approved additional expenditure authority in the amount of \$4,100,000 for *Contract No. 060B2490021, Commercial Off-the-Shelf Software*.

<http://intra/gia/matter.asp?matter=190880&file=true&yearFolder=Y2019>

**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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**Resolution No. R-391-17**, adopted April 4, 2017, directs the Mayor to conduct competitive selections whenever feasible instead of expanding the term or services under existing contracts, to include in any recommendation to the Board for the expansion of term or services under existing contracts a written justification of why a competitive process is not feasible, to include to the maximum extent possible in any proposed expansion of term or services any requirements of Ordinance or Resolutions adopted by the Board subsequent to the initial contract and to report to the Board in the recommendation which requirements were adopted and rejected.

<http://intra/gia/matter.asp?matter=170534&file=true&yearFolder=Y2017>

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

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

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**Item No. 3C  
File No. 201018**

**Researcher: IL   Reviewer: PGE**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01230 TO TRANSVALUE, INC. FOR THE PURCHASE OF ARMORED CAR SERVICES FOR MULTIPLE COUNTY DEPARTMENTS FOR A FIVE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$1,972,230.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD TO TRANSVALUE, INC., 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 an award of *Contract No. FB-01230* to Transvalue, Inc. for the purchase of armored car services in an amount not to exceed \$1,972,230, for a five-year term, 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 this item is to establish a contract for various County departments to acquire armored car services to transport funds (cash, checks, money orders, credit card slips and other securities) to various bank locations. The contract is for a term of five-years in an amount not to exceed \$1,972,230.

The fiscal impact of this contract is an amount of \$1,972,230 for a five-year term. The proposed contract aims to replace the current contract *FB-00045* that was valued at \$1,777,040 for a five-year six-month term expiring on August 31, 2020. The contract's original expiration date was February 29, 2020. However, a six-month administrative extension resulted in the current August 31, 2020 expiration date. The awarded firm under the current contract is Brinks, Inc.

OCA reviewed the Blanket Purchase Order for the current contract as of June 8, 2020. The original allocation is in the amount of \$1,777,040, the released amount is \$919,776 and the remaining balance is \$857,263. The mayoral memo is silent as to whether or not the remaining balance will be exhausted prior to the expiration date. The allocation under the new contract is higher than the previous contract due to changes in consumer price index (CPI) also known as market indexes (CPI Increase 15%) and higher prices for armored car services. The table below depicts the departments that have not spent their allocation as of June 10, 2020 and the allocation requested under the proposed contract for those same departments.

Table 1: Allocation balance status and requested amount

Department	Current Allocation Balance	Requested Allocation
Animal Services Department	\$ 35,387	\$0
Miami-Dade Aviation Department	\$ 3,332	\$0
Office of the Clerk	\$542,300	\$0
Miami-Dade Corrections and Rehabilitation Department	\$ 26,447	\$0

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**File No. 201018**

**Researcher: IL Reviewer: PGE**

Department of Cultural Affairs	\$ 6,898	\$26,988
Finance Department	\$ 52,800	\$107,952
Miami-Dade Fire Rescue	\$ 3,560	\$ 33,735
Internal Services Department	\$ 4,383	\$ 40,482
Miami-Dade County Public Library System	\$ 24,200	\$337,350
Miami-Dade Police Department	\$ 968	\$ 33,735
Parks, Recreation and Open Spaces	\$ 75,314	\$202,410
Department of Transit and Public Works	\$0	\$0
Regulatory & Economic Resources	\$ 8,000	\$80,964
Seaport	\$29,964	\$0
Vizcaya Museum and Gardens	\$ 6,507	\$0
Miami-Dade Water and Sewer Department	\$26,625	\$202,410

The table below illustrates a side by side comparison on the annual allocation for the current and proposed contract.

Table2: Comparison of Current and Proposed Contract value

	FB-00045 (5yr and 6 mo's)	FB-01230 (5yr)	Difference
Annual Allocation	\$323,098	\$394,446	\$71,348  22%
Total Contract Value	\$1,777,040	\$1,972,230	\$195,190  11%

The solicitation was advertised on BidSync on December 18, 2019 and closed on January 10, 2020, the "Bid Open Date." Three bids were received of which one was a No Bid and the other was deemed nonresponsive by the CAO. Only one viable bid. Brinks Inc.'s (Brinks) proposal was deemed non-responsive by the County Attorney's Office.

The rationale justifying said non-responsiveness finding was based on the cover letter to the bid, in which Brinks asserted that its response is valid for a period of 90 days after submission by Brinks. Thereafter, rates and terms are subject to change. In general, a bid may be rejected or disregarded if there is a material variance between the proposal and the advertisement. To determine materiality, the Courts have focused on a two part test: (1) whether the effect of the waiver would be to deprive the County of the assurance that the contract would be entered into, performed and guaranteed according to its specific requirements and (2) whether it would adversely affect competitive bidding by placing a proposer in a position of advantage over other proposers. As a result of this, the only responsive bidder remaining was Transvalue, Inc.

The method of award, including bidder requirements, under the replacement award was follows:

The award will be made to the lowest priced responsive, responsible bidder in the aggregate. Table 2 illustrates the three requirements for submission:

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File No. 201018**

**Researcher: IL Reviewer: PGE**

Table 3: Requirements for submission.

Item	Description
1	Bidder(s) shall hold a valid Florida Class “B” license and will be required to provide copy of the license with their response to this solicitation. The license must be valid at the time of submittal and maintained throughout the term of the contract.
2	As a proof of satisfactory record performance, to demonstrate experience and expertise, Bidder shall submit a Reference Form with two separate references/contracts from entities of similar size where Bidder is currently providing or has provided similar services within the past five-years.
3	<p>Bidder shall provide evidence of having adequate equipment and personnel to perform the services described in the solicitation, such as:</p> <ul style="list-style-type: none"> <li>• Sufficient number of armored trucks</li> <li>• Sufficient number of armed and properly licensed security officers with valid Class “D” and Class “G” license.</li> <li>• A secured, fire resistant vault necessary to maintain County funds overnight, on weekends, when banks are closed.</li> </ul>

The apparent lowest priced bidder shall provide the requested information as a condition of award.

**Figure 1:** OCA performed a due diligence analysis on the recommended firms on June 8, 2020 as set forth in the table below.

Vendor	Sunbiz	Local Vendor	Tax Collector	West Law
Transvalue, Inc.	Florida Profit Corporation Principal address: 7421 N.W. 7 <sup>th</sup> Street, Miami, FL 33126 Date Filed: 02/10/1993	Yes	One Account Business Address: 7421 N.W. 7 <sup>th</sup> Street, Miami, FL 33126 Current/Paid	No relevant cases

OCA performed a search for Commodity Code 99010 (**Armored Car Services.**) on the Business Management Workforce System’s Certified Vendor Directory on June 8, 2020. Listed below are the local SBEs identified:

Vendor	Location	Certification
E&C Security Agency, Inc.	Opa-Locka, FL	<a href="#">SBE-G&amp;S</a>
SCMA, INC.	NORTH MIAMI BEACH, FL	<a href="#">SBE-G&amp;S</a>

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Researcher: IL Reviewer: PGE

**ADDITIONAL INFORMATION:**

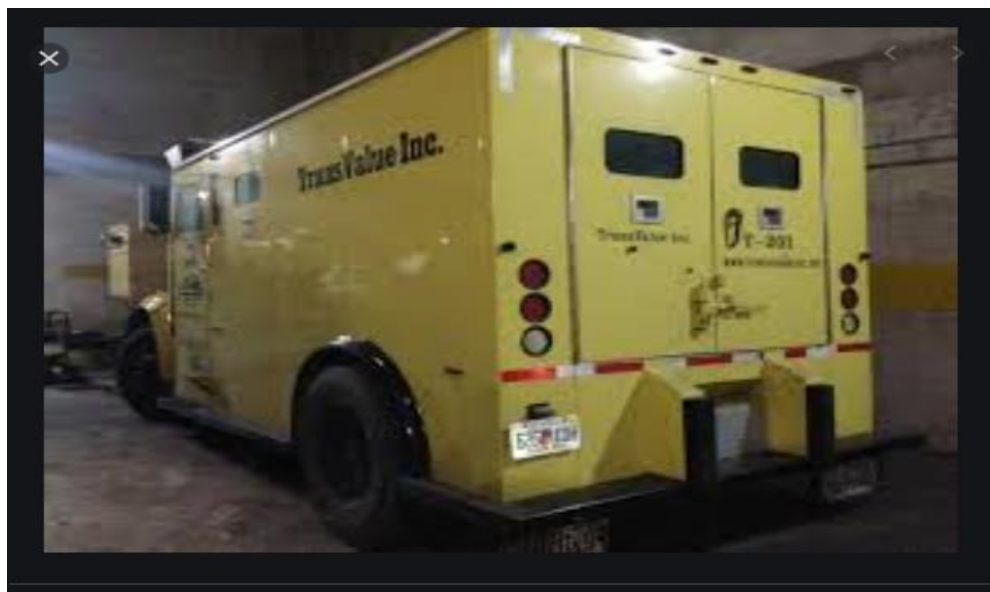
Transvalue, Inc., has contracts for similar services with other municipalities such as the City of Miami Beach and the City of Coral Gables.

<https://www.miamibeachfl.gov/wp-content/uploads/2019/12/Procurement-Campaign-Contribution-Report-12-17-19.pdf>  
<https://www.coralgables.com/media/Procurement/Awarded%20Contracts/Piggyback%20Active%20Contracts%20List.pdf>

As reported by the Miami Herald, Transvalue, Inc., was the subject of gold bar heist five-years ago (2015) when the transportation of gold and silver was being conducted by the firm. One of the guards expressed feeling sick as if he had been smelling gas and the other guard (driver) pulled over. It was at that moment that they were assaulted, and the guards fled out of the truck without their weapons (a Transvalue, Inc. policy violation). The criminals stole several gold bars and fled the scene. FBI investigators determined that the truck was operational, and no gas leak was detected.

<https://www.miamiherald.com/news/local/crime/article20051649.html>

Figure 2 illustrates a picture of a Transvalue armored car



**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.1 of the County Code**, (Contracts and Purchases Generally), requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved; establishes requirements for legacy purchases, designated purchases, and single vehicle leases; provides that procurement procedures shall be established by I.O. and approved by the Board.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

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**Item No. 3C  
File No. 201018**

**Researcher: IL   Reviewer: PGE**

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

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

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

**Resolution No. R-97-15**, adopted February 3, 2015, authorizes the waiver of formal bid procedures to approve a contract award for FB-00045, for the purchase of armored car services in a total amount not to exceed \$1,618,000 for a five year term.

<http://www.miamidade.gov/govaction/matter.asp?matter=150245&file=false&fileAnalysis=false&yearFolder=Y2015>

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

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

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

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

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

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**Item No. 3D  
File No. 201019**

**Researcher: MF   Reviewer: PGE**

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$359,033.00, CONSISTING OF \$216,897 FOR THE CURRENT TERM AND \$142,136 FOR THE OPTION TO RENEW TERM FOR A MODIFIED TOTAL CONTRACT AWARD OF \$1,223,033 FOR LEGACY PURCHASE CONTRACT NO. L8523-1/28 FOR THE PURCHASE OF INOVAH SOFTWARE MAINTENANCE/PROFESSIONAL SERVICES FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY RENEWALS, EXTENSIONS OR CANCELLATIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize additional expenditure approval of *Legacy Contract No. L8523-1/28* for the purchase of iNovah Software Maintenance/Professional Services in an amount up to \$359,033, of which \$216,897 is for the current contract and \$142,136 is toward the option to renew term, for a cumulative total of \$1,223,033 for the Information Technology Department.

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Internal Services Department (ISD)

There is no procedural history for this item currently.

**ANALYSIS**

The proposed resolution is requesting Board approval to authorize additional expenditure in the maximum amount of \$359,033 for the purchase of iNovah Software Maintenance/Professional Services – a consumer billing management application – utilized by various County Departments for the collection of fees, fines and other payment transactions. Of the total amount being requested, \$216,897 will be designated toward current *Legacy Contract No. L8523-1/28*, and \$142,136 will be for the option to renew (OTR) term – bringing the contract's cumulative value to \$1,223,033.

Current *Legacy Contract No. L8523-1/28* was initially awarded on October 2, 2018 to for the iNovah Software System to N. Harris Computer Corporation in the amount of \$1,554,000 for a term of five years and inclusive of one, five-year OTR. The reasons cited as having a need for the legacy contract was for continuity of operations for ongoing support services.

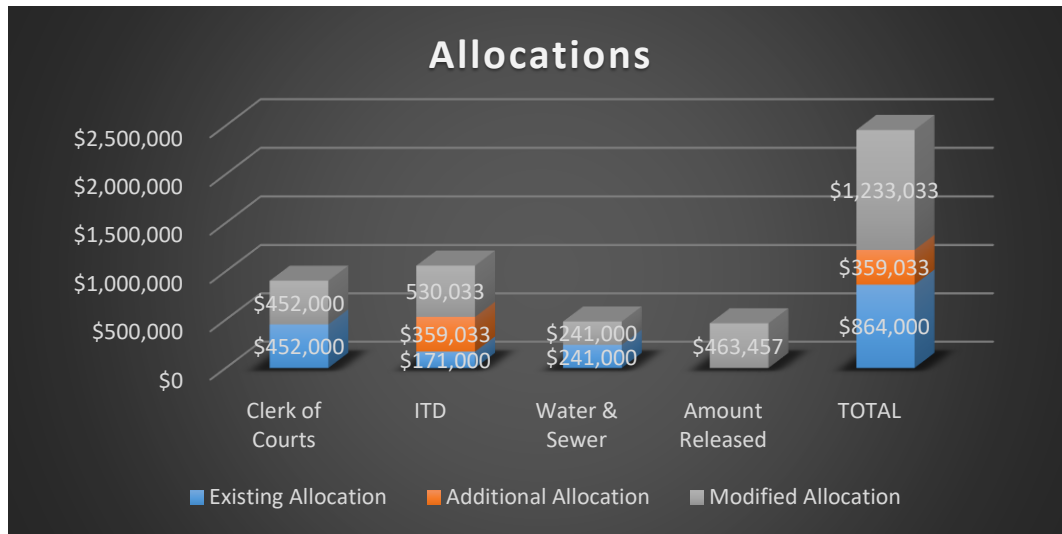
The fiscal impact is \$359,033. OCA performed a review of the Bid Tracking System (BTS) on June 10, 2020. According to BTS, the current contract has a Blanket Purchase Order balance of \$400,543. No information as to the specific allocation designation of the remaining balance was provided. If the requested additional expenditure of \$359,033 is approved, the contract's value, inclusive of the current term and the OTR, would go from \$864,000 to \$1,223,033 – an increase of approximately 42%.

Figure 1 below shows the existing allocation, additional allocation request, the modified allocation and the amount released thus far for the three respective Departments under this item: Clerk of Courts, Information Technology, and Water and Sewer.

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**Item No. 3D  
File No. 201019**

**Researcher: MF   Reviewer: PGE**



Previous *Contract No. BW8523-5/17* was valued at approximately \$2,056,000 for a 10-year and six-month term from December 2007 through expired on June 2018. Table 1 depicts the contract's life since the inception in 2007 and the allocated value amounts for each year.

**Table 1**

Contract No. BW8523-5/17	Effective Dates	Value
Contract Term (years 1- 5)	Dec. 28, 2007 – Dec. 31, 2012	\$1,118,812
OTR Term 1 (year 6)	Jan. 1, 2013 – Dec. 31, 2013	\$103,453.14
OTR Term 2 (year 7)	Jan. 1, 2014 – Dec. 31, 2014	\$168,625.65
OTR Term 3 (year 8)	Jan. 1, 2015 – Dec. 31, 2015	\$210,000
OTR Term 4 (year 9)	Jan. 1, 2016 – Dec. 31, 2016	\$224,658
OTR Term 5 ½ (year 10 ½)	Jan. 1, 2017 – June 30, 2018	\$229,769.40
		<b>Total: \$2,055,318.19</b>

Table 2 shows the status of the Legacy contract since its approval in 2018 and the current request under this item.

**Table 2**

Legacy Contract No. L8523-1/28	Effective Dates	Value
Current Term (years 1- 5)	November 1, 2018 – October 31, 2023	\$720,000
Administrative Modification	January 23, 2020	\$144,000
		<b>Total: \$864,000</b>
OTR Term (years 6-10)	October 31, 2023 – September 30, 2028	\$834,000
		<b>Ten-Year Contract Total: \$1,698,000</b>
Current additional expenditure request for current contract term	July 8, 2020 – October 31, 2023	\$216,897
Current additional OTR expenditure request	October 31, 2023 – September 30, 2028	\$142,136



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**Researcher: MF   Reviewer: PGE**

<b>Amount Requested Under this Item Total: \$359,033</b>
<b>Modified Legacy Contract Amount Total:    Total: \$1,223,033</b>

The grand total value of both contracts jointly spanning the term December 2007 through September 2028 is \$3,278,351.19 (\$1,223,033 + 2,055,318.19).

The iNovah Software system will be utilized by the I.T. Department to maintain the current iNovah Enterprise Revenue Management module for various County departments, including for in-person customer transactions. iNovah helps to streamline the collection of revenues from various sources and consolidates them into one centralized payment database. ITD requests \$299,033 for this system, of which \$171,400 will go toward the current contract term and \$127,633 will be designated for the OTR. Additionally, ITD requests \$60,000 – for PortMiami – to upgrade the Port’s current system to be able to accept major payment types such as Mastercard, Visa and Europay. Of the requested \$60,000 for PortMiami, \$45,497 will be designated for the current contract term, while \$14,503 will go toward the OTR. Part of the requested allocation through ITD will go to the Animal Services Department, which also uses the iNovah System.

Table 3 illustrates the departmental allocation pertaining to the existing and additional expenditure request under this item.

**Table 3**

Department	Existing Cumulative Allocation	Additional Allocational Requested for Current Term and OTR	Modified Allocation
Clerk of Courts	\$452,000	\$0	\$452,000
Information Technology	\$171,000	\$359,033	\$530,033
Water and Sewer	\$241,000	\$0	\$241,000
<b>Total:</b>	<b>\$864,000</b>	<b>\$359,033</b>	<b>\$1,233,033</b>

OCA performed a search pertaining to the listed BTS commodity code 92045 (Software Maintenance/Support Services) on the Business Management Workforce System’s Certified Vendor Directory on June 4, 2020. The following local SBEs were identified.

- A.L. Jackson & Company, P.A., Miami, FL   SBE-G&S
- Amiritech Group LLC, Miami, FL   SBE-G&S
- Computer Based Associates, Inc., Miami, FL   SBE-G&S
- Insinet Group LLC, Doral, FL   SBE-G&S
- Meridian Partners, LLC, Miami Beach, FL   SBE-G&S
- Speedyittech, LLC dba 360 TechGroup, Miami Lakes, FL   SBE-G&S
- Teckpert, LLC dba Teckpert, Miami, FL   SBE-G&S

Whether these firms can provide the goods and services requested for this item is beyond the scope of this research note.

OCA performed due diligence on the awarded firm, N. Harris Computer Corporation, on June 7, 2020; below are the findings.

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**Researcher: MF    Reviewer: PGE**

<b>Awarded Firm(s)</b>	<b>Corporate Registration</b>	<b>Tax Collector's Office</b>	<b>Florida DBPR</b>	<b>Westlaw</b>
N. Harris Computer Corporation dba System Innovators	Foreign Profit Corporation  Active  Principal Address: 400-1 Antares Dr. Ottawa, ON, Canada  Filed: October 16, August 3, 2007	Paid and Current  Business Address: 400-1 Antares Dr. Ottawa, ON, Canada	No account on file	No relevant litigation

**ADDITIONAL INFORMATION**

OCA performed an Internet search on the vendor, N. Harris Computer Corporation, on June 4, 2020. According to the company website, the Canadian-based vendor – established 44 years ago – offers technological capabilities in the consumer billing industry to the public and private sectors.

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

OCA also found news articles relating to a 2019 acquisition by N. Harris Computer Corporation of Connecture, a software company that oversees the Medicare Plan Finder feature for the U.S. government.

<https://www.thinkadvisor.com/2019/10/17/canadian-company-acquires-connecture/>

According to information about the iNovah software system, the system offers the following electronic deposit capabilities to simplify financial transactions:

- ✓ Reduced bank-imposed processing fees
- ✓ Pre-printed deposit slips
- ✓ Decreased chance of loss because checks are only handled once
- ✓ Saves staff time and risk during check transport
- ✓ Prebuilt and available for most large banks

<https://www.systeminnovators.com/solutions/enterprise-revenue-management/revenue-operations/>

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

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**Item No. 3D  
File No. 201019**

**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-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-986-18**, adopted August 27, 2018, authorized the award of a legacy contract for iNovah Software Maintenance and Support for ITD, Contract No. L8523-1/28, to N. Harris Computer Corporation for an initial five-year term plus five-year option to renew terms in a total amount of \$1,554,000.

<http://intra/gia/matter.asp?matter=182075&file=true&yearFolder=Y2018>

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

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

**Resolution No. R-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-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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**Item No. 3E  
File No. 201022**

**Researcher: JFP Reviewer: PGE**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE THREE, ONE-YEAR OPTION TO RENEW TERMS AND AUTHORIZING ADDITIONAL TIME AND AN INCREASE OF THE CONTRACT IN AN AMOUNT UP TO \$2,073,940.00 FOR A MODIFIED CONTRACT AMOUNT OF \$2,473,940.00 FOR COBB COUNTY, GEORGIA CONTRACT NO. 18220 FOR THE PURCHASE OF WORKFORCE MANAGEMENT SYSTEMS, AND RELATED PRODUCTS AND SERVICES FOR THE INFORMATION TECHNOLOGY DEPARTMENT ON BEHALF MULTIPLE COUNTY DEPARTMENTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY RENEWALS, EXTENSIONS OR CANCELLATION PROVISIONS, PURSUANT TO COUNTY CODE SECTION 2-8.1 AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the exercise of the three, one year option to renew terms and additional expenditure authority for an accessed Cobb County, Georgia Contract for Kronos workforce management system software in an amount not to exceed \$2,073,940 (\$822,532 for the current term and \$1,251,408 for the option terms) for the Information Technology Department on behalf of multiple County departments.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

This item has no procedural history.

**ANALYSIS**

The purpose of this item is to extend the access of a Cobb County, Georgia contract with Kronos Systems Incorporated, *Contract No. 18220*, by approving additional expenditure authority for the current contract term as well as the exercise of, and expenditure authority for, three, one-year option to renew terms. The additional allocation totaling \$2,073,940 will support the purchase of Kronos Telestaff software licenses, professional services, and associated maintenance and support from the vendor. The Kronos workforce management system software is used by the County's Corrections, Fire Rescue and Police departments to manage public safety schedules and communications, including staff emergency notification, as well as to facilitate improved overtime management.

The County accessed the contract, valued at \$400,000, on June 6, 2019, shortly after the Cobb County, Georgia contract was awarded to Kronos Systems Incorporated. The Information Technology (ITD) manages the contract on behalf of the user departments. Of the initial \$400,000 contract allocation to ITD, \$329,215.60 has been released (as of June 9, 2020), leaving a balance of \$70,784.40 a year into the three-year contract. An additional \$822,532 is being requested for the current contract term, which expires on March 17, 2022.

The Internal Services Department has stated that it is common practice to access these contracts at low amounts to expedite the user departments' purchase and use of the goods or services, and later bring the request for a larger allocation before the Board if necessary to sustain the contract until the end of its term. Additionally, \$1,251,408 is being requested for the three, one-year option terms. The additional allocation request for the current term and option terms will increase the contract's cumulative allocation from \$400,000 to \$2,473,940. The exercise of the three, one-year option terms will extend the contract expiration date to March 17, 2025.

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Detailed below is the five-year allocation request by department, and by year.

Miami Dade Police Communications 5-Year Total	\$399,861.42
Miami Dade Corrections 5-Year Total	\$1,282,515.22
Miami Dade Fire 5-Year Total	\$391,562.32
<b>5-Year Grand Total</b>	<b>\$2,073,938.95</b>

2020	2021	2022	2023	2024	5-Year Total
<b>\$435,058.85</b>	<b>\$387,472.20</b>	<b>\$401,915.09</b>	<b>\$416,935.69</b>	<b>\$432,557.12</b>	<b>\$2,073,938.95</b>

The County previously purchased Kronos Telestaff software through a competitively accessed Harford County Public Schools U.S. Communities Contract (*Contract No. 14-JLR-003*) valued at \$991,794 for the two-and-a-half-year contract period (from September 2016 to March 2019). The previous contract supported the Kronos Telestaff software needs of Fire Rescue, Police, and later Corrections who became a user department late in the contract period.

The monthly value of the current accessed contract, based on the current term's modified allocation if the present request is approved, is greater than that of the previous contract by \$3,986. This request for additional expenditure authority will address new license needs for the Police Department's Communications Bureau as well as ongoing maintenance support services for all user departments.

OCA's due diligence of Kronos Systems Incorporated is detailed below.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Kronos Systems Incorporated	Foreign Profit Corporation  Active  Principal Address: 900 Chelmsford Street Lowell, MA 01851  Filed: March 31, 1989	Business Address: Doing Business in Miami-Dade County.  Status: Paid and Current.	No account on file.	No relevant cases.

**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\\_ARTINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTINGE_S2-8.1COPUGE)

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**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-391-17**, adopted April 4, 2017, directs the Mayor to conduct competitive selections whenever feasible instead of expanding the term or services under existing contracts, to include in any recommendation to the Board for the expansion of term or services under existing contracts a written justification of why a competitive process is not feasible, to include to the maximum extent possible in any proposed expansion of term or services any requirements of Ordinance or Resolutions adopted by the Board subsequent to the initial contract and to report to the Board in the recommendation which requirements were adopted and rejected.

<http://intra/gia/matter.asp?matter=170534&file=true&yearFolder=Y2017>

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

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

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**Item No. 3H  
File No. 201010**

**Researcher: MF   Reviewer: PGE**

RESOLUTION APPROVING THE NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH, INC., A CONSULTING AND ENGINEERING SERVICES FIRM, IN AN AMOUNT NOT TO EXCEED \$300,000 TO PROVIDE ENVIRONMENTAL RELATED SERVICES FOR THE EVALUATION AND DEVELOPMENT OF LOCAL LIMITS IN SECTION 24-42.4 OF THE CODE OF MIAMI DADE COUNTY, PROJECT NO. E17-RER-01; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ONE-YEAR RENEWAL OPTION AND TO EXERCISE ALL OTHER PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve professional services agreement *Contract No. E17-RER-01* between the County and Tetra Tech, Inc. totaling \$300,000 for consulting and environmental related services related to updates of Chapter 24 of the County Code for a term of one year with one, one-year option to renew.

**PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

**Department/Requester:** Department of Regulatory and Economic Resources (RER)

There is no procedural history for this item currently.

**ANALYSIS**

The purpose of this item is for the Board to authorize a professional services agreement (PSA) between the County and Tetra Tech, Inc. (Tetra) for countywide planning and engineering work related to environmental services for a term of one year, with one, one-year OTR. The crux of the work entails updating and revising Chapter 24 of the County Code pertaining to the General Pretreatment Standards and Local Limits, which consists of compliance tests, sampling points and methods as they relate to the Water and Sewer Department's treatments plants.

The fiscal impact is \$300,000 and inclusive of a 10% contingency allowance in the maximum amount of \$27,272.73. The contract between the County and Tetra Tech lists the hourly pay rates of consultant staff potentially assigned to this project. According to the contract between the County and Tetra Tech, compensation for this PSA shall be disbursed via monthly invoices for all work in progress, and invoices shall be submitted within 120 days of the performance of the service being billed. Table 1 depicts a breakdown of each consultant staff position and hourly pay rates. For this PSA, the negotiated multiplier for office employees does not exceed 2.89% of the employees' pay rate. The loaded rate represents the consultant's labor billing rate, while the raw rate represents the approximate pay rate by the firm.

**Table 1**

Position	Loaded Rate	Raw Rate
Senior Project Manager	\$202	\$69.90
Sr. Project Manager/Registered Technical Staff	\$202	\$69.90
Technical Expert/Specialist	\$225	\$77.86
Project Manager/Registered Technical Staff	\$160	\$55.37

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**Researcher: MF    Reviewer: PGE**

Non-Registered Technical Staff	\$110	\$38.07
Program Controls Admin. Staff	\$80	\$27.69
Clerical/Admin. Support	\$80	\$27.69

The PSA with Tetra Tech consists of the following deliverables:

- Develop and submit an approvable Sampling Program (SP) to the FDEP in accordance with the U.S. EPA's Local Limit Development Guidance (EPA 833R-04-002A), Chapter 4 of the Florida Guidance Manual Pretreatment Programs, Chapter 62-625, Florida Administrative Code, and National Pollutant Discharge Elimination System permits issued to the County. Development of the SP shall include evaluation of existing conditions of the County's publicly owned treatment works and available analytical data from sampling conducted previously by the County.
- Implement the approved Sampling Program, perform a technically based local limits evaluation in accordance with U.S. EPA's Local Limit Development Guidance (EPA 833R-04-002A), Chapter 4, of the Florida Guidance Manual for Pretreatment Programs, Chapter 62-625, Florida Administrative Code, and National Pollutant Discharge Elimination System permits issued to the County and submit to the FDEP approvable modifications to the County's existing local limits based on said evaluation.
- Provide notice of proposed local limit modifications to pertinent stakeholders and conduct all required public participation workshops, meetings or similar activities in accordance with applicable local, state, and/or federal rules and/or permits in support of the proposed limit modifications.

A Request to Advertise (RTA) was approved and filed on April 21, 2017 and the solicitation was advertised. A pre-submittal meeting and project briefing was subsequently held May 9, 2017; however, negotiations with the firm did not occur until October 9, 2019 – more than two years after the project briefing meeting. The item is silent on the reasons for the delay in this procurement process. The item is also silent on the names of the other firms considered for this PSA or whether negotiations were held with competing firms and the associated scoring of the firms (including the selected firm, Tetra Tech). Pursuant to Resolution No. R-1204-05 – requiring the evaluation of in-house capabilities prior to contracting outside services – this item is silent on whether in-house County staff has the capability to perform the planning and engineering work associated with this item. Notwithstanding, OCA reached out to RER for information pertaining to in-house staffing capabilities; the answers are provided herein under the “Departmental Input” section.

According to the mayor's memo, the Florida Department of Environmental Protection (FDEP) on January 13, 2016 issued a permit to the County Water and Sewer Department's Central District Wastewater Treatment Plant. A critical requirement of this permit is for the County to re-evaluate the existing General Pretreatment Standards and Local Limits in Chapter 24 of the County's Code. Such local limits protect the Treatment Plant against discharges from industrial and commercial sources that may interfere with treatment processes, protect the quality of the sludge produced and disposal options, as well as protecting worker health and safety. The last time the County update the Local Limits was in 2004; thus, a determination has been made that a full re-evaluation of the Local Limits is necessary.

OCA reviewed the Capital Improvements Information System (CIIS) on June 4, 2020. The CIIS system shows seven evaluations for the firm with an average rating of 4.0 out of 4.0. According to CIIS, Tetra Tech, Inc. has numerous technical certifications, including the following:



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- Transportation Planning - Aviation Systems and Airport Master Planning
- Transportation Planning - Port and Waterway Systems Planning
- Highway Systems - Site Development and Parking Lot Design
- Highway Systems - Major Highway Design
- Highway Systems - Tunnel Design
- Highway Systems - Minor Highway Design
- Highway Systems - Bridge Design
- Highway Systems - Signing, Pavement Marking and Channelization
- Aviation Systems - Engineering Design
- Port and Waterway Systems - Engineering Design

OCA conducted due diligence on the firm, Tetra Tech, Inc., on June 8, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Tetra Tech, Inc.	Foreign Profit Corporation  Active  Principal Address: 3475 E. Foothill Blvd. Pasadena, CA  Filed: April 28, 1988	Paid and Current  Business Address: 6303 Blue Lagoon Dr. #305 Miami, FL	Active  Licensed for: Registry; Construction Financial Officer; Certified Building Contractor; Construction Business Information; Architect Business; Geology Business	<i>Five Point Holdings, LLC and CP Development Co., LLC v. Tetra Tech, Inc., et al.</i> Case No. 3:20-cv-01481, filed February 27, 2020 in the U.S. District Court, Northern District of California. Allegation: Defendant failed to supervise its employees and fraudulently deceive plaintiff by intentionally misrepresenting that the shipyard contained radiological contamination thereby falsifying soil samples and building surveys, destroying the records, which suffer damages. Case status: As of April 27, 2020, the case was reassigned to

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**Researcher: MF Reviewer: PGE**

Judge James Donato.  
Judge William H.  
Orrick no longer  
assigned to the case.  
Notice: The assigned  
judge participates in  
the Cameras in the  
Courtroom Pilot  
Project.

**ADDITIONAL INFORMATION**

OCA performed an Internet search pertaining to Tetra Tech, Inc. on June 4, 2020. According to the firm's website, Tetra Tech, Inc. was named among 300 firms (out of more than 2,000 companies evaluated) as one of America's Most Responsible Companies 2020. The analysis of each company designated as most responsible centered upon three social responsibility areas: environmental, social, and corporate governance. Tetra Tech Inc. also ranked among the top 10 companies in the Professional Services category.

<https://www.tetrattech.com/en/articles/newsweek-names-tetra-tech-one-of-americas-most-responsible-companies-2020>

**DEPARTMENTAL INPUT**

OCA sent the following inquiries to RER on June 8, 2020. The Department's Division of Environmental Resources Management (DERM) responded on June 9, 2020; the answers are shown below in Italics.

- Indicate why this type of planning and engineering service cannot be performed with in-house planners and engineers. *The proposed scope of service must be conducted in strict accordance with federal and state guidelines, primarily with the US EPA Local Limit Development Guidance (EPA 833R-04-002A) and with Ch. 62-625 of the Florida Administrative Code (FAC). While RER-DERM staff regulates industrial discharges for compliance with established limits, technical assistance is needed for the evaluation and development of new discharge standards. Governments that are required to perform these periodic evaluations commonly hire consultants that have the specific knowledge, experience, and expertise that is needed. The consulting firm proposed for this award, Tetra Tech, has staff with the needed qualifications to evaluate and develop local limits.*
- What is the role of in-house planning and engineering staff with regard to this contract – in terms of their specific duties on this contract? *Within DERM, staff will issue work orders to the consultant pursuant to the EPA guidelines, review all work and recommendations from the consultant, and interact with FDEP on all submittals. DERM staff will evaluate recommendations for any changes in local limits and determine if they will be considered for adoption. Proposed changes could be more or less stringent than current limits, and therefore each recommended change must be carefully reviewed. If FDEP accepts and approves any proposed changes to the local discharge limits, DERM will prepare agenda item(s) to amend Chapter 24 of the Code of Miami-Dade County.*
- If the work is not completed within the contract's one-year term and the additional option to renew term, will this item return to Committee for an additional expenditure request? Explain. *RER-DERM does not expect to*

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*need or request additional funds for this project. The proposed one-year timeframe with an additional one-year renewal (with no additional funds) should be sufficient to complete this project.*

**APPLICABLE LEGISLATION/POLICY**

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

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0287/0287.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/0287.html)

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

[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)

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

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.3MARE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

**Section 24-42.4 of the Code of Miami-Dade County** (Compliance Tests, sampling points and methods) applies to compliance with the effluent standards in Section 24-42.4(2) and the pretreatment standards in Section 24-42.4, the samples shall be taken at the point past which no further treatment is given by the facility to the waste or in the case of effluents subject to Federal Pretreatment Regulations, at a sampling point as determined by the Director or the Director's designee in accordance with the Federal Pretreatment Regulations. Factors pertinent to this Section include: *Sampling station, Groundwater, Methods.*

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR\\_ARTIIWASOQU\\_DIV3COSICL\\_S24-44.2COTESAPOME](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIIWASOQU_DIV3COSICL_S24-44.2COTESAPOME)

**HCCO Committee Meeting:  
June 11, 2020  
Research Notes**

**Item No. 3H  
File No. 201010**

**Researcher: MF   Reviewer: PGE**

**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-187-12**, adopted February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

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

**Resolution No. R-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>

### **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).