



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

BOARD OF COUNTY COMMISSIONERS MEETING

June 16, 2020

9:30 A.M.

Virtual Meeting

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Commission Auditor

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**Item No. 4B
File No. 201121**

Researchers: JFP & VW Reviewer: PGE

ORDINANCE RELATING TO THE INDEPENDENT REVIEW PANEL (“PANEL”); AMENDING ARTICLE IC OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CHANGING THE NAME OF THE PANEL; AMENDING THE COMPOSITION, AUTHORITY, POWERS, AND STAFFING OF THE PANEL; PROVIDING TERMS OF MEMBERS APPOINTED TO THE PANEL NOTWITHSTANDING OTHER PROVISIONS OF THE CODE; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO IDENTIFY A FUNDING SOURCE FOR THE OPERATION OF THE PANEL DURING THE CURRENT FISCAL YEAR AND INCLUDE SUCH FUNDING IN FUTURE ANNUAL BUDGETS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Chapter 2, Article IC of the County Code to change the name of the Independent Review Panel (Panel) to the Independent Community Panel and amend the composition, authority, powers and staffing of the Panel.

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1
Department/Requester: None**

While this item has no procedural history, similar items have been brought before the Board, as recently as October 2018. The October 2018 item (File No. 182372) failed in the Public Safety and Health Committee after a similar item, Ord. No. 18-13, was adopted by the Board on February 6, 2018 and subsequently vetoed by the Mayor.

ANALYSIS

The proposed ordinance seeks to implement changes to the already existing Independent Review Panel, which was created in 1980 and last funded in FY 2008-2009. The Panel was initially created as a mechanism for community fact-finding and dispute resolution. The amendments alter the composition of the Panel and expand its authority. The proposed Board-appointed, 13-member panel has the authority to conduct mediations or other forms of dispute resolution, as well as subpoena witnesses, documents and other potential evidence for all matters within its jurisdiction, except for County employees who are law enforcement or correctional officers. The proposed ordinance further prescribes that all County employees are to cooperate with requests from and participate in investigations conducted by the Panel. Under the proposed ordinance, the County Mayor, within 45 days of receipt of the Panel’s final report with regard to a matter reviewed, shall transmit a report to the BCC and the Panel providing all actions taken in response to the Panel’s final report and any recommendations made therein.

The Panel is in addition to the County’s internal review process and established measures to address complaints of misconduct by government employees, as facilitated by the Commission on Ethics and Public Trust, the Office of the Inspector General, and the Office of Human Rights and Fair Employment Practices. More measures exist at the departmental level. For example, the Miami-Dade Police Department (MDPD) has an internal investigative entity in place to investigate police officers and address misconduct. The MDPD’s Professional Compliance Bureau (PCB) reports only to the MDPD Director and has the power to investigate allegations of police misconduct via its Internal Affairs Section (IAS) and the Criminal Conspiracy Section (CCS). Specifically:

- The Public Corruption and Criminal Conspiracy Sections (PCS) (CCS) of the Miami-Dade Police Department is responsible for investigating acts of criminal misconduct involving public officials, County employees, police officers, lobbyists, and private vendors conducting business with Miami-Dade County.

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- The Digital Forensic Unit provides a variety of digital forensic laboratory and crime scene support services to the greater municipal, state, and federal law enforcement agencies of Miami-Dade County.
- The Body-Worn Camera Unit was implemented to improve police services, increase accountability for individual interactions, and enhance public safety.

Civilian oversight boards—defined as agencies staffed with civilians, not sworn officers, charged with investigating civilian complaints of misconduct by government employees, particularly police and corrections officers—exist in varying forms in more than 100 jurisdictions throughout the nation. Based on the Office of the Commission Auditor’s research findings, civilian oversight boards generally fall into two categories: they are either external or internal to a law enforcement agency. A third, hybrid model incorporates aspects of both the external and internal models. Below are a few examples of Civilian Oversight Boards created in various jurisdictions of the United States:

Miami

The Civilian Investigative Panel (CIP), created by City of Miami Ordinance No. 12188 in 2002, provides for independent and impartial citizens oversight of the Miami Police Department. The powers and duties of the panel are:

- To conduct investigations, inquiries and evidentiary hearings into allegations of police misconduct.
- To make factual determinations, facilitate resolutions and propose recommendations to the City Manager and Chief of Police.
- To review and make recommendations regarding the Miami Police Department’s existing policies and procedures, including training, recruitment and discipline and provide input to the Chief of Police prior to implementation of new or revised policies and procedures.
- To request issuance of subpoenas for the purpose of obtaining evidence from witnesses, production of documents etc., after consultation with the State Attorney and CIP Independent Counsel.
- To issue reports to the Mayor, City Commission, City Attorney, City Manager, Chief of Police and the public.
- The CIP conducts public meetings on every third Tuesday of each month in addition to special and emergency meetings and public hearings.

Atlanta

The Atlanta Citizen Review Board (ACRB) was established by ordinance as an independent agency in 2007 and amended to include subpoena power in May 2010. It is designed to provide citizen oversight of misconduct accusations against sworn members of the police and corrections departments in the City of Atlanta. It is also designed to help prevent future incidents of police or corrections misconduct and abuse of civil rights and to reduce the amount of money needed to satisfy judgments and settlements based on allegations of police or corrections misconduct. The ACRB promotes public confidence in law enforcement.

The 13 members of the ACRB are appointed as follows and confirmed by the City Council:

- One member is appointed by the Mayor;
- One member is appointed by the City Council;
- One member is appointed by the President of the Council with previous experience as a law enforcement professional;
- Four members are appointed by the Neighborhood Planning Units;
- One member is appointed from the Gate City Bar Association;
- One member is appointed by the Atlanta Bar Association;
- One member is appointed by the League of Women Voters of Atlanta;
- One member is appointed by the Atlanta Business League;

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- One member is appointed by the Georgia Coalition for the People's Agenda; and
- One member is appointed by the Urban League of Greater Atlanta.

Chicago

On October 5, 2016, the Chicago City Council passed an ordinance establishing the Civilian Office of Police Accountability (COPA), which replaced the Independent Police Review Authority as the civilian oversight agency of the Chicago Police Department. COPA is comprised of a diverse staff with many years of investigative and legal experience. Under the direction of the Chief Administrator, COPA has the power and authority to conduct investigations into:

- Complaints against members of the police department alleging domestic violence, excessive force, coercion, or verbal abuse;
- All incidents in which a member of the police department discharges (i) a firearm in a manner that potentially could strike another individual, (ii) a stun gun or taser in a manner that results in death or serious bodily injury, or (iii) other weapons discharges and other use of police department issued equipment as a weapon that results in death or serious bodily injury;
- Incidents where a person dies or sustains serious bodily injury while detained or in police custody;
- Incidents of an officer-involved death; and
- Complaints against members of the police department alleging improper search or seizure of either individuals or property.

New York City

The New York City Police Department established the Civilian Complaint Review Board (CCRB) in 1953 as a committee of three deputy police commissioners to investigate civilian complaints. In 1987, in accordance with legislation passed in 1986 by the City Council, the board was restructured to include private citizens in addition to police officers (the Mayor appointed six members and the Police Commissioner appointed six). In 1993, after extensive debate and public comment, Mayor David Dinkins and the New York City Council created the CCRB in its current, all-civilian form.

The CCRB was established to receive, investigate, mediate, hear, make findings, and recommend action on complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The Board's investigative staff is composed entirely of civilian employees. The Board forwards its findings to the police commissioner.

The CCRB's membership consists of 13 individuals appointed by the Mayor, who are residents of New York City and reflect the diversity of the city's population. The members of the board are appointed as follows: (i) five members, one from each of the five boroughs, are designated by the City Council; (ii) three members with experience as law enforcement professionals are designated by the police commissioner; and (iii) the remaining five members are selected by the Mayor, who also selects one of the members to serve as Chair. No member of the board may have a law enforcement background, other than those designated by the police commissioner, and none may be public employees or serve in public office.

Detailed below is a summary of select Citizen Review Boards nationwide, by jurisdiction.

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Summary Table of Citizen Review Boards in the United States

Public Entity	Board Name and Composition	Date of Creation	Subpoena Authority	Discipline Authority	Authority to Review Policies, Practices and Procedures
Atlanta	Atlanta Citizen Review Board; the 13 members of the ACRB are appointed by different entities	2007	Yes	No	Yes
Baltimore	Civilian Review Board of Baltimore City; Voting members: 9 (from each police precinct), 5 non-voting members	1999	No	No	No
Chicago	Civilian Office of Police Accountability; Comprised of a diverse staff	2016	Yes	Yes	Yes
Detroit	Board of Police Commissioners; Members: 11) 7 from each police district and 4 appointed by mayor).	1974	Yes	Yes	Yes
City of Miami	Civilian Investigative Panel (CIP)	2002	Yes	No	Yes
Newark	Newark Civilian Complaint Review Board; the 11 members are appointed by different entities	2016	Yes	Yes	Yes
New York City	Civilian Complaint Review Board; Members: 13 (5, i.e., one from each borough designated by the City Council; 3 members with law enforcement experience designated by police commissioner; the remaining 5 are selected by the Mayor, who also selects one to serve as Chair)	1953	Yes	No	No

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Chapter 2, Article IC, governs the Independent Review Panel, its creation, composition, organization and procedures, authority and powers generally, and reporting requirements.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artic

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Resolution No. R-1075-16, adopted by the Board on November 1, 2016, created the Miami-Dade Independent Review Panel Working Group; provided its membership, organization, procedures and staffing; and set forth its purpose, functions, responsibilities and Sunset provision.

<http://intra/gia/matter.asp?matter=162943&file=false&yearFolder=Y2016>

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**Item No. 5A Substitute
File No. 201150**

Researcher: CB Reviewer: PGE

RESOLUTION RENAMING “WEST DADE REGIONAL LIBRARY” AS “WESTCHESTER REGIONAL LIBRARY”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Senator Javier D. Souto, District 10

Department/Requester: None

ANALYSIS

This substitute differs from the original version in that the third whereas clause now reflects the correct status of the construction of the Westchester Library Health and Wellness Information Center. OCA completed the required background research on “Westchester Regional Library” and noted no adverse findings and no prior designations.

APPLICABLE LEGISLATION

Ordinance No. 13-29, adopted on April 2, 2013, requires the Office of the Commission Auditor (OCA) to conduct background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads and prepare a report detailing the findings of said research.

<http://intra/gia/matter.asp?matter=130511&file=true&yearFolder=Y2013>

Ordinance No. 18-79, adopted on July 24, 2018, relates to any item codesignating any Miami-Dade County road, facility, or property, or approving any state or municipal road codesignation, and requires that OCA prepare a report detailing: (1) whether the subject road, facility, or property has been the subject of any prior codesignation and, if so, the location or the end points of each; and (2) whether there are any other roads, facilities, or properties located in Miami-Dade County that already bear the same name as the proposed new codesignation and, if so, the location or end points of each.

<http://intra/gia/matter.asp?matter=181730&file=true&yearFolder=Y2018>

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Item No. 5E

File No. 200854

Researcher: CB Reviewer: PGE

ORDINANCE CREATING THE PINE ISLE COMMUNITY DEVELOPMENT DISTRICT

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Parks, Recreation and Open Spaces

ANALYSIS

OCA completed the required background research regarding the initial membership of the Board of Supervisors of the Pine Isle Community Development District – Maria Carolina Herrera, Teresa Baluja, Carmen Orozco, Raisa Krause, and Yadira Monzon. There are no adverse findings for the Board members.

APPLICABLE LEGISLATION

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

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

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**Item No. 8F1
File No. 200806**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01308 TO JOBBERS EQUIPMENT WAREHOUSE, INC. FOR THE PURCHASE OF HYDRAULIC MOBILE COLUMN LIFTS FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS WITH AN AMOUNT NOT TO EXCEED \$1,064,037.00, FOR A ONE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR THIS PROJECT WHICH WAS ADDED TO EXHIBIT 1 OF THE PEOPLE'S TRANSPORTATION PLAN ON OCTOBER 9, 2003

ISSUE/REQUESTED ACTION

Whether the Board should approve award of *Contract No. FB-01308* to Jobbers Equipment Warehouse, Inc. for the purchase of hydraulic mobile column lifts with a fiscal impact of up to \$1,064,037 for a term of one-year for the Department of Transportation and Public Works (DTPW) and authorize the use of Charter County Transportation Surtax Funds for this project.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was heard at the Chairwoman's Policy Council (CPC) meeting of May 7, 2020 and forwarded to the BCC with a favorable recommendation. Subsequently, the item was heard at the Citizens Independent Transportation Trust (CITT) meeting of May 28, 2020 and forwarded to the BCC with a favorable recommendation. Below is a synopsis of the discussion that transpired during the CPC meeting, at which the vote was 6-2 with Commissioners Rebeca Sosa and Esteban Bovo casting the dissenting votes.

- Commissioner Sosa inquired whether surtax funds would be utilized for this item, to which DTPW Director Alice Bravo answered in the affirmative.
- Commissioner Sosa further queried whether this specific purchase had been presented as a question for the voters when the half-penny was approved.
- Director Bravo indicated this item was part of the first amendment that had gone before the BCC for approval.
- Commissioner Sosa then restated her question to clarify whether this specific request had initially gone to the voters when the referendum for the half-penny had been voted upon, to which Director Bravo stated no.

ANALYSIS

The purpose of this item is for the County to award a contract to purchase 24 sets of hydraulic mobile column lifts, including associated goods, services and an extended warranty. The contract also requires the awardee to provide operations, maintenance and safety training services at each of DTPW's four facilities (i.e., Central Bus, Coral Way Bus, North East Bus and Metromover Maintenance Building). The solicitation's technical specifications for the lifts are based on a Mohawk Model MP-18-706-4.

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Researcher: MF Reviewer: PGE

The recommended item awards *Contract No. FB-01308* to Jobbers Equipment Warehouse, Inc. (Jobbers) for the vendor to supply hydraulic mobile column lifts used to lift buses off the ground for repair and maintenance work. The contract term is for one-year with a fiscal impact to the County of \$1,064,037. The hydraulic mobile column lifts will replace existing, aged DTPW lifts that are beyond repair; the lifts are utilized as sets of four or six for transit buses to undergo repair and regular maintenance. As part of the award, the vendor will provide the following: lift sets, communication, power cables, delivery, assembly, set-up, field-testing, technical maintenance and operational training.

The solicitation's method of award was to the responsive and responsible bidder whose offer represented the lowest price for 24 sets of lifts and who met the solicitation's minimum requirements. The requirements were as follows:

- Bidder shall upload the owner's or operations manual(s), a copy thereof or other documentation clearly stating the lifts offered are designed to be used on a floor with a slope of at least three degrees; and
- Bidder shall be or have a local (provide a Broward, Miami-Dade or Monroe County address) authorized service representative capable of responding and performing emergency repairs within two hours of notification of lift(s) failure.

The Invitation to Bid was advertised on September 18, 2019 and seven bids, including one "No Bid," were received by the Bid Open Date of November 1, 2019. The recommended bidder for award, Jobbers, is the sole local vendor. The fiscal impact is \$1,064,037, for which surtax funds will be used. It is important to note that Jobbers was also the highest bidder as the six lowest bidders failed to meet the solicitation's requirement of having a local authorized service representative in the Tri-County area and were thus deemed non-responsible by the Administration.

Table 1 below summarizes the bids received (from lowest to highest priced) for this solicitation, showing vendor name, quantity, unit price and extended price. Jobbers' extended unit price of \$1,064,036.16 is \$405,236.16 more expensive than the extended unit price of \$658,800 provided by Florida Lift Experts, LLC, the lowest bidder.

Table 1

Vendor	Quantity and Unit	Unit Price	Extended Price
Florida Lift Experts, LLC	24 Set	\$27,450	\$658,800
Technology International, Inc.	24 Set	\$30,725	\$737,400
Gray Manufacturing, Co.	24 Set	\$36,950	\$886,800
ARI Phoenix, Inc.	24 Set	\$40,847.68	\$980,344.25
Vehicle Service Group	24 Set	\$32,663.24	\$783,917.76
Stertil-Koni USA, Inc.	24 Set	\$33,521	\$804,504
Jobbers Equipment Warehouse, Inc. (Awarded vendor)	24 Set	\$44,334.84	\$1,064,036.16

Pursuant to Resolution No. R-1154-03, the hydraulic lifts are among the approved capital improvement projects funded from 2003 in the People's Transportation Plan (PTP). Prior to the current request, the mayor's memo states that a one-time purchase of hydraulic lifts was made in 2008; however, upon OCA inquiring with DTPW, the department

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Researcher: MF Reviewer: PGE

clarified that the year of the last approval was actually 2018 and not 2008. Pertinent additional information regarding this item is found herein under the “Departmental Input” section.

OCA conducted a search for the Commodity Codes listed in the Bid Tracking System for this procurement on the Business Management Workforce System’s Certified Vendor Directory on June 9, 2020: (1) 07544 (Lifts, and Hoists, Floor Type: Electric, Hydraulic), (2) 54539 (Lifts, Platform, Telescoping and Laterally), and (3) 56048 (Lifters and Stackers, Hydraulic and Powered). Listed below are the local SBEs identified.

- Azippa Global, LLC Miami, FL SBE-G&S
- Florida Clear Energy, LLC Doral, FL SBE-G&S
- Generating Systems, Inc. Miami, FL SBE-G&S
- Medical Equipment Solutions Corp. Miami, FL SBE-G&S
- Total Pack Inc. Miami, FL SBE-G&S

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

OCA performed due diligence on the awarded vendor on June 10, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector’s Office	Florida DBPR	Westlaw
Jobbers Equipment Warehouse, Inc.	Foreign Profit Corporation Active Principal Address: 5440 NW 78 Ave. Doral, FL Filed: June 29, 1962	Business Address: 5440 NW 78 Ave. Doral, FL Paid and Current	No account on file	No relevant litigation found

ADDITIONAL INFORMATION

Based on information found on Jobbers Equipment Warehouse, Inc.’s website, the company was established more than 50 years ago and provides automotive service equipment, both used and new. Among the services offered by the company are:

- ✓ Preventative Maintenance
- ✓ Lift: Installation, Repair and Inspections
- ✓ Air Compressor Installation, Repair and Inspections
- ✓ Lubrication Pumps and Reels Service
- ✓ Fluid Inventory Control System Services

<http://jobbersmiami.com/>

<https://www.facebook.com/jobbersautoservicetools/>

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OCA consulted the Occupational Safety and Health Administration's (OSHA) website, which revealed the contractor, Jobbers, received fines in the amounts of \$9,300 and \$2,940, respectively, pertaining to serious violations in October 2010, which were settled in 2011; the case was closed in June 2011. The subject fines were imposed against the company's Pompano Beach office located at 1801 W. Atlantic Blvd. The aforementioned OSHA report may be accessed here: https://www.osha.gov/pls/imis/establishment.inspection_detail?id=314266974

The illustration below depicts an example of hydraulic mobile lifts used in the repair and maintenance of a transit bus.



DEPARTMENTAL INPUT

OCA inquired with DTPW on June 9, 2020 regarding the questions below; the department responded on June 10, 2020 and the answers are shown in italics.

- Provide details of the number of lifts to be purchased, the amount per lift and the number of buses the lifts will service.
 - *96 individual columns, which can be configured in sets of four or six depending on the size of the vehicle to be serviced. They will be deployed to all three garages and will service the entire fleet, 754 buses.*
 - *The average cost per column is \$11,083.72:*
 - Set of four: \$44,334.86 (40-foot bus)*
 - Set of six: \$66,502.31 (60-foot bus)*
- Of the \$1,064,037 being requested for this item, what is the amount of surtax funds being requested?
This purchase is entirely funded by surtax funds, \$1,064,037.
- Provide details on the previous contract from 2008, for which no details were provided in the mayoral memo.
The most recent lift purchase for the Department was in 2018 not 2008 as stated in the memo. This purchase was for six (6) columns at a cost of approximately \$43,000 and approved by the Board under Agenda Item 8(F)(13) on November 8, 2018.

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Researcher: MF Reviewer: PGE

- What is the industry standard timeframe for replacement of such lifts?
The useful life of a mobile column lift is 12 years.

APPLICABLE LEGISLATION/POLICY

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 No. 3-38 (Purchasing of Goods and Services) 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 2-8.1 of the Code of Miami-Dade County (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

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

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR

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 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.

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Researcher: MF Reviewer: PGE

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

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>

Resolution No. R-1154-03, adopted October 9, 2003, accepted the CITT's recommendation and added a list of Capital Improvement Projects into the People's Transportation Plan (PTP).

<http://www.miamidade.gov/govaction/matter.asp?matter=032508&file=true&fileAnalysis=false&yearFolder=Y2003>

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**Item No. 8F2
File No. 200810**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING AWARD OF WORK ORDER NOS. 01244-1A AND 01244-1B FOR PUBLIC PRIVATE PARTNERSHIP (P3) AND INFRASTRUCTURE ADVISORY SERVICES ON THE BEACH CORRIDOR TRUNK LINE AND NORTH CORRIDOR PROJECTS FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS IN A TOTAL AMOUNT NOT TO EXCEED \$700,000.00 FOR THE INITIAL THREE-YEAR TERM AND TWO, ONE-YEAR OPTION TO RENEW TERMS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR THESE PROJECTS WHICH ARE CONTAINED IN THE ORIGINAL EXHIBIT 1 OF THE PEOPLE'S TRANSPORTATION PLAN SECTION RAPID TRANSIT IMPROVEMENTS

ISSUE/REQUESTED ACTION

Whether the Board should award *Work Orders 01244-1A and 01244-1B, Public Private Partnership (P3) and Infrastructure Advisory Services* in the amount of up to \$700,000 for an initial three-year term and two, one-year options to renew to facilitate the Department of Transportation and Public Works (DTPW)'s Beach Corridor Trunk Line and North Corridor Strategic Miami Area Rapid Transit (SMART) Plan projects and authorize the use of Charter County Transportation Surtax Funds for this purpose.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was forwarded to the BCC with a favorable recommendation, after correction of a scrivener's error, by the Chairwoman's Policy Council at its May 7, 2020 meeting. On Page 1 of the third paragraph of the Mayor's memorandum, the reference to September 1, 2020 was corrected to read September 1, 2019. Prior to passage as corrected, the following discussion transpired.

- Commissioner Jordan inquired as to the status of the Request for Proposals (RFP) for the North Corridor and whether she would have an opportunity to review the RFP prior to its advertisement; the ISD Director responded that her department is in the process of making minor changes, waiting for information from the County Attorney's Office and DTPW and anticipates advertising the RFP in the next few days; the County Attorney stated that the draft RFP will be provided to Commissioner Jordan for review.
- Commissioner Martinez asked how much has already been paid to consultants for studies on both of these corridors; he stated that he believes it was \$10 million spent for the six corridors, and he does not support the item; the DTPW Director responded that those are the upper limiting amounts for the general consulting contracts, and the cost of the studies were significantly less. The Director further explained that the Florida Department of Transportation (FDOT) paid for half of the Beach Corridor study, and that she is not sure how much has been expended so far.

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File No. 200810**

Researcher: JFP Reviewer: PGE

ANALYSIS

The purpose of this item is to award two work orders for financial and P3 related advisory services for the Beach Corridor Trunk Line and North Corridor SMART Plan projects. The P3 advisors are intended to supplement the County's in-house resources and ensure the successful delivery of these SMART Plan projects. The term of each work order is three years, with a \$500,000 allocation for both work orders. The two, one-year option terms, valued at \$200,000 for both work orders, bring the total cumulative allocation subject to Board approval to \$700,000. The item authorizes the use of Charter County Transportation Surtax Funds to fully fund the work orders, thus necessitating Citizens' Independent Transportation Trust (CITT) approval, which occurred on May 28, 2020 by a unanimous vote of the CITT.

As mentioned in the Procedural History section, the solicitation for the North Corridor is being finalized. However, the solicitation for the Rapid Mass Transit Solution for the Beach Corridor Trunk Line has been advertised and a Selection Committee has been impaneled. That solicitation is under the Cone of Silence.

IMG Rebel Advisory, Inc. is being recommended for the award of *Work Order 01244-1A* for P3 services for the Beach Corridor Trunk Line project while Ernst & Young LLP is the recommended P3 consultant for *Work Order 01244-1B* for the North Corridor project. The two consultants will provide advisory services during the following phases, with specific tasks detailed below.

Project Planning

- Assist County staff in establishing project objectives and determining project feasibility along with identifying benchmark criteria to measure the success of a project.
- Assist in screening the project, including financial analysis and evaluation of traditional and alternative delivery methods.
- Perform value for money analysis and other financial and commercial analysis to assist in the determination of the appropriate delivery method and/or commercial structure.
- Assist in performing market research and identifying industry precedent.
- Provide strategic advice regarding market conditions and trends, financial products, third-party alternative financing and special facility financing, and advise the County of market developments and financing techniques.

Solicitation

- Assist in the development of procurement strategies based on P3 industry standards and precedent projects.
- Assist in preparing P3 solicitation documents, including providing financial and commercial feedback on draft documents.
- Collaborate with County internal project management staff and consultants, including legal, technical and financial contacts.
- Provide support to County staff including attendance at pre-submittal conferences, stakeholder meetings, briefings, and Board meetings.
- Review and comment on replies to potential proposer questions and requests for clarifications.
- Assist in issuing addenda, including review of proposed documents and drafting of language.
- Participate in County one-on-one meetings with potential proposers regarding solicitation documents and Alternative Technical Concepts.

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Evaluation

- Assist County staff during the evaluation stage, including review of proposals received and analyzing qualifications.
- Assist in review of questions for oral presentations/discussions with proposers prepared by County staff.
- Provide analysis of proposals such as total project life-cycle costs, project risk assessment, utility and energy conservation, operations and maintenance, normalization of pricing received, and related benchmark information.
- Provide cost effectiveness and feasibility studies to evaluate project delivery alternatives.
- Assist with developing or reviewing finance plans or financial models.
- Provide support to County staff, and present reports, at selection committee meetings.
- Assist with developing or reviewing finance plans or financial models.
- Provide advice on finance-related issues.

Negotiation of Interim and Comprehensive Agreements

- Assist County staff during negotiations.
- Suggest negotiation strategies.
- Provide suggested agreement language.
- Provide financial advice regarding market conditions and trends, financial products, third-party alternative financing and special facility financing, and advise County of market developments and financing techniques.

Award of Interim and Comprehensive Agreements

- Assist County staff in bringing project to financial and commercial close.
- Assist County staff in preparation of briefing materials for key stakeholders and presentations with findings to the County Mayor, senior staff and Board.

Additional Services

- Provide additional financial and P3-related advisory services, if needed.
- Attend project associated meetings.
- Provide expertise with public and private funding and financing partners and instruments.
- Provide additional financial services post contract award as may be desired by the County.

The pool from which these work orders are being issued, *RFQ-01244*, was approved on August 12, 2019 under delegated authority for a period of five years at a value of \$1,000,000. The pool expires on August 31, 2024. The competitive solicitation called for up to five vendors for the pool. The five highest ranked respondents, three of which have local addresses, were recommended for pool membership. They are as follows:

- Ernst & Young LLP
- IMG Rebel Advisory, Inc.
- KPMG LLP
- P3 Advisors, Inc.
- PFM Financial Advisors LLC

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The percentage of vendors in the pool with local addresses (60%) is lower than the local vendor threshold prescribed by Resolution No. R-477-18.

After issuance of a competitive Work Order Proposal Request to the members of the P3 Pool for these advisory services, Ernst & Young LLP and IMG Rebel Advisory, Inc. were determined to have the two highest-ranked proposals of the four received, and are thus being recommended for award of the work orders. The cumulative value of the work orders is a maximum amount of \$700,000. Services to be delivered under the contract are task-driven, inclusive of a scope of work, deliverables and a not-to-exceed cost. The Rates Tables below shall be used to calculate the not-to-exceed amount per task and any other hourly work authorized by the County.

IMG Rebel Advisory, Inc.		Ernst & Young LLP	
Principal/Executive Manager Positions listed in this category (detailed below) will be overseeing the engagement and providing executive leadership to the project team.		Principal/Executive Manager Positions listed in this category (detailed below) will be overseeing the engagement and providing executive leadership to the project team. Use of the Principal/Executive Manager category will be limited. The hourly rate for positions in this category is subject to a 2.5% increase annually, beginning on the one year anniversary of the effective date of the Work	
Title	Hourly Rate	Title	Hourly Rate
Lead Advisor & Primary Contact	\$425	Lead Advisor/ Senior Managing Director	\$490
Lead Advisor	\$425	Senior Managing Director	\$490
Senior Financial Advisor	\$425	Partner	\$490
Senior P3 Advisor	\$425	Principal	\$490
		Managing Director	\$490
		Senior Vice President	\$490
		Senior Manager	\$490
Project Manager and Team Members Positions listed in this category (detailed below) will be handling the technical day-to-day tasks required by the County and are expected to have the highest number of billable hours.		Project Manager and Team Members Positions listed in this category (detailed below) will be handling the technical day-to-day tasks required by the County and are expected to have the highest number of billable hours.	
Title	Hourly Rate	Title	Hourly Rate
Project Manager	\$370	Vice President	\$410
Senior Policy Advisor	\$370	Senior Associate	\$350
Financial Analysis & Modeling Specialist	\$255-\$305	Staff/Analyst	\$260
		Manager/ Senior Associate/Senior	\$150
Administrative		Administrative	

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Administrative positions listed in this category (detailed below) perform administrative duties for the project team.		Administrative positions listed in this category (detailed below) perform administrative duties for the project team.	
Title	Hourly Rate	Title	Hourly Rate
Administrative support	\$85	Administrative support	\$55

Detailed below is a summary of OCA's due diligence performed on the work order awardees.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Ernst & Young LLP	<p>Foreign Registered Limited Liability Partnership</p> <p>Not registered to do business in Florida.</p> <p>Active registration (New York)</p> <p>Principal Address: 5 Times Square New York, NY 10036-6530</p> <p>Filed: February 15, 1995</p>	<p>Business address: 700 NW 1st Ave., Suite 1500 Miami, FL 33136</p> <p>Status: Paid and Current</p>	License type: Certified General Appraiser; Firm	No relevant cases.
IMG Rebel Advisory, Inc.	<p>Foreign For-Profit Corporation</p> <p>Not registered to do business in Florida.</p> <p>Active registration (Washington, DC)</p> <p>Principal Address: 1015 15 Street NW, Suite 600 Washington, DC</p> <p>Filed: May 26, 2017</p>	No account on file.	No account on file.	No cases.

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A June 12, 2020 search on the Business Management Workforce System for the solicitation's commodity code, 94648 – Financial Advisor, yielded the following five certified Small Business Enterprise firms:

- L. Jackson & Company P.A.
- Anthony Brunson P.A
- C Borders-Byrd, CPA LLC
- Nattacha Financial Services
- The Sharpton Consulting Group LLC, dba Apexa Advisory

ADDITIONAL INFORMATION

SMART Plan

The SMART Plan is a comprehensive program which advances six rapid transit corridors to the Project Development and Environment (PD&E) study phase to determine the costs and potential sources of funding for the projects. The Transportation Trust has committed to work collaboratively with the County, the community, municipalities, transportation partners, and the private sector to develop a funding strategy to use People's Transportation Plans (PTP) funds to implement the projects in the SMART Plan.

<https://www.miamidade.gov/citt/smart-plan.asp>

APPLICABLE LEGISLATION/POLICY

Section 2-8.2.6 of the Code of Miami-Dade County governs solicitations for Public-Private Partnerships (P3), prescribing that a private entity may submit an unsolicited proposal to the County for a qualifying project at any time, and establishes rules and procedures for the advertisement, evaluation and award of P3 qualifying projects.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.6PUIVPAUNPR

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 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

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Resolution No. R-905-19, adopted September 4, 2019, authorized the advertisement of a Request for Proposals to design, build, finance, operate and maintain a rapid mass transit system along the Beach Corridor Trunk Line connecting the Downtown Miami/Overtown area to the South Beach area.

<http://intra/gia/matter.asp?matter=192296&file=false&yearFolder=Y2019>

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>

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

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=180822&file=true&fileAnalysis=true&yearFolder=Y2018>

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>

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).