



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

**COMMISSION AUDITOR'S  
INFORMATIONAL RESEARCH**

**BOARD OF COUNTY COMMISSIONERS MEETING**

**July 8, 2020**

**9:30 A.M.**

**Virtual Meeting**

Yinka Majekodunmi, CPA  
Commission Auditor

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Research Notes**

**Item No. 5A Substitute  
File No. 201264 (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 [SEE ORIGINAL ITEMS UNDER FILE NOS. 201121 AND 201165]

**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**

This item was adopted on first reading at the June 16, 2020 BCC meeting and waived to the July 8, 2020 BCC meeting without committee review.

Prior to being heard on first reading, the item was the subject of a June 15, 2020 Sunshine Meeting between Chairwoman Edmonson, Commissioner Bovo, Commissioner Sosa, and Commissioner Jordan wherein the following discussion took place.

- Commissioner Bovo asked for clarification as to who is considered a sworn officer since the legislation appears to exempt the Director of Police and the warden from subpoena and expressed his hope that that could be addressed in the legislation if this is in fact the case. Commissioner Jordan, the sponsor of the legislation, stated her preference for relying on the state definition regarding who is exempt from subpoena, hence the director and warden would not be exempt.
- The Assistant County Attorney clarified that as written the Panel may not subpoena police officers, but may subpoena records, etc. as long as there is no pending investigation. If there is a pending investigation, the Panel would have to wait until the investigation is closed until they can subpoena records, etc.
- Commissioner Bovo had a separate concern with the make-up of the Panel and who would be able to serve. He recommended a training certification so that those serving on the panel would get a better understanding of practices and protocols of MDPD being written into the legislation. Commissioner Jordan responded that a training component would be in the Implementing Order.
- Commissioner Jordan further stated that a substitute item is being presented affecting the selection of the Panel. Commissioner Edmonson expressed a concern with the nominating committee as outlined in the substitute

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item. Commissioner Jordan explained that in the amended process, Advocacy Boards will be the nominating council, i.e. one representative from the Community Relations Board, Commission for Women, Black Affairs Advisory Board, Asian-American Advisory Board, Hispanic Affairs Advisory Board, Military Affairs Advisory Board, Elderly Affairs Advisory Board, LGBTQ Advisory Board, and Interfaith Advisory Board. The nominating council will be screening the applications. Commissioner Sosa voiced her concern that people will be hesitant to serve and would not apply and expressed her preference for the Commissioners appointing the Panel members. Commissioner Jordan added that Commissioners will be making the appointments; there will simply be a further screening process facilitated by the Advisory Boards. Each district will be reviewed separately. Two names will be provided to each Commissioner for selection. If the Commissioner is not satisfied with those options, then the Commissioner is able to request two more, and so on until the position is filled. Commissioner Sosa wanted to know about the involvement of the different Boards in District 6 to see how they were qualified to select someone to represent District 6. Commissioner Edmonson voiced concern with the possibility that a certain group may be unfairly represented in the Panel as a result of the nominating process and suggested placing a backstop in the legislation if this were the case.

- Commissioner Sosa asked if County employees are under the jurisdiction of this Panel, to which Commissioner Jordan responded that the substitute item changes the jurisdiction to only review of police officers rather than the scope covering all County employees.

The item was the subject of a June 23, 2020 Sunshine Meeting between Commissioner Jordan, Commissioner Bovo, and Commissioner Levine Cava wherein amendments to the Miami-Dade County Home Rule Charter establishing the Independent Civilian Panel were discussed. The proposed changes to the Charter with regards to the Independent Civilian Panel discussed during the meeting were as follows:

- The executive director appointed by the Independent Civilian Panel was redefined as an *independent* executive director
- The word *adequate* was added before the word *budget*
- Additional duties of the Independent Civilian Panel were to include *reviewing County law enforcement policies, patterns, practices and closed internal investigations* as well as *issuing written fact-findings*
- The phrase *Miami-Dade County Police Department* was changed to *the County's Police Department*.

**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 and jurisdiction of the Panel, as well as expand its authority to include subpoena power. The proposed Board-appointed, 13-member Panel, renamed the Independent Civilian Panel, will now be limited in jurisdiction to review of cases related to sworn officers of the Miami-Dade Police Department, as opposed to matters related to all County employees. The Panel's authority is expanded to include: authority to make recommendations regarding current and proposed police department policies, practices and procedures; conduct alternative dispute resolution; and, upon a majority vote by the Panel, subpoena witnesses, documents and other potential evidence for all matters within its jurisdiction, except as may be prohibited by applicable law. Per the County Attorney's Office, applicable law includes Section 112.532, Florida Statutes outlining law enforcement officers' and correctional officers' rights, particularly rights while under investigation.

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The Panel has authority to investigate or review allegations of misconduct; use of force incidents resulting in death, permanent disability, permanent disfigurement, or other great bodily harm to a person; all files that have been closed by MDPD's Professional Compliance Bureau, Internal Affairs Section (or successor entity); all documents and records in any medium supporting or relating to an investigation conducted by the Professional Compliance Bureau, Internal Affairs Section (or successor entity); and other matters related to policing.

Each County Commissioner is to appoint one person to serve on the Panel from candidates recommended by the nominating committee—a nine member body comprised of one member selected by each of the following advisory boards: Community Relations Board, Commissioner for Women, Black Affairs Advisory Board, Asian-American Advisory Board, Hispanic Affairs Advisory Board, Military Affairs Advisory Board, Elderly Affairs Advisory Board, LGBTQ Advisory Board, and Interfaith Advisory Board. The nominating committee is to advertise and provide applications through public notices. Once applications have been received and all applicants have been considered, the nominating committee shall provide each County Commissioner with the names of two applicants from the Commissioner's district. Consideration should be given to appointing a retired law enforcement officer and retired member of the judiciary, judge or magistrate, and retired or active professionals in the fields of human resources, faith-based, social justice, and civil rights law. Current sworn officers or applicants who are family members of sworn police officers will not be considered, as no Panel member or any Panel member's immediate family shall be a sworn law enforcement officer, per the ordinance. The Administration's Social Equity Statement pertaining to this ordinance states that, in order to ensure that the entire community benefits from an independent review process, the Panel must be truly representative of the community

Each Commissioner will ultimately select from the two nominated applicants to make their appointment, or request that the seat be readvertised. The process will continue until the seat is filled and all Panel members have been appointed. With the exception of the initial Panel where some terms will be shortened to accommodate the staggering of terms, Panel members will serve three-year terms.

The proposed ordinance prescribes that all staff and Panel members are to receive Ethics Training from the Miami-Dade County Commission on Ethics and Public Trust and Police-Based Perception Training or other civilian police training that simulates police encounters, as well as training on police policies, procedures, and practices prior to investigating or reviewing any matter. 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 legislation allows for flexibility in the funding source for the operation of the Panel. Section 2 of the ordinance directs that funding is to be established during the current fiscal year, and included in the FY 2020-21 budget and future annual budgets. The ordinance's fiscal impact is estimated as having an annual value of \$738,000, based on factoring in a one-time startup cost of \$100,000 in addition to personnel and operating expenses, and an increase of 5% annually of recurring personnel expenses and increase of 3% annually of other operating expenses every year thereafter.

As stated in the ordinance's Social Equity Statement, the Panel will provide the community with an additional layer of review 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

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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.
- 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;

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- 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;
- 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

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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.

**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
<b>Atlanta</b>	Atlanta Citizen Review Board; the 13 members of the ACRB are appointed by different entities	2007	Yes	No	Yes
<b>Baltimore</b>	Civilian Review Board of Baltimore City; Voting members: 9 (from each police precinct), 5 non-voting members	1999	Yes	No	No
<b>Chicago</b>	Civilian Office of Police Accountability; Comprised of a diverse staff	2016	Yes	Yes	Yes
<b>Detroit</b>	Board of Police Commissioners; Members: 11 (7 from each police district and 4 appointed by mayor).	1974	Yes	Yes	Yes
<b>City of Miami</b>	Civilian Investigative Panel (CIP)	2002	Yes	No	Yes
<b>Newark</b>	Newark Civilian Complaint Review Board; the 11 members are appointed by different entities	2016	Yes	Power to recommend discipline	Yes
<b>New York City</b>	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	Power to recommend discipline	No



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**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](http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artic)

**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>

**Section 112.532, Florida Statutes** outlines law enforcement officers' and correctional officers' rights.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0112/Sections/0112.532.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0112/Sections/0112.532.html)

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**Item No. 5D  
File No. 200936**

**Researcher: VW Reviewer: JFP**

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND (“BOND”) PROGRAM PROJECT NO. 19- “RECREATIONAL FACILITY”, AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04, AFTER A PUBLIC HEARING, TO CHANGE THE PROJECT LOCATION

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a significant modification to Building Better Communities General Obligation Bond Program Project No.19, “Recreational Facility,” to change the project location.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Jean Monestime, District 2  
Department/Requester: None**

This item was brought before the Parks, Recreation and Cultural Affairs Committee meeting on June 11, 2020 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to approve a change in project location for Building Better Communities General Obligation Bond Program Project No. 19, a recreational facility in the City of North Miami and in Commission District 2, represented by Commissioner Jean Monestime, known as Cagni Park North Recreational Facility. The requested project location change from 13760 N.E. 5<sup>th</sup> Avenue to 700 NE 137<sup>th</sup> Street would move the proposed recreational facility to property owned by the School Board of Miami-Dade County, necessitating a joint use agreement between the School Board and the City of North Miami. The aquatic and recreational facility will include a pool, basketball courts, a multipurpose field, playground, shelter and parking. The total budget for the project is \$10.5 million—\$5.5 million from the City of North Miami and the School Board, and \$5 million from the County in the form of GOB funds.

On July 20, 2004, the Board passed Resolution No. R-913-04 providing for a special election in Miami Dade County, Florida to be held on November 2, 2004 in order to authorize \$680,258,000 in Building Better Communities General Obligation Bonds (GOB) to improve park and recreational facilities throughout the County. Upon passage of the referendum, Project No. 19 was listed as an eligible GOB project, with an allocation of \$5,000,000. On July 19, 2011 the Board passed Resolution No. R-600-11 upon request from the City of North Miami Council. The resolution approved significant modifications to Project No. 19, “Recreational Facility,” modifying the original project description to include an aquatic facility, basketball courts, and parking and a proposed street address of 13760 N.E. 5<sup>th</sup> Avenue. The resolution also provided for the acceleration of \$500,000 of BCC GOB funding from the Series 2011 Bonds to fund the design and engineering phase of the project.

The City of North Miami subsequently determined that it would be undesirable to develop the property at the 13760 N.E. 5<sup>th</sup> Avenue location due to adverse environmental conditions. Consequently, the City of North Miami is seeking Board approval to change the location of the proposed construction to 700 NE 137<sup>th</sup> Street. Below are snapshots of the previous and the proposed address of the project:

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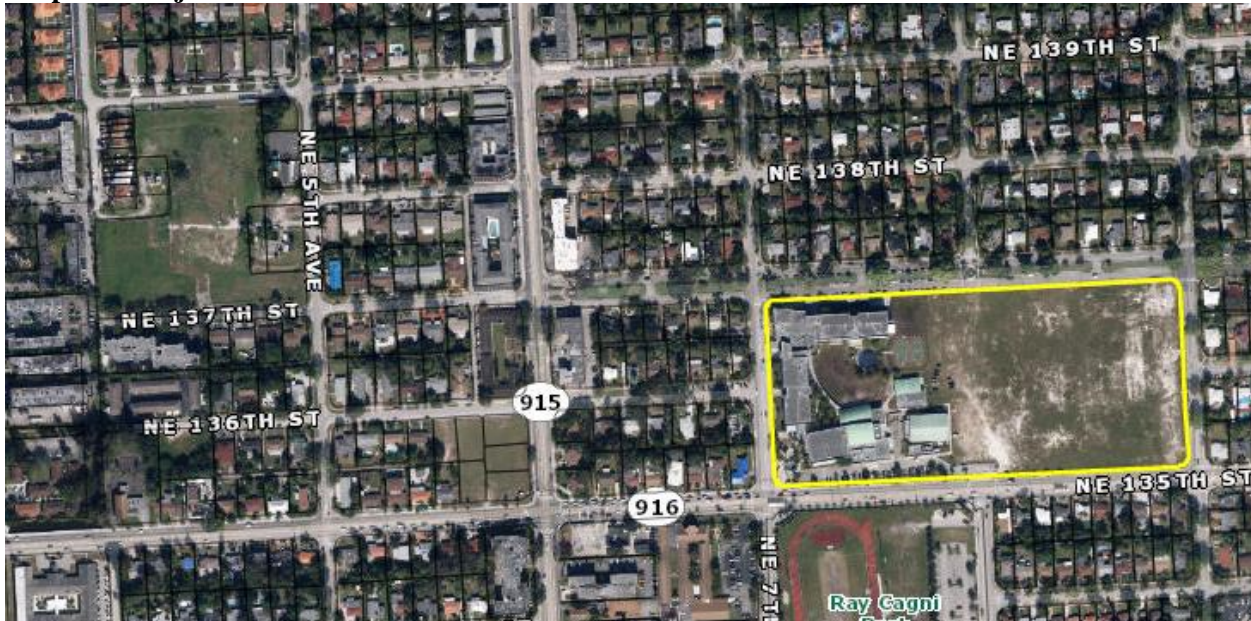
Researcher: VW Reviewer: JFP

**Previous Project Address: 13760 N.E. 5<sup>th</sup> Avenue**



Source: Miami-Dade Property Appraiser's

**Proposed Project Address: 700 NE 137<sup>th</sup> Street**



Source: Miami-Dade Property Appraiser's

The project timeline includes the design phase, taking place through September 2020, and construction from January 2021 through June 2022.

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**Item No. 5D  
File No. 200936**

**Researcher: VW Reviewer: JFP**

**ADDITIONAL INFORMATION**

According to North Miami City Manager Larry Spring, the deadline for the first phase of the park, which includes a multipurpose field and all of the parking, was originally set to March 31, 2020. Because the park money would be borrowed against property taxes as part of a countywide bond program, any change in where the dollars are spent, as is the case for the project being discussed, needs to be reviewed by a bond oversight board and then approved by the Miami-Dade County Board of County Commissioners.

<https://www.miamiherald.com/news/local/community/miami-dade/article226568779.html>

Miami-Dade County voters on November 2, 2004 approved the \$2.9 billion Building Better Communities Bond Program, which allowed Miami-Dade County to issue long-term bonds to fund more than 300 neighborhood and regional capital projects.

<https://www.miamidade.gov/global/management/building-better-communities.page>

The Cagni Park North Athletic Complex Project will include an aquatic facility, multipurpose field recreation/Police Athletic League (PAL) facility, playground and sprayground, and picnic shelters. The design phase is scheduled from the current date until September 2020 and the construction phase from January 2021 through June 2022.

<https://www.northmiamifl.gov/619/Cagni-Park-North-Athletic-Complex>

**APPLICABLE LEGISLATION**

**Resolution No. R-913-04**, adopted on July 20, 2004, provides for the holding of General Obligation Bond (GOB) special election in Miami-Dade County, Florida, on November 2, 2004 with respect to authorizing General Obligation Bonds not to exceed \$680,258,000 of said County to construct and improve park and recreational facilities.

<http://intra/gia/matter.asp?matter=042285&file=false&yearFolder=Y2004>

**Resolution No. R-600-11**, adopted on July 19, 2011, approves significant modification to Building Better Communities General Obligation Bond Program Project No. 19, "Recreational Facility," to modify the original project description to include an aquatic facility, basketball courts, and parking and a proposed street address of 13760 N.E. 5<sup>th</sup> Avenue and to accelerate \$500,000 of BCC GOB funding from the Series 2011 Bonds to fund the design and engineering phase of the project.

<http://intra/gia/matter.asp?matter=111155&file=true&yearFolder=Y2011>



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**Item No. 5F  
File No. 201273**

**Researcher: CB    Reviewer: PGE**

RESOLUTION CODESIGNATING THAT PORTION OF SOUTHWEST 16 STREET FROM SOUTHWEST 77 AVENUE TO SOUTHWEST 82 AVENUE AS “MANOLO FERNANDEZ-CANO STREET”

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor:** Senator Javier D. Souto, District 10

**Department/Requester:** None

**ANALYSIS**

Pursuant to Ordinance No. 13-29, OCA completed the required background research on “Manolo Fernandez-Cano” and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Manolo Fernandez-Cano.” Pursuant to Ordinance No. 19-11, OCA has verified that “Manolo Fernandez-Cano” is deceased.

**APPLICABLE LEGISLATION**

**Ordinance No. 13-29**, adopted on April 2, 2013, requires 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 prior to the Commission meeting during which the item is scheduled to be considered.

<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>

**Ordinance No. 19-11**, adopted on February 5, 2019, relates to codesignation items, requiring OCA to include in its report whether the person to be honored is living or deceased.

<http://intra/gia/matter.asp?matter=182789&file=true&yearFolder=Y2018>

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**Item No. 8F1  
File No. 200625**

**Researcher: DJ & IL   Reviewer: EA & PGE**

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

**ISSUE/REQUESTED ACTION**

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

**PROCEDURAL HISTORY**

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

This item was presented at the Chairwoman's Policy Council meeting on April 20, 2020. The item was deferred to no date certain at the request of Commissioner Sally Heyman, who requested that the Internal Services Department (ISD) provide, within two weeks, to the Director of the Corrections and Rehabilitation Department a list of all warehouses owned and leased by the County. Commissioner Heyman voiced that there may be an available County-owned space to fulfill MDCR's operational requirements under the lease agreement, saving the County rental fees. The item was next heard at the June 8, 2020 meeting of the Chairwoman's Policy Council wherein it was forwarded to the Board with a favorable recommendation.

**ANALYSIS**

The purpose of this item is for the County to establish a replacement long-term lease agreement between Miami-Dade County and TGC Oaklane LLC (TGC) for the premises located at 7845-7855 NW 148 Street in Miami Lakes for use by MDCR as warehouse and office space. More specifically, the lease is for an area comprised of 40,000 square feet of space together with a 100,000 square foot parking lot. MDCR primarily uses the premises for inventory control and bulk management of supplies and personnel equipment. The facility also serves as storage space for uniforms.

Figure 1 below summarizes the key responsibilities of the County as tenant and of TGC as lessor under the lease agreement.

**Figure 1** Roles and Responsibilities

<b>Lessor Obligations</b>	<b>Lessee Obligations</b>
All structural repairs to the common areas	Establishing and paying water service
All repairs to the elevator system	Establishing and paying waste disposal service
All repairs to the building's exterior	Establishing and paying trash disposal service
All repairs to the plumbing system	Establishing and paying janitorial service

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All maintenance of the electrical systems	Establishing and paying electrical service
Maintenance of the Heating, Ventilation and Air Conditioning (HVAC) systems and filters	Establishing and paying telephone service

As indicated in the mayoral memorandum, under the lease, MDCR will rent the premises from TGC for an initial term of five years plus an optional five-year renewal term for the cumulative value of \$7,558,797.71. The General Fund is the funding source for this item, with a total of \$707,500 approved under the Adopted Budget for Fiscal Year 2019-20. The annual base rent for the first lease year is \$597,116.88 (approximately \$14.93 per square foot). The rent will increase annually by three percent. Per information provided by MDCR, the total fiscal impact for the first lease year is estimated to be \$692,575.30, which consists of the annual base rent (\$597,116.88) and direct expenses (\$95,458.42), i.e., the lease management fee, common area maintenance, taxes and insurance, electricity, waste collection and water and sewer. However, according to the mayoral memorandum, the total fiscal impact for the initial year of the lease is \$689,213.27.

MDCR has occupied the premises since July 1, 2008 pursuant to Resolution No. R-421-08 which approved the prior lease agreement. The prior lease term was for five years with one, five-year option to renew and expired on June 30, 2018. Under that lease, according to the mayoral memorandum accompanying Resolution No. R-421-08, the annual base rent for the first lease year was \$328,000, with the rental rate for the second through fifth years and any subsequent renewal option period increasing by five percent annually. The County incurred a total of \$5,535,681<sup>1</sup> as part of rent expenses during that lease term, from July 1, 2008 through June 30, 2018.

The County has remained in occupancy of the premises as a holdover tenant per the holdover provision of the original lease, requiring the County to pay the equivalent to 150 percent of the monthly rental in effect immediately prior to expiration. Pursuant to the holdover provision, the County has paid TGC a total of \$1,705,044<sup>2</sup> since the expiration of the lease term, from July 1, 2018 through May 31, 2020. Based on OCA's assessment of the holdover period, MDCR has spent approximately 60 percent more than the average annual rent expenses under the expired lease agreement. Validations of MDCR annual rental payments with the County's financial system of records is complete.

The expenditure table below shows what the County has paid TGC under the lease agreement for the original lease term (from July 2008 through June 2018) and the holdover period (July 2018 through May 31, 2020). The table also shows projected payments under the replacement lease agreement for the 10-year duration.

<sup>1</sup> Email Correspondence with MDCR dated May 06, 2020

<sup>2</sup> *Id*

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**Figure 2** Comparison of Annual Rent and Monthly Rent between the Prior and Proposed Leases

Proposed Lease for the Term 2020-2030			Previous Lease under R-421-08 for the Term 2008-2018			1 <sup>st</sup> Holdover Year 2018-2019		2 <sup>nd</sup> Holdover Year 2019-YTD	
Lease Year	Annual Rent	Monthly Rent	Lease Year	Annual Rent	Monthly Rent	Month	Monthly Rent	Month	Monthly Rent
Year 1	\$597,117	\$49,760	Year 1	\$483,862	\$40,322	Jul.	\$75,902	Jul.	\$73,065
Year 2	\$615,030	\$51,253	Year 2	\$535,204	\$44,600	Aug.	\$75,161	Aug.	\$73,065
Year 3	\$633,481	\$52,790	Year 3	\$531,348	\$44,279	Sept.	\$77,937	Sept.	\$73,065
Year 4	\$652,486	\$54,374	Year 4	\$552,276	\$46,023	Oct.	\$78,553	Oct.	\$73,768
Year 5	\$672,060	\$56,005	Year 5	\$583,996	\$48,666	Nov.	\$74,373	Nov.	\$73,768
Year 6	\$692,222	\$57,685	Year 6	\$512,596	\$42,716	Dec.	\$74,373	Dec.	\$73,768
Year 7	\$712,989	\$59,416	Year 7	\$537,067	\$44,756	Jan.	\$74,373	Jan.	\$73,768
Year 8	\$734,378	\$61,198	Year 8	\$554,063	\$46,172	Feb.	\$74,574	Feb.	\$70,255
Year 9	\$756,410	\$63,034	Year 9	\$609,790	\$50,816	Mar.	\$79,406	Mar.	\$73,768
Year 10	\$779,102	\$64,925	Year 10	\$635,480	\$52,957	Apr.	\$74,366	Apr.	\$70,255
						May	\$74,161	May	\$70,255
						Jun.	\$73,065		
<b>Total</b>	<b>\$6,845,276</b>		<b>Total</b>	<b>\$5,535,681</b>		<b>Total</b>	<b>\$906,244</b>	<b>Total</b>	<b>\$798,800</b>

The mayoral memorandum advises that the need to rent this space will no longer be necessary after the development of the MDCR Master Plan as the department will utilize a new Master Plan facility. Per information received from ISD relating to Commissioner Heyman's request for a count of ISD-owned and leased warehouse space, Attachment-A shows that the County owns 26 warehouses and leases six warehouses, inclusive of this proposed lease item. With the exception of the space in the present item, none of the warehouses are available.

OCA Conducted Due Diligence on June 30, 2020. (See Below)

Firm	Corporate Filing	Tax Collector	Westlaw
TGC Oaklane LLC.	Florida Limited Liability Company  Principal Address: 6843 Main Street Cumberland Blvd. Miami Lakes, FL 33014  Date Filed: 05/04/2018	Two Accounts Current and Paid  Business Address: 6843 Main Street Cumberland Blvd. Miami Lakes, FL 33014	No relevant cases



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



**APPLICABLE LEGISLATION/POLICY**

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

[https://library.municode.com/fl/miami -  
dade county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

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

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

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

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

Attachment-A

Report of County-owned and County Leased Warehouses



County-owned Warehouses					
Folio	Address	Department User	Square Footage	Available Space Y/N	Property Type
3030350000010	2261,2361,2461 NW 67 AVE (Bldg 700)	AVIATION	115,809	N	Warehouse
3030360000010	2260,2360,2460 NW 66 AVE (Bldg 701)	AVIATION	111,582	N	Warehouse
3030360000010	2261,2361,2461 NW 66 AVE (Bldg 702)	AVIATION	111,641	N	Warehouse
3030350000010	1651,1751,1851,1951 NW 68 AVE (Bldg 706)	AVIATION	180,784	N	Warehouse
3030350000010	6640 NW 22 ST (Bldg 707)	AVIATION	98,614	N	Warehouse
3030360000010	1650,1750,1850,1950 NW 66 AVE (Bldg 708)	AVIATION	174,822	N	Warehouse
3030360000010	5815,5875,5915,5945,5975,5985,6025,6023,6065,6105,6145,6185 NW 18 ST (Bldg 716)	AVIATION	258,906	N	Warehouse
3530280160010	2700 NW 87 AVE	ELECTIONS	121,638	N	Office/Warehouse
3030150100010	8010 NW 60 ST	FIRE RESCUE	25,080	N	Warehouse
3040280000010	6100 SW 87 AVE	FIRE RESCUE	20,000	N	Warehouse
3079010000180	Homestead Air Reserve Base	FIRE RESCUE	14,000	N	Warehouse
3011310010030	20000 NW 47 AVE (Bldg 17)	INTERNAL SERVICES	12,000	N	Warehouse
3011310010030	20000 NW 47th AVE (Bldg 5)	INTERNAL SERVICES	30,000	N	Warehouse and Auditorium
0420250010179	980 W 84 ST	INTERNAL SERVICES	18,613	N	Warehouse
0420250010181	North of Gratigny Expressway behind 980 W 84 ST	INTERNAL SERVICES	19,267	N	Warehouse
2530310280010	11500 NW 25 ST - Integrated command center	INTERNAL SERVICES	273,116	N	Office/Warehouse
3030350020360	2251 NW 72 AVE	INTERNAL SERVICES	41,192	N	Warehouse
3031210000620	3501 NW 46 ST	INTERNAL SERVICES	145,081	N	Office/Warehouse
3079120000124	Former Homestead Air Reserve Base (HARB)	INTERNAL SERVICES	unknown	N	Warehouses
3530330030020	9350 NW 12 ST	INTERNAL SERVICES	50,801	N	Warehouse
3040310000170	10775 SW 84 ST	PARKS, RECREATION, AND OPEN SPACES	2,750	N	Warehouse
3031100290020	7590 NW 24 AVE	PUBLIC HOUSING AND COMMUNITY DEVELOPMENT	3,360	N	Warehouse
0142050000010	1020 Caribbean Way (MSRC Bldg)	SEAPORT	55,763	N	Warehouse
0142050000010	1509 North Cruise Blvd (Shed B)	SEAPORT	201,835	N	Warehouse
0142050000010	514/567 Australia Way (Shed E)	SEAPORT	36,000	N	Warehouse
0142050000010	1470 Bahama Drive (Shed G)	SEAPORT	134,865	N	Warehouse

County Leased Warehouses					
	Address	Department User	Square Footage	Available Space Y/N	Property Type
3220220380010	7845-7855 NW 148 ST	CORRECTIONS AND REHABILITATION	40,000	Y	Office/Warehouse
3030140100360	6326 NW 72 AVE	SOLID WASTE MANAGEMENT	9,000	N	Warehouse
2230100080380	8105 NW 77 ST	FIRE RESCUE	66,461	N	Office/Warehouse
3530340000060	1351 NW 78 AVE	CORRECTIONS AND REHABILITATION	63,389	N	Office/Warehouse
3030150010090	7821 NW 67 ST	POLICE	70,760	N	Warehouse
3030350030090	1775 NW 70 AVE	AVIATION	56,000	N	Warehouse

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**Item No. 8F3  
File No. 201014**

**Researcher: JFP Reviewer: PGE**

RESOLUTION AUTHORIZING AWARD OF A LEGACY CONTRACT FOR AIRPORT OPERATION INFORMATION SYSTEM AT MIAMI INTERNATIONAL AIRPORT FOR THE MIAMI-DADE AVIATION DEPARTMENT, CONTRACT NO. L-10046, TO AMADEUS AIRPORT IT AMERICAS, INC. FOR A SEVEN-YEAR TERM IN A TOTAL AMOUNT NOT TO EXCEED \$18,445,882.59 AND APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATIONS OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should award *Legacy Contract No. L-10046, Airport Operation Information System at Miami International Airport*, in the amount of up to \$18,445,882.59 to Amadeus Airport IT Americas, Inc. (Amadeus) for a seven-year term for the Aviation Department.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services**

This item was forwarded to the BCC with a favorable recommendation by the Tourism and the Ports Committee at its June 10, 2020 meeting.

**ANALYSIS**

The purpose of this item is to approve a replacement legacy contract for the Miami-Dade Aviation Department (MDAD)'s continued utilization of the proprietary Airport Operation Information System (AOIS), a central repository of information that supports the management of airport operations and impacts Miami International Airport (MIA)'s gate operations. The AOIS integrates, controls, and maximizes utilization of mission-critical MIA systems to, among other things, track aircraft movements, mitigate congestion at ramps and aprons under MDAD's control, and notify MDAD personnel of potential conflicts and resource optimization opportunities. Amadeus, the awardee, licenses its software products to MDAD and is the sole authorized provider of its software implementation services, maintenance, and support services. This replacement contract is valued at \$18,445,882.59.

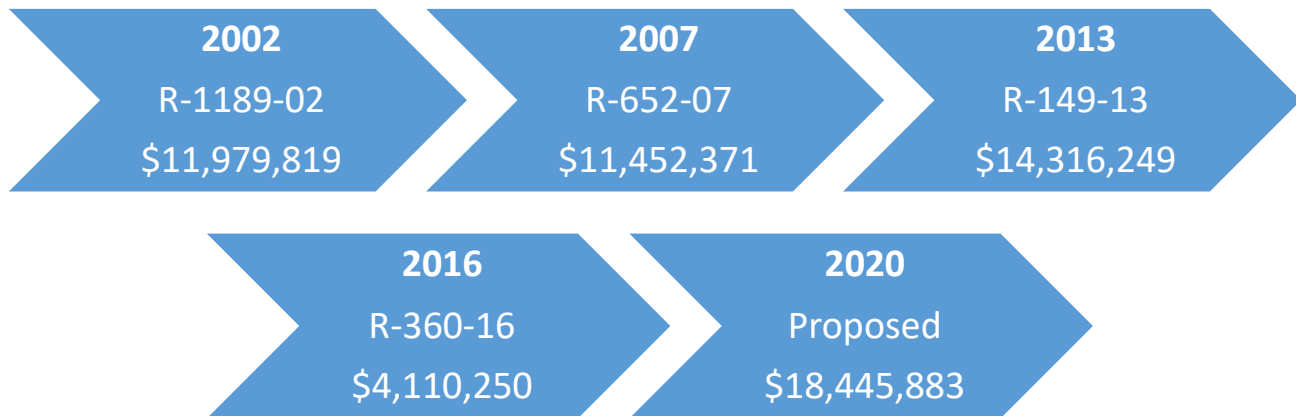
These services were originally procured in 2002 through a competitive solicitation, with each bidder offering its own proprietary system. The Board-approved award to Air-Transport IT Services, Inc., a firm later acquired by Amadeus, was in the amount of \$11,979,819.31 (Resolution No. R-1189-02). The renewal contract for the operation and maintenance of the AOIS was approved via bid waiver by the Board in 2007 in the amount of \$11,452,371.19 for a three year term with two, one-year options to renew (Resolution No. R-652-07).

The existing contract with Amadeus was approved by the Board via bid waiver on March 5, 2013 (*Contract No. I115D*, Resolution No. R-149-13). The approved contract was in the amount of \$14,316,248.89 for a term of seven years. A change order in the amount of \$4,110,250 was subsequently approved by the Board on May 17, 2016 (R-360-16). This, along with two prorations totaling \$1,036,004.76 modified the cumulative contract amount to \$19,462,503.65. The prorations extended the contract by six months from the original expiration date of March 17, 2020 to September 17, 2020. The graphic below depicts a timeline of Board-approved allocations to Amadeus/Air-Transport IT Services, Inc. for the AIOS.

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**Researcher: JFP Reviewer: PGE**



Resolution No. R-718-17 requires the Administration to commence the planning for re-procurement and re-advertisement of contracts and prequalification pools for the purchase of goods and services that are subject to Board approval no later than 18 months before the expiration of such contracts and pools, inclusive of option to renew periods. Based on the current option term's original expiration date of March 17, 2020, re-procurement planning should have commenced in September 2018.

The administration is requesting a legacy purchase pursuant to Section 2-8.1(b)(2) of the County Code, stating that competition is limited and impracticable due to cost, as replacing the AOIS would require MDAD to contract with multiple vendors and manage the integration between the different vendors and their technologies at an estimated cost in excess of \$25 million. Market Research provided by MDAD was conducted to identify other vendors and to evaluate the County's total current investment into the AOIS and the cost of replacing the current AOIS, including subsequent licensing and proprietary commitments that would be needed to replace the system. MDAD has estimated a total investment of over \$37 million into the current solution since 2002.

MDAD identified two other vendors that currently provide similar solutions to the AOIS implemented at MIA: SITA Information Networking Computing USA, Inc. and Rockwell Collins. However, no company was identified that possesses the complete suite that makes up the centralized solution comparable to the AOIS currently in place at MIA. Amadeus licenses its software products to MDAD and retains proprietary and intellectual property rights to the licensed software, and as such, Amadeus is the sole authorized provider of its software implementation services, maintenance, and support. Due to the unique customization throughout the years to the AOIS since the first agreement in 2002, there is no system comparable in the market to determine an exact total replacement cost. The Mayoral Memorandum provides such information relating to the proprietary nature of the software as well as the cost implications of switching to a new vendor as justification for the legacy purchase, however, as required by Section 2-8.1(b)(2) of the County Code, there is no statement in the award memorandum as to the provisions that will be taken to reduce or eliminate the future need for legacy purchases for these services.

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**Researcher: JFP Reviewer: PGE**

OCA's due diligence of Amadeus Airport IT Americas, Inc. 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>
Amadeus Airport IT Americas, Inc.	Foreign Profit Corporation  Active  Principal Address: 5950 Hazeltine National Drive Suite 210 Orlando, FL 32822  Filed: August 3, 2001	Business Address:  MIAD 3030 Miami, FL 33122  Status: Paid and Current	No account on file.	No cases.

**ADDITIONAL INFORMATION**

Amadeus Airport IT Americas, Inc.

<https://amadeus.com/en>

*Amadeus acquires Air-Transport IT Services, Inc. (AirIT)*

<https://www.airport-technology.com/contractors/traffic/amadeus/pressreleases/pressair-transport-it-services/>

**APPLICABLE LEGISLATION/POLICY**

**Section 5.03(D) of the Home Rule Charter** states that contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. The Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county.

<http://www.miamidade.gov/charter/library/charter.pdf>

**Section 2-8.1 of the County Code** requires formal sealed bids for all contracts and purchases when the transaction involves the expenditure of \$250,000 or more, except that the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County.

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

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

**Resolution No. R-1189-02**, adopted October 22, 2002, approved award of Airport Operation System contract, *ITB No. MDAD 115A*, to Air-Transport IT Services, Inc. in the amount of \$11,979,819.31 for a contract period of 1,439 calendar days.

<http://intra/gia/matter.asp?matter=023044&file=false&yearFolder=Y2002>



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**Resolution No. R-652-07**, adopted June 5, 2007, approved award to Air-Transport IT Services, Inc. the contract for operation and maintenance of the Airport Operation Information System at Miami International Airport in the amount of \$11,452,371.19 for a three year term with two, one-year options to renew.

<http://intra/gia/matter.asp?matter=071421&file=true&yearFolder=Y2007>

**Resolution No. R-149-13**, adopted March 5, 2013, authorized award of *Project No. I115D*, Operations and Maintenance Agreement for the Airport Operation Information System for the Miami-Dade Aviation Department, in the amount of \$14,316,248.89, for a term of seven years, to Air-Transport IT Services, Inc.

<http://intra/gia/matter.asp?matter=130231&file=true&yearFolder=Y2013>

**Resolution No. R-360-16**, adopted May 17, 2016, approved Change Order No. 1 to the Operation and Maintenance Agreement for the Airport Operation Information System for the Miami-Dade Aviation Department between Miami-Dade County and Air Transport-IT Services, Inc., *Project No. I115D*, increasing the contract by an amount not to exceed \$4,110,250.

<http://intra/gia/matter.asp?matter=160762&file=true&yearFolder=Y2016>

**Resolution No. R-477-18**, adopted May 1, 2018, directed the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a 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-187-12**, adopted February 21, 2012, directed the County Mayor to include due diligence information in memoranda recommending certain contract awards.

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

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

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

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

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

**Resolution No. R-1011-15**, adopted November 3, 2015, directed the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ in memoranda to the Board pertaining to vendors being recommended for contract award.

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

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

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

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**Researcher: JFP   Reviewer: PGE**

**Resolution No. R-841-06**, adopted July 6, 2006, states that whenever prior Commission approval is required for award of a successor contract or extension of an existing contract in order to assure no hiatus in the provision of goods or services to the County, the County Mayor shall present the request for such approval to the Board no later than 30 days before the existing contract expires or needs to be extended.

<http://intra/gia/matter.asp?matter=061720&file=true&yearFolder=Y2006>

**Implementing Order 3-38** sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources. An emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order.

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



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**Item No. 8F4  
File No. 201015**

**Researcher: IL Reviewer: PGE**

RESOLUTION AUTHORIZING AWARD OF A LEGACY CONTRACT FOR COMMON USE TERMINAL EQUIPMENT AND COMMON USE PASSENGER PROCESSING SYSTEMS SUPPORT AND MAINTENANCE SERVICES AT MIAMI INTERNATIONAL AIRPORT FOR THE MIAMI-DADE AVIATION DEPARTMENT, CONTRACT NO. L-10047, TO SITA INFORMATION NETWORKING COMPUTING USA, INC. FOR A SEVEN-YEAR TERM IN A TOTAL AMOUNT NOT TO EXCEED \$40,732,011.94 AND APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATIONS OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the award of a Legacy Contract No. L-10047 to SITA Information Networking Computing USA, Inc. for Common Use Terminal Equipment (CUTE) and Common Use Passenger Processing Systems (CUPPS) support and maintenance services for the Miami International Airport (MIA) in an amount not to exceed \$40,732,011.94 for a term of seven years for the Miami-Dade Aviation Department (MDAD).

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

This item was brought before the Tourism and Ports Committee on June 10, 2020 and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of the proposed item is to approve award a long-term replacement legacy contract for the delivery of maintenance and support services for the CUTE and CUPPS used at MIA to support check-in and terminal operations. The recommended vendor is SITA Information Networking Computing USA, Inc. (SITA). The contract is for an amount not to exceed \$40,732,011.94 for a term of seven years.

The administration is requesting a legacy purchase pursuant to Section 2-8.1(b)(2) of the County Code, stating that research and analysis concludes that changing to another system would not prove beneficial as the airlines would not be receptive to the additional financial burden and other systems would not be fully compatible. More specifically, as found in the Administration's Market Research document, competition for these services is not practicable at this time because the software suite is proprietary, tightly integrated to ensure stable and reliable operations at MIA. Replacing the CUTE at MIA would require MDAD to engage and contract with multiple vendors, and then manage the costly integration between the different vendors and their technologies.

Moreover, the purchase of a new system would require the County to pay approximately \$40 million, and an additional \$6 million would be required to run both systems in parallel while the replacement system is implemented. In addition, MDAD would pay for new software licenses, customization, interface development across multiple complex systems, business process reengineering, staff training and professional services for the design and implementation of a new solution. Ultimately, MDAD would more than likely be committed to that system and vendor(s) for the maintenance and support due to the proprietary equipment and software purchased. However, as required by Section 2-8.1(b)(2) of

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**Researcher: IL Reviewer: PGE**

the County Code, there is no statement in the award memorandum as to the provisions that will be taken to reduce or eliminate the future need for legacy purchases for these services.



Under the proposed contract, SITA shall provide the County detailed technical design, development, hardware, firmware, software, software licenses, installation, integration, implementation, training, user manuals and documentation, operation, support and maintenance services for the CUTE and CUPPS used at MIA. Additionally, SITA shall provide testing of the hardware and warranty and testing of the software, and all other items necessary for the proper operation of the CUPPS. Examples of the specific goods and services to be delivered include the following: boarding pass printers, bag tag printers, gate readers, patch cables and core infrastructure upgrades.

This County originally contracted with SITA in 2002 when the airport procured these services (see Resolution No. R-1189-02 adopted on October 22, 2002). The original term of that agreement was for four years with a one, two-year renewal option. At the conclusion of that contract, on June 3, 2008 pursuant to Resolution No. R-614-08, the Board awarded a sole source contract to SITA due to the proprietary nature of the system and the equipment for a five-year term. The next procurement for these goods and services took place in 2013. Pursuant to Resolution No. R-150-13, the Board on March 5, 2013 awarded a bid waiver contract to SITA for a seven-year term for an operations and maintenance agreement for the CUTE and CUPPS.

MDAD recently awarded another contract to SITA in the amount of \$3,683,000 for an initial term of five years with five, one-year options to renew via Resolution No. R-1230-18. The primary purpose for this contract is to measure passenger wait times in the passenger lanes at MIA. The system monitors and predicts queue-times at key airport checkpoints, allowing airport operators to proactively allocate resources and staff to improve operational efficiency and the passenger experience.

The fiscal impact of this award is \$40,732,011.94 for the seven-year term. The current contract, I113C, is valued at \$39,926,011.07 for a term of seven years and six months. The current contract had an original expiration date of March 22, 2020 but was administratively extended by six months through September 22, 2020.

Table 1 Illustrates a side by side comparison of the current contract Project I113C and the proposed contract L-10047.

	Contract I113C	L-10047
Vendor	SITA Information Networking Computing USA, Inc	SITA Information Networking Computing USA, Inc
Term	7 Years and six months	7 Years
Annual Allocation	\$5,323,468.13	\$5,818,858.85  9% increase
Total Contract Amount	\$39,926,011.07	\$40,732,011.94  2% Increase

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OCA conducted a due diligence review of the awarded firm on June 25, 2020.

<b>Firm</b>	<b>Corporate Filing</b>	<b>Tax Collector</b>	<b>Westlaw</b>
SITA Networking USA Inc.	Information Computing Foreign Profit Corporation Principal Address: 3100 Cumberland Blvd. Atlanta, GA 30339  Date Filed: 12/13/2000	One Account Current and Paid  Business Address: 8333 N.W. 53 Street, Suite 444, Doral, FL 33166	No relevant cases

OCA conducted a review of Commodity Code 91828 (Computer Hardware Consulting) for this project on the Business Management Workforce System (BMWS) on June 25, 2020, and the search yielded 23 Small Business Firms.

<b>Vendor</b>	<b>Location</b>	<b>Certification</b>
4 BEST BUSINESS CORP., DBA 4 BBCorp	Miami, FL	<a href="#">SBE-G&amp;S</a>
ADVANCED TOTAL SYSTEMS, INC.	MIAMI, FL	<a href="#">SBE-G&amp;S</a>
AFL INTERNATIONAL CONSULTING STAFF & SERVICES INC	Miami, FL	<a href="#">SBE-G&amp;S</a>
Ark Solvers, Inc.	Miami Gardens, FL	<a href="#">SBE-G&amp;S</a>
Civil Works, Inc.	Doral, FL	<a href="#">SBE-G&amp;S</a>
COMPUSURANCE CORP	Miami, FL	<a href="#">SBE-G&amp;S</a>
EB TECH CONSULTING, INC.	Miami, FL	<a href="#">SBE-G&amp;S</a>
EPIC CONSULTANTS, INC.	MIAMI, FL	<a href="#">SBE-G&amp;S</a>
IMAAS CONSOLIDATED, INC., DBA KONVERGENCE	Miami, FL	<a href="#">SBE-G&amp;S</a>
JohnsTek, Inc.	Coral Gables, FL	<a href="#">SBE-G&amp;S</a>
M. Gill & Associates, Inc., DBA Minority Business Enterprise Center	MIAMI, FL	<a href="#">SBE-G&amp;S</a>
MERIDIAN PARTNERS, LLC	MIAMI BEACH, FL	<a href="#">SBE-G&amp;S</a>
MILIAN, SWAIN & ASSOCIATES, INC.	Miami, FL	<a href="#">SBE-G&amp;S</a>
Mosscorp Corporation, DBA PCHELP365	MIAMI GARDENS, FL	<a href="#">SBE-G&amp;S</a>
Network & Communication Services, Inc.	Miami, FL	<a href="#">SBE-G&amp;S</a>

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SAFCO SYSTEMS, INC.	MIAMI, FL	<a href="#">SBE-G&amp;S</a>
SOUTHERN DATA SYSTEMS, INC., DBA NETTOGO	Miami, FL	<a href="#">SBE-G&amp;S</a>
ST. MARTIN CONSULTING LLC	MIAMI, FL	<a href="#">SBE-G&amp;S</a>
SYTEC-USA, INC.	Miami, FL	<a href="#">SBE-G&amp;S</a>
THINK FORWARD CONSULTING, INC.	PALMETTO BAY, FL	<a href="#">SBE-G&amp;S</a>
TNR ACCOUNTING SERVICES INC	Aventura, FL	<a href="#">SBE-G&amp;S</a>
TRANSAMERICA TRAINING MANAGEMENT, INC., DBA TAM TRAINING	Miami, FL	<a href="#">SBE-G&amp;S</a>
Virtualdeveloper.com LLC	Miami, FL	<a href="#">SBE-G&amp;S</a>

**ADDITIONAL INFORMATION**

SITA Information Networking Computing USA, Inc., has also secured government contracts with other major airports such as Los Angeles International Airport (LAX) via Contract No. DA-4910 to provide ongoing maintenance, support, repair, and installation services for the automated passport control kiosks at LAX.

[http://clkrep.lacity.org/online/docs/2017/17-0525\\_misc\\_05-10-2017.pdf](http://clkrep.lacity.org/online/docs/2017/17-0525_misc_05-10-2017.pdf)

**DEPARTMENTAL INPUT**

The following question was asked to the Internal Services Department on July 1, 2020:

Pursuant to Resolution No. R-150-13 (March 5, 2013) MDAD was to develop new strategies for potential replacement of CUTE and/or some of its functional components by aligning the new CUTE/CUPPS contract term with those other contracts for mission critical systems, MDAD was then to re-scope the contract to relieve dependency on a single vendor, and maximize the value of the investment in the existing system while facilitating multiple procurement strategies. Can MDAD share the strategies for potential replacement and more importantly when those strategies will be executed? As of the date this note was published no answer had been provided.

**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.1 of the County Code** 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)

**Section 2-8.1(b)(2)** of the County Code, governs *Legacy Purchases*. Notwithstanding the provisions of section 2-8.1(b)(1), formal sealed bids shall not be required for Legacy Purchases which do not result in the budget for the user department(s) exceeding the amount approved by the County Commission during the annual budget approval process. Such Legacy purchases may be awarded by the Board of County Commissioners upon a majority vote of those Board Members present, where the amount of such award exceeds the threshold for purchases by the Mayor set forth in section 2-8.1. The County Mayor shall include, in any Legacy Purchase award recommendation, a

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statement as to the need for such purchase and the provisions taken to reduce or eliminate the future need for Legacy Purchases for the particular good or service. For the purposes of this section, Legacy Purchases shall mean the purchase of goods and services where competition is unavailable, impractical or constrained as a result of the need to continue to operate an existing County system which may not be replaced without substantial expenditure.

[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 County Code** (County Mayor's Recommendation) states that whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Mayor shall review the responses to the solicitation and recommend to the County Commission for award or other appropriate action. The recommendation shall be in writing and 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 the recommendation is scheduled for presentation.

[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)

**Resolution No. R-1189-02**, adopted October 22, 2002, awarded airport operation system contract for Miami International Airport via ITB No. MDAD115A to Air-Transport IT services, Inc., waiving bid protest procedures.

<http://intra/gia/matter.asp?matter=023044&file=false&yearFolder=Y2002>

**Resolution No. R-614-08**, adopted June 3, 2008, authorizes a contract award for Project No. 133C agreement for the common use terminal equipment/common use passenger processing system operations and maintenance agreement for the Miami-Dade Aviation Department in the amount of \$17,742,819 for a term of five-years to SITA Information Networking Computing USA, Inc.

<http://intra/gia/matter.asp?matter=081620&file=true&yearFolder=Y2008>

**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-150-13**, adopted March 5, 2013, authorizes a contract award for Project No. 133C agreement for the common use terminal equipment/common use passenger processing system operations and maintenance agreement for the Miami-Dade Aviation Department in the amount of \$33,790,455 for a term of seven years to SITA Information Networking Computing USA, Inc.

<http://intra/gia/matter.asp?matter=130288&file=true&yearFolder=Y2013>

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

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

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**Resolution No. R-1230-18** adopted December 4, 2018, approved an award for Contract No. RFP-00422 checkpoint queue wait time analyzer to SITA Information Networking Computing USA, Inc. in a total amount not to exceed \$3,683,000 for the initial five-year term and five, one-year options to renew.

<http://intra/gia/matter.asp?matter=182665&file=true&yearFolder=Y2018>

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**Item No. 8F5  
File No. 201017**

**Researcher: VW   Reviewer: PGE**

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$840,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00266 FOR PURCHASE OF MANUFACTURED MODULAR BUILDINGS FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the approval of additional expenditure of up to \$840,000 for *Prequalification Pool No. RTQ-00266* for the purchase of manufactured modular buildings for the Miami-Dade Water and Sewer Department.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services**

This item was brought before the Infrastructure and Capital Improvements Committee meeting on June 9, 2020 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to approve increased spending of \$840,000 under *Prequalification Pool No. RTQ-00266* to enable the Miami-Dade Water and Sewer Department (WASD) to access the pool in order to secure the purchase, permitting, and installation of a 4500 square foot modular storage building. The modular building is to be used for the storage of products and chemicals, including but not limited to, CCTV sewer cameras, pumps, compactors, and other miscellaneous equipment, while the WASD collection staff relocates from the South District Blackpoint location to the South Miami Heights location. ‘Modular buildings’ refer to buildings which are composed of pre-fabricated building units or ‘modules’ that are delivered to sites and assembled as components of a larger building.

This pool was originally established on October 1, 2015 under the County Mayor’s delegated authority for \$500,000 for an eight-year term for use by the Aviation Department. The pool expires on September 30, 2023. Under Resolution No. R-1142-16, which was adopted on December 6, 2016, the Board approved additional expenditure in the amount of \$1,600,000 to add the Internal Services Department to the pool for the department to purchase two buildings for the Miami-Dade Public Safety Training Institute. As such, the current cumulative allocation of the pool is \$2,100,000.

With the approval of this request, the modified cumulative value will increase by \$840,000 to \$2,940,000, or 40% higher. OCA performed a review of the Bid Tracking System (BTS) on June 26, 2020. According to the information found on BTS, of the \$2,100,000 allocated to this pool, a total of \$1,268,547.35 has been released, leaving a balance of \$831,452.65.

There are seven prequalified vendors under this pool, none of which are local firms. Of those vendors, all of the purchase orders have been issued to Advanced Modular Structures, Inc., and Mardan Fabrication, Inc. A total of \$3,643,959.86 has been issued to Advanced Modular Structures, and a total of \$377,355 has been issued to Mardan Fabrication.

OCA performed a search for Commodity Codes 15546 (Guard and Watchman Huts) and 15580 (Shelters, Portable) on the Business Management Workforce System’s Certified Vendor Directory on June 4, 2020 and found the following local small business:

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- O. R. Dean Construction, Inc.

OCA performed due diligence on the prequalified vendors on June 26, 2020; the results are shown below.

<b>Awarded Firm(s)</b>	<b>Corporate Registration</b>	<b>Tax Collectors Office</b>	<b>Florida DBPR</b>	<b>Westlaw</b>
Advance Modular Structures, Inc.	Florida Profit Corporation  Active  Principal Address: 1911 NW 15th St, Pompano Beach, FL 33069  Filed: March 13, 2001	Nothing Found	License Types: Certified Electrical Contractor; Construction Business Information; Electrical Business Information	Nothing Found
Concrete Modular Structures, Inc.	Florida Profit Corporation  Active  Principal Address: 6161 51st ST South St. Petersburg, FL 33715  Filed: March 17, 2000	Nothing Found	Nothing Found	Nothing Found
GFRC Acquisition, LLC	Foreign For Profit Corporation  Inactive  Principal Address: 8226 Douglas Ave Dallas, TX 75225  Filed: August 14, 2012	Nothing Found	Nothing Found	Nothing Found
Leesburg Concrete Company, Inc.	Florida Profit Corporation  Active  Principal Address: 1335 Thomas Ave Leesburg, FL 34748  Filed: February 24, 1984	Nothing Found	License Types: Certified Building Contractor; Construction Business Information	Nothing Found



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Mardan Fabrication, Inc.	Foreign For Profit Corporation  Active  Principal Address: 41249 Irwin Dr Harrison Township, MI 48045  Filed: June 26, 2013	Nothing Found	Nothing Found	Nothing Found
McGrath Rent Corp	Foreign Profit Corporation  Principal Address: 5700 Las Positas Rd Livermore CA 94551  Filed: March 27, 1979	Nothing Found	License Types: Construction Business Information	Nothing Found
VFP, Inc.	Foreign Profit Corporation  Principal Address: 5410 Fallowater Lane Roanoke, VA 24018  Filed: February 13, 2007	Nothing Found	License Types: Registry	Nothing Found

**ADDITIONAL INFORMATION**

Modular buildings and modular homes are prefabricated buildings or houses that consist of repeated sections called modules. "Modular" is a construction method that involves constructing sections away from the building site, then delivering them to the intended site.



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**APPLICABLE LEGISLATION/POLICY**

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

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=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)

**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-1142-16**, adopted December 6, 2016, authorizes additional expenditure authority in a total amount up to \$1,600,000.00 for Prequalification Pool No. RTQ-00266 for purchase of manufactured modular buildings for the Internal Services Department.

<http://intra/gia/matter.asp?matter=162390&file=true&yearFolder=Y2016>

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

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

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

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

**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. 8F6  
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)**

This item was brought before the Health Care and County Operations Committee on June 11, 2020 and was forwarded to the BCC with a favorable recommendation.

**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 proposed contract aims to replace the current contract (*FB-00045*) that is valued at \$1,777,040 for a five-year and 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. Pursuant to Resolution No. 718-17, the Administration must commence planning for re-procurement no later than 18 months prior to the expiration of the current contract for the purchase of goods and services. Accordingly, based on the current contract's original expiration date of February 29, 2020, re-procurement planning should have commenced approximately on September 31, 2018 to ensure a timely award of the replacement contract prior to the original expiration date. The awarded firms under the current contract are Brinks, Inc. and Dunbar Armored Inc.

OCA reviewed the Blanket Purchase Order for the current contract as of June 25, 2020. The original allocation is in the amount of \$1,777,040, the released amount is \$890,746 and the remaining balance is \$886,294. 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 the consumer price index (CPI) also known as market indexes (CPI Increase 15%) and higher prices for armored car services.

The table below e the departments that have not spent their allocation as of June 25, 2020 and the allocation requested under the proposed contract for those same departments.

Table 1: Allocation balance status and requested amount

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Department	Current Allocation Balance on the current contract	Requested Allocation on the proposed contract
Animal Services Department	\$ 35,387	\$33,735
Miami-Dade Aviation Department	\$ 26,400	\$36,335
Office of the Clerk	\$542,300	\$728,182
Miami-Dade Corrections and Rehabilitation Department	\$ 26,447	\$ 20,241
Department of Cultural Affairs	\$ 6,898	\$26,988
Finance Department	\$ 52,800	\$107,952
Miami-Dade Fire Rescue	\$ 3,859	\$ 33,735
Internal Services Department	\$ 5,913	\$ 40,482
Miami-Dade County Public Library System	\$ 24,200	\$337,350
Non-Department	\$ 5,000	\$0
Miami-Dade Police Department	\$ 968	\$ 33,735
Parks, Recreation and Open Spaces	\$ 79,447	\$202,410
Department of Transit and Public Works	\$0	\$0
Regulatory & Economic Resources	\$ 8,100	\$80,964
Seaport	\$29,964	\$53,976
Department of Solid Waste	\$ 5,473	\$33,735
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 non-responsive by the CAO. Brinks Inc.’s (Brinks) proposal was deemed non-responsive by the County Attorney’s Office. This left only one viable bid from Transvalue Inc.

The rationale justifying the 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.

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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:

**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 selected firm on June 25, 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 25, 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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**ADDITIONAL INFORMATION:**

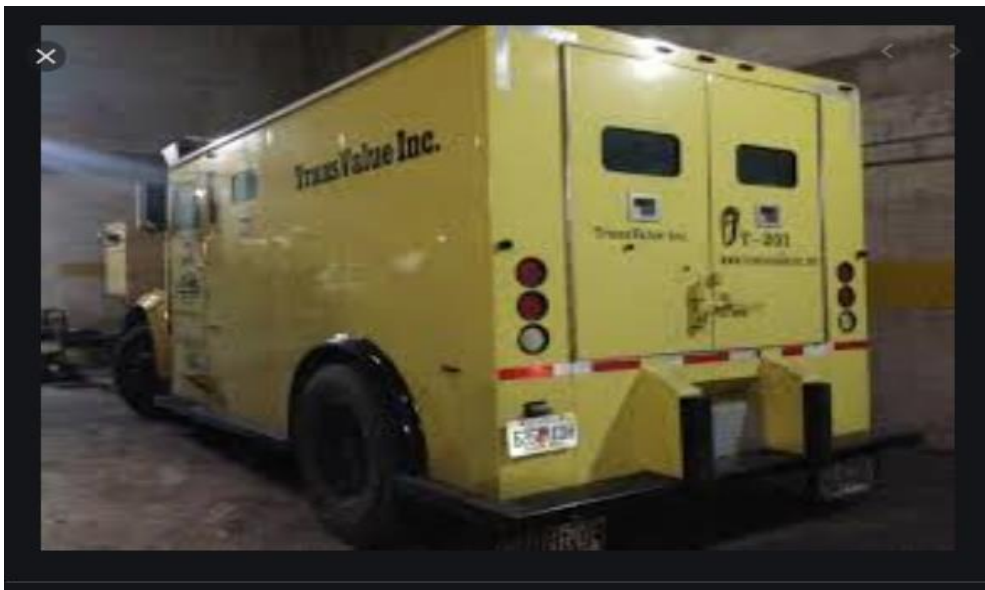
Transvalue, Inc., has contracts for similar services with other municipalities such as the City of Miami Beach and the City of Coral Gables.

<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 a 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



**DEPARTMENTAL INPUT**

The following question was asked to the Internal Services Department on June 29, 2020:

The awarded company Transvalue Inc., was responsible for losing its gold bar cargo in 2015 (see the link below), has this company provided the County with any assurances in the event the company suffers a similar loss of the County's money in a robbery or similar matter? Does ISD know what the outcome of the company's investigation was for the loss in 2015?

Answer provided by the Internal Services Department on July 1, 2020: Transvalue assured the County that in their 28 years of business this was an organized crime activity and a onetime occurrence. No Transvalue employees were involved, and two of the individuals identified by the Federal Bureau of Investigation are serving lengthy Federal



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**Researcher: IL    Reviewer: PGE**

sentences, and two others were also indicted. Transvalue provided 100 % coverage for the loss within seven days. The insurance required by the County is similar and would cover 100% of losses. This incident was unique, and this is not the type of vehicle mentioned that would be utilized for the County's contract. Transvalue indicated they have revisited and reinforced every aspect of their business since this incident. They do extensive background checks on their employees, rotate employees, and each vehicle has two guards.

**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.

<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>

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**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. 8F7  
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)

This item was heard at the Health Care and County Operations Committee meeting of June 11, 2020 and forwarded to the BCC with a favorable recommendation.

**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.

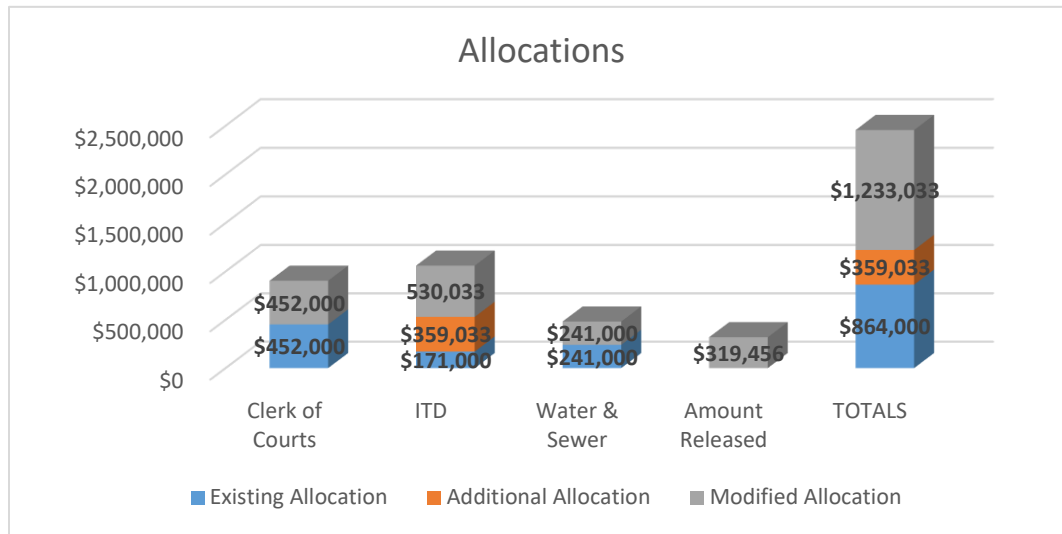
The fiscal impact is \$359,033. OCA performed a review of the Bid Tracking System (BTS) on June 23, 2020. According to BTS, the current contract has a Blanket Purchase Order balance of \$400,543. No information as to the specific allocation designation of the remaining balance was provided. If the requested 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 as of OCA's review on July 1, 2020 thus far for the three respective Departments under this item: Clerk of Courts, Information Technology, and Water and Sewer.

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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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<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>\$1,223,033</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 23, 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 25, 2020; below are the findings.

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<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 25, 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/>

**DEPARTMENTAL INPUT**

OCA sent the following inquiry to ISD on June 23, 2020; as of July 2, 2020, the Department had not responded.

- For the OTR term, has the Department considered whether any SBEs have the capability of participating in fulfilling any aspect of the scope of services or delivering any contract service? Kindly explain why or why not.

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**APPLICABLE LEGISLATION/POLICY**

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

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=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)

**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. 8F8  
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 was forwarded to the BCC with a favorable recommendation by the Health Care and County Operations Committee at its June 11, 2020 meeting.

**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, \$15,005,472.89 has been released (as of June 26, 2020), leaving a balance of \$1,484,527.11. 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. The allocation being requested is \$1,082.63 greater than the historical expenditure from this period.

**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.

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<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.	<p>Foreign Profit Corporation</p> <p>Active</p> <p>Principal Address: 11493 Sunset Hills Road, Suite 100 Reston, VA 20190</p> <p>Filed: January 5, 2009</p>	No account on file.	No account on file.	<p><i>Department of Labor and Industries v. Carahsoft Technology 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.</p>



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				<p>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 stored their biometric identifiers and information. Case Status: Pending order on motions to dismiss for lack of personal jurisdiction, or in the alternative, transfer venue to the Southern District of New York.</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>	No account on file.	No account on file.	No relevant cases.

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	Principal Address: 2411 Dulles Corner Park Suite 800 Herndon, VA 20171  Filed: December 2, 2009			
En Pointe Technologies Sales, LLC	Foreign Limited Liability Company  Active  Principal Address: 1940 E. Mariposa Avenue El Segundo, CA 90245-3457  Filed: April 14, 2015	No account on file.	No account on file.	<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.
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;

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				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  Principal Address: 290 Davidson Avenue Somerset, NJ 08873  Filed: August 2, 2001	No account on file.	No account on file.	No relevant cases.

A June 26, 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=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. 8F8  
File No. 201013**

**Researcher: JFP   Reviewer: PGE**

**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>

**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>

**BCC Meeting:  
July 8, 2020  
Research Notes**

**Item No. 8F9  
File No. 201021**

**Researcher: MF   Reviewer: PGE**

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$283,000 FOR A MODIFIED TOTAL CONTRACT AWARD OF \$621,000 FOR CONTRACT NO. SS9737-1/23-1 FOR THE PURCHASE OF CELLEBRITE FORENSIC SYSTEM, SERVICE AND MAINTENANCE FOR THE MIAMI-DADE POLICE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY 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 \$283,000 under *Contract No. SS9737-1/23-1* for the purchase of software and hardware licenses for the Cellebrite Forensic System for the Miami-Dade Police Department (MDPD).

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

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

This item was heard at the Public Safety and Rehabilitation Committee (PSR) meeting of June 9, 2020 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The proposed resolution is requesting Board approval to increase spending in the amount of \$283,000 under *Contract No. SS9737-1/23-1*, Cellebrite Forensic System, Service and Maintenance, for the purchase of essential hardware and software licenses required to support the Uniform Forensic Extraction System used by the MDPD for investigative purposes. The Cellebrite Forensic System offers advanced technological capabilities to law enforcement investigators and analysts, enabling them to unlock complex mobile devices used during a crime. The system can recover and analyze encrypted data even on mobile devices that are damaged; the system also can recover passwords from most cellular phone brands. For law enforcement, the recovery of such data is a critical component of their investigations, as it guarantees high-level access to tracking people who are under investigation.

MDPD's Digital Forensic Unit (DFU) within the Crime Scene & Evidence Bureau is tasked with the identification, collection, prevention, and extraction of digital evidence found on electronic media such as cell phones and other portable electronic devices. Increasingly, examiners in the DFU are finding phones that have been encrypted and locked through biometrics, PIN codes, and/or passwords. The additional funds will be used to purchase the Universal Forensic Extraction Device premium package from Cellebrite. The package uses proprietary and confidential methods to attack and unlock iPhones and Android devices that have been protected through encryption and password locking. This will allow the DFU examiners to provide a full extraction on devices that were previously inaccessible and in turn provide investigators with the data requested to further their investigations. This package includes 20 unlocks, which will allow devices to be sent to the vendor for unlocking.

The increased spending authority will also be used to support the operations of the MDPD Real Time Crime Center and Fusion Center within the Homeland Security Bureau; the Centers are technologically advanced units that use numerous software applications to assist in their mission. To achieve their goals, the Cellebrite Analytics Enterprise Solution and hardware will be procured. The purchase of 10 licenses will allow for investigators and analysts to access the digital

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**Researcher: MF   Reviewer: PGE**

intelligence platform. This platform will allow them to analyze evidence quickly, view connections across various sources and huge volumes of digital data in a singular view, including text, images and geolocations which will allow them to see how it fits into the overall case more clearly and potentially solve more crimes.

Both of the packages to be purchased will be funded through the U.S. Department of Justice, Bureau of Justice Assistance, Officer Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Table 1 shows a breakdown of the cost per package.

**Table 1**

UFED Premium Package Unlimited				
Fees				
Qty	Item Description	Item #	Unit Price	Extended Price
1	UFED Premium Package Unlimited	B-AIS-02-070	\$150,000	\$150,000
1	UFED Premium Unlimited iOS	U-AIS-02-063	\$0.00	\$0.00
1	UFED Premium Unlimited Android	U-AIS-02-065	\$0.00	\$0.00
20	CAS Unlock for Premium Package	U-AIS-02-100	\$0.00	\$0.00
				<b>\$150,000</b>
Cellebrite Analytics Package				
Fees				
Qty	Item Description	Item #	Unit Price	Extended Price
1	Dell T-440 Server	F-UFD-04-052	\$18,000	\$18,000
1	10 User License Analytics Enterprise System	S-UFD-04-007	\$100,000	\$100,000
1	Analytics Mid-High Installation & Knowledge Transfer	S-UFD-04-023	\$0.00	\$0.00
1	Analytics Enterprise Custom Course	U-TRN-04-024	\$15,000	\$15,000
<b>TOTAL</b>				<b>\$133,000</b>
<b>GRAND TOTAL</b>				<b>\$283,000</b>

This contract was initially awarded in March 2013 under delegated authority to Cellebrite, Inc. in the amount of \$101,072.80 for an initial five-year term with one, five-year option to renew. During the term, the contract was modified administratively for a total of \$96,000, resulting in a modified contract value of \$197,072.80 for the initial term. Subsequently, on March 6, 2018, pursuant to Resolution No. R-211-18, the Board approved the five-year option to renew under the Cellebrite Forensic System contract as a designated purchase in the amount of \$140,000 for maintenance and support services. The OTR is set to expire on April 30, 2023. The contract's cumulative allocation is approximately \$338,000. Thus, the requested additional expenditure under this item, in the amount of \$283,000, will bring the contract's modified value to \$621,000 if approved – an increase of 83.7%.

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OCA performed a review of the Bid Tracking System (BTS) on June 23, 2020. According to BTS, the current contract has a Blanket Purchase Order balance of \$19,766, indicating that of the \$140,000 allocated to the BPO, a total of \$120,234 has been released. Table 2 provides a breakdown of the contract's life since the original approval in 2013, the option to renew, and the requested additional expenditure under this item.

**Table 2**

Contract No. SS9737-1/23	Effective Dates	Value
Initial Term (years 1- 5)	March 18, 2013 – April 30, 2018	\$197,072.80
OTR (years 6 -10)	May 1, 2018 – April 30, 2023	\$140,000
Current additional expenditure under OTR term	N/A	\$283,000
		<b>Total: \$620,072.80</b>

OCA performed a search pertaining to the listed BTS Commodity Code 680 (Police, Prison and Security Access Equipment and Supplies) on the Business Management Workforce System's Certified Vendor Directory on June 23, 2020. The following local SBEs were identified.

- Gateways Unlimited, Inc. Miami, Beach, FL SBE-G&S
- Green-Energy-Products.com, LLC Miami, FL SBE-G&S
- Innovative Incentives, Inc. Miami, FL SBE-G&S
- Miami Partners, LLC, Miami Shores, FL SBE-G&S
- Palmetto Uniforms Inc. Miami, FL SBE-G&S
- Safety Source International, Inc. Hialeah, FL SBE-G&S
- The Tool Man Inc. dba The Tools Man Industry Supply, Miami, FL SBE-G&S

OCA performed due diligence on the awarded firm, Cellebrite, Inc., on June 23, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Cellebrite, Inc.	Foreign Profit Corporation  Active  Principal Address: 7 Campus Dr. Ste. 210 Parsippany, NJ  Filed: August 3, 2017	No account on file	No account on file	No relevant litigation

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**ADDITIONAL INFORMATION**

OCA performed an internet search on the vendor, Cellebrite, Inc., on June 2, 2020. According to the company website, the vendor is considered a global leader in the Digital Intelligence solutions arena for both the public and private sectors. Among the services provided by Cellebrite is a tool called UFED (Universal Forensic Extraction Device) Physical Analyzer, which is used to access data and help law enforcement agencies analyze information on most iPhones. Among the technological capabilities provided by Cellebrite is the ability to unlock and access crucial data on mobile phones, including emails and deleted content.

[https://www.cellebrite.com/en/home/?utm\\_source=adwords&utm\\_medium=Paid-Search&utm\\_campaign=702076&utm\\_content=home-webpage&gclid=EAIaIQobChMIsuuU2t\\_j6QIVkIzICh1TPgP3EAAYASAAEgJW7vD\\_BwE](https://www.cellebrite.com/en/home/?utm_source=adwords&utm_medium=Paid-Search&utm_campaign=702076&utm_content=home-webpage&gclid=EAIaIQobChMIsuuU2t_j6QIVkIzICh1TPgP3EAAYASAAEgJW7vD_BwE)

In the past few years, Cellebrite has been publicly criticized for its technology services portfolio because of the associated privacy breaches. A 2019 Forbes article reported that the company's advanced unlocking and extraction services – aimed at smart phones and specifically most versions of Apple iPhones – was of concern to the public's right to privacy.

<https://www.forbes.com/sites/thomasbrewster/2018/02/26/government-can-access-any-apple-iphone-cellebrite/#3e241ab8667a>

Cellebrite has also been chosen as the preferred vendor of the U.S. Immigration and Custom Enforcement Agency – via a \$30 million contract in 2019 – to unlock, access and retrieve cell phone data from smart phones worldwide. It is estimated that the company's Universal Forensic Extraction Device ranges in cost from \$5,000 to \$15,000.

<https://thenextweb.com/security/2019/09/12/ice-is-paying-an-israeli-security-company-30m-to-break-into-phones/>  
<https://www.pcmag.com/news/ice-buys-smartphone-hacking-tech-from-cellebrite>

**DEPARTMENTAL INPUT**

Based on the above information, OCA sent the following inquiry to ISD on June 23, 2020; the Department responded on June 29, 2020 and the answers are shown below in Italics.

- Indicate how the Miami-Dade Police Department will ensure that the extraction services from Cellebrite will only be utilized pertaining to persons under investigation. *The MDPD Digital Forensic Unit's (DFU) SOP dictates that MDPD only conduct examinations on items that are submitted pursuant to a criminal investigation, or an internal administrative violation (Professional Compliance Bureau) case. In these cases, MDPD require that proper and legal search authority be submitted prior to initiating an examination of the device in question.*
- Describe the agency protocols in place (if any) to secure privacy during the use of Cellebrite. *The Cellebrite device is kept within the MDPD Headquarters Building, within the secured confines of the Digital Forensic Unit. (DFU). The unit will be kept in a locked room within the DFU. There are two card readers and several cameras maintained by MDPD Headquarters Security to enter the DFU. Only members of the DFU can gain entry into the DFU office area. All data extracted from these devices are kept confidential and released to the lead agent who submitted the evidence for examination.*



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**Item No. 8F9  
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**Researcher: MF   Reviewer: PGE**

**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)

**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-211-18**, adopted March 6, 2018, authorized the designated purchase for a one-year option to renew period under Contract No. SS9737-1/23 in an aggregate amount of up to \$140,000.

<http://www.miamidade.gov/govaction/matter.asp?matter=180195&file=true&fileAnalysis=false&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. 8F10  
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 was forwarded to the BCC with a favorable recommendation by the Health Care and County Operations Committee at its June 11, 2020 meeting.

**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 Department (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 26, 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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**Researcher: JFP Reviewer: PGE**

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, if the present request is approved, is greater than that of the previous contract by \$30,375. 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.

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**Item No. 8F10  
File No. 201022**

**Researcher: JFP Reviewer: PGE**

**APPLICABLE LEGISLATION/POLICY**

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

**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. 8K1  
File No. 200978**

**Researcher: JFP Reviewer: PGE**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A REVISED PURCHASE AND SALES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND WARD TOWERS ASSISTED LIVING ASSOCIATES, LTD., A FLORIDA LIMITED PARTNERSHIP, AND MDHA DEVELOPMENT CORPORATION, A FLORIDA NOT FOR PROFIT CORPORATION, IN THE AMOUNT OF \$200,000.00, PLUS ALL CLOSING FEES AND COSTS IN AN AMOUNT NOT TO EXCEED \$15,000.00, RELATED TO THE TRANSFER OF THE PUBLIC HOUSING DEVELOPMENT KNOWN AS WARD TOWERS ASSISTED LIVING FACILITY TO THE COUNTY, TO EXERCISE ALL PROVISIONS, INCLUDING, BUT NOT LIMITED TO, TERMINATION AND AMENDMENT PROVISIONS, CONTAINED THEREIN, AND TO EXECUTE ALL RELATED DOCUMENTS IN ACCORDANCE WITH RESOLUTION NO. R-836-19

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize execution of a revised Purchase and Sales Agreement between the County and Ward Towers Assisted Living Associates, Ltd. (WTA), a Florida limited partnership, as well as MDHA Development Corporation (MDHADC), a Florida not-for-profit corporation, in the amount of \$200,000, plus \$15,000 in closing fees and costs, for the transfer of a public housing development, Ward Towers Assisted Living Facility, to the County.

**PROCEDURAL HISTORY**

**Prime Sponsor:** Chairwoman Audrey M. Edmonson, District 3

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

This item was forwarded to the BCC with a favorable recommendation by the Housing, Social Services & Economic Development Committee at its June 8, 2020 meeting.

The original purchase and sales agreement for the subject property was approved by the BCC on July 23, 2019 via Resolution No. R-836-19.

**ANALYSIS**

The purpose of this item is to approve a revised Purchase and Sales Agreement of a 100-unit affordable housing development, Ward Towers Assisted Living Facility, located at 5301 NW 23<sup>rd</sup> Avenue in Commission District 3, represented by Chairwoman Audrey M. Edmonson. The item is being reconsidered by the Board due to a technical issue necessitating amendment to the Agreement prior to proceeding with closing on the sale of the property to the County.

The County initially conveyed the property to MDHADC, a not-for-profit corporation created by the County to facilitate and expedite the development of affordable housing, through a County deed on August 14, 2003. Subsequently, MDHADC entered into a ground lease with WTA, which applied for a tax credit under the Low-Income Housing Tax Credit Program for the construction of Ward Towers. The County does not own the land or the improvements but does manage the property.

According to PHCD, the County intended for the property to be transferred to it in 2008, along with the other MDHADC-owned properties, through Board adopted Resolution No. R-412-08 as part of the direction of a 2007 audit of MDHADC by the County's Audit and Management Services. However, because there was a tax credit involved, WTA wanted to retain its interest in the property in order to take advantage of the tax credits until benefits expired in 2014. Due to a subsequent five-year investor compliance period, (expiring in December 2019), the Purchase and Sale Agreement was not brought before the Board and ultimately approved until July 2019. The approved Purchase and Sale Agreement required

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**Item No. 8K1  
File No. 200978**

**Researcher: JFP Reviewer: PGE**

the County to indemnify and hold harmless all parties during the tax credit compliance period ending December 31, 2019 and required the County to obtain an indemnity bond and comply with other provisions related to the compliance period.

A technical issue regarding the indemnity bond arose. Thus, the parties mutually agreed to wait until the end of the tax credit compliance period, December 31, 2019, to execute the sale of the property. However, due to the fact that the compliance period has ended and indemnification is no longer required, the Purchase and Sales Agreement needs to be amended to reflect such changes in its terms, and the amended Agreement needs to be approved by the Board prior to execution. The amended Agreement now before the Board removes provisions referencing the indemnity and the requirement of an indemnity bond, with the additional removal of WTA's requirement to pay 2019 real estate taxes at closing to the County, instead stipulating that the County is to receive a credit equal to WTA's pro rata share of all 2020 real estate taxes. Also causing postponement of the closing was a delay in obtaining a satisfaction of mortgage for a Housing Financing Authority loan held by Bank of America, which has been satisfied.

The cost to the County remains \$215,000, which will be paid by PHCD through the Documentary Stamp Surtax Program (Surtax Program). Through the purchase of the property, the County will assume the outstanding debt from a loan originating from the County's Surtax Program in the amount of \$6,500,000, which will be reimbursed from property cash flows.

The requested Purchase and Sales Agreement consists of the following terms, with no substantive changes other than the addition of the legal description of the property to each of the documents.

- A purchase and sales agreement among the County, Ward Towers Assisted Living Associates, Ltd. (WTA), a Florida limited partnership, and MDHA Development Corporation (MDHADC), in the amount of \$200,000 plus \$15,000 for closing fees and costs;
- Execute an Assignment and Assumption of Leases;
- Execute an Assignment and Assumption of Service Contracts, Permits, and Warranties;
- Accept a Special Warranty Deed conveying the project from MDHADC to the County, including receiving from and executing an instrument with MDHADC that assigns the Documentary Stamp Surtax program loan in the amount of \$6,500,000 to the County;
- Allocate up to \$215,000 of Documentary Stamp Surtax funds to cover the price and closing fees and costs associated with the transfer of the Project to the County; and
- Waive the provisions of Section 2-10.4.2(a) of the Code, which requires that whenever the County purchases, sells or is involved in a lease of real estate, whether as lessor or lessee, and the fee simple value of the property being bought or sold or the annual value of the property being leased is in excess of \$5,000,000, the County shall prior to consummating the purchase, sale or lease have the property appraised by two real estate appraisers holding the Member of the Appraisal Institute designation.

According to the Miami-Dade County Property Appraiser website, the assessed value of the property is \$2,627,000. The property will continue to be operated as an affordable multifamily housing facility for low-income residents and none of the residents will be displaced. While the facility was originally intended to serve as an Assisted Living Facility, WTA did not file with the State of Florida for the required license through Agency for Health Care Administration, and therefore it has never operated as such. Of the 100 units in the building, there are eight elderly individuals residing in the building and no disabled residents. The other 92 units are occupied by low-income residents.

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**Item No. 8K1**

**File No. 200978**

**Researcher: JFP Reviewer: PGE**

Once this property is transferred to the County, MDHADC will be dissolved because it will no longer have any financial or ownership interest in any properties that were developed with County financing or that have County participation.

OCA's due diligence on Ward Towers Assisted Living Associates, Ltd. 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>
Ward Towers Assisted Living Associates, Ltd.	Florida Limited Partnership  Active  Principal Address: 5301 NW 23 Ave. Miami, FL 33142  Filed: January 29, 2001	No account on file.	No account on file.	No relevant cases.

**ADDITIONAL INFORMATION**

Miami-Dade County Documentary Stamp Surtax Program

<https://www.miamidade.gov/global/housing/surtax.page>

**APPLICABLE LEGISLATION/POLICY**

**Section 201.02, Florida Statutes**, allows a tax on deeds and other instruments relating to real property or interests in real property. Miami-Dade County has incorporated this Documentary Stamp Surtax Program in its operations for over 27 years.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=201.02&URL=0200-0299/0201/Sections/0201.02.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=201.02&URL=0200-0299/0201/Sections/0201.02.html)

**Section 2-10.4.2(a) of the Code of Miami-Dade County** (Appraisers Required for Purchases, Sales and Leases) applies whenever the County purchases, sells or is involved in a lease of real estate, whether as lessor or lessee, and the fee simple value of the property being bought or sold or the annual value of the property being leased is in excess of five million dollars, the County shall prior to consummating the purchase, sale or lease have the property appraised by two real estate appraisers holding the M.A.I. designation.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-10.4.2APREPUSALE](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10.4.2APREPUSALE)

**Resolution No. R-836-19**, adopted July 23, 2019, approved execution of the original Purchase and Sales Agreement between the County and Ward Towers Assisted Living Associates, Ltd., as well as MDHA Development Corporation, in the amount of \$200,000, plus \$15,000 in closing fees and costs, for the transfer of a public housing development, Ward Towers Assisted Living Facility, to the County.

<http://intra/gia/matter.asp?matter=191734&file=true&yearFolder=Y2019>

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**Resolution No. R-903-00**, adopted July 27, 2000, authorized the County Manager to form a Florida not-for-profit corporation to be known as the Miami-Dade Housing Agency Development Corporation as well as create subsidiaries and affiliated entities of such corporation.

<http://intra/gia/matter.asp?matter=001933&file=false&yearFolder=Y2000>

**Resolution No. R-412-08**, adopted April 8, 2008, approved the transitional agreement with the MDHA Development Corporation (MDHADC), which provides for the return of property and related funding for affordable housing projects to the County and relinquishment of contracts and leases by MDHADC; provides for MDHADC to retain the Ward Towers and postmaster projects and related funding.

<http://intra/gia/matter.asp?matter=080806&file=true&yearFolder=Y2008>



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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)

This item was heard at the Health Care and County Operations Committee meeting of June 11, 2020 and forwarded to the BCC with a favorable recommendation.

**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 treatment plants.

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.

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- 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.

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

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 reasons for the procurement delay, and whether any other firms were considered for this PSA; 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 updated the Local Limits was in 2004; thus, a determination has been made that a full re-evaluation of the Local Limits is necessary.

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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:

- 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 25, 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>Brown, et al v. Tetra Tech Inc., et al.</i> Case No. 2:20-CV-01133, filed June 3, 2020 in the U.S. District Court, Eastern District of California (Sacramento). Allegation: Class action. Defendant breached the duty by failing to pay minimum, overtime wages and failed to provide meal and rest period and failed to issue accurate wage statements in the scope of plaintiff's employment which caused damages to the plaintiff. Case status: As of June 4, 2020, summons had been

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				<p>issued to all defendants in the case.</p> <p><i>Five Point Holdings, LLC and CP Development Co., LLC v. Tetra Tech, Inc., Tetra Tech Ec 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 deceived plaintiff by intentionally by misrepresenting that the shipyard contained radiological contamination. Case status: As of April 27, 2020, the case was reassigned to Judge James Donato. Judge William H. Orrick no longer assigned to the case.</p>
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**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>

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**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 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.*

OCA sent follow-up questions to RER on July 1, 2020; the Department responded on July 1, 2020 and the responses are shown below in *Italics*.

- The item is silent on the reasons for the delay in this procurement process. Kindly explain. *RER-DERM response: Since only one firm responded to the RFP, ISD conducted market research to ensure that no other firms were left out of the process. Additionally, due to the specificity of the project, crafting the PSA and obtaining all necessary approvals contributed to unforeseen delays.*
- 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). Kindly provide details. *RER-DERM response: Only one firm responded to this RFP and the selected consultant was the sole participant.*

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**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)

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

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

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**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>

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**Item No. 8N1  
File No. 200990**

**Researcher: VW   Reviewer: PGE**

RESOLUTION ACCEPTING A GRANT FROM THE KNIGHT FOUNDATION IN THE AMOUNT OF \$780,000.00 TO CONDUCT AUTONOMOUS VEHICLE DEMONSTRATIONS AND EXPLORE ALTERNATIVE MOBILITY SOLUTIONS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE GRANT-CONTINGENT AGREEMENTS WITH THE KNIGHT FOUNDATION AND THE MIAMI FOUNDATION FOR THE REQUIRED ADMINISTRATION OF SAID GRANT; AND WAIVING REQUIREMENTS OF RESOLUTION NO. R-130-06

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a grant award agreement between the County, Knight Foundation and Miami Foundation in the amount of \$780,000 to conduct autonomous vehicle demonstrations, evaluate on-demand transit impact on mobility and explore alternative mobility solutions and authorize the waiver of Resolution No. R-130-06 which requires all legislation seeking approval of a contract to be executed by all non-County parties prior to placement on an agenda of the Board.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Daniella Levine Cava, District 8  
Department/Requester: Transportation and Public Works**

This item was brought before the Transportation and Finance Committee meeting on June 10, 2020 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of the item is to execute a \$780,000 grant agreement from the Knight Foundation to conduct demonstrations of autonomous vehicles as a possible solution to improving first-and-last mile access to premium transit service and increasing travel possibilities for commuters and ambulatory paratransit riders. A driverless car or autonomous vehicles (AV) is an automobile that is capable of performing some or all of the actions of a human-piloted car without human input. AVs combine a variety of sensors to perceive their surroundings, such as radar, lidar, sonar, GPS, odometry and inertial measurement units. These sensors allow AVs to identify appropriate navigation routes and relevant traffic signals/road signs and to avoid obstacles.

On April 5, 2016, the Board passed Resolution No. R-296-16 which directed the County Mayor to consider the prospective use of autonomous vehicles in planning future transportation and transit routes and projects. In line with the directive, it was also requested that the Metropolitan Planning Organization coordinate with the County regarding future studies of autonomous vehicles. The grant agreement from the Knight Foundation under consideration is between the Knight Foundation, the Miami Foundation, and Miami-Dade County, with the work program to be managed by the Department of Transportation and Public Works (DTPW). Under the agreement, technical and logistical support shall be provided by specific partners including the Urban Health Partnerships (UHP), the Ford Automotive Company (Ford's City:One), the Society of Automotive Engineers (SAE) and other transportation companies.

The main goal of the interorganizational program which the grant will fund is to document the community response to AV demonstrations and gather data tied to individual experiences with the technology in order to inform the design and implementation process for AV shuttles serving first-and-last mile transit needs in Miami-Dade County. The use of AVs to address the first-and-last mile problem is part of DTPW's larger vision of deploying and testing innovative service delivery models to improve first-and-last mile access to premium transit service and increase travel possibilities



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for commuters and ambulatory paratransit riders. DTPW hopes that the new technology will enable a fully automated scheduling, dispatching, reservation, real-time ride matching and dynamic routing system for real-time demand responsive transportation service. The grant program would consist of two phases. Phase One of the program, led by the team of Ford's City:One, will complete baseline research that considers public sentiment on new mobility solutions, community insights, and identify communities to include in the co-design of AV shuttle services. Phase Two, led by UHP, will engage participants and adjacent communities involved in the pilots resulting from Phase One.

Specifically, the program will consist of four concurrent tracks:

- Track 1: Gather data from the community to get a better understanding of the operations, demand, supply, and service limitations of using AV vehicles to shuttle transit users to Metrorail and Metrobus stations
- Track 2: Demonstrations of AV on 'Demo Days' and pre-and post-ride surveys to learn about public sentiment on AVs
- Track 3: Understand micro-mobility service (shared bicycles, electric scooters, etc.) demand, user population trends, service area and coverage, and its benefits to transit
- Track 4: Enable deeper participation of local residents in the planning, design, and delivery of new mobility solutions through the utilization of online tools, surveys, and in-person interactions to gather resident input.

Miami-Dade County is exploring the possibility of using AV vehicles to help solve the first mile/last mile problem. The "last-mile" or "first and last-mile" connection describes the beginning or end of an individual trip made primarily by public transportation. Most people in the United States are "comfortable" walking less than a ¼ mile to or from public transit stops. The problem arises when public transit stops are more than a ¼ mile away from the transit user's point of origin. AV vehicles can help solve the first and last-mile problem by providing an on-demand (potentially fare-free), ride sharing service which can quickly shuttle people to fixed-route transit stops, such as Metrorail stations or major Metrobus hubs, that are within a mile of their current location. AV public transit vehicles, if deployed intelligently, have the potential to increase transit ridership by making public transit more accessible to users living and working within a mile of a transit stop who might have decided to drive the entire route instead. At the same time, the widespread adoption on a societal level of AV technology by private vehicles has the potential to increase traffic congestion to the point where users may decide to take the entire trip in their own AV car rather than use an AV public transit to a fixed route transit line given the fact that AV vehicles significantly reduce the psychological cost of sitting in traffic.

The use of AV vehicles to shuttle transit users to Metrorail or Metrobus stops can be considered a form of 'paratransit'. According to the Florida Statutes (Section 341.031) 'Definitions relating to Florida Public Transit Act' "paratransit" is defined as those elements of public transit which provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and the provider of the service. Paratransit service is provided by taxis, limousines, "dial-a-ride" buses, and other demand-responsive operations that are characterized by their nonscheduled, nonfixed route nature.

**ADDITIONAL INFORMATION**

A driverless car or autonomous vehicles (AV) is an automobile that is capable of performing some or all of the actions of a human-piloted car without human input. AVs combine a variety of sensors to perceive their surroundings, such as radar, lidar, sonar, GPS, odometry and inertial measurement units. These sensors allow AVs to identify appropriate navigation routes and relevant traffic signals/road signs and to avoid obstacles.

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File No. 200990**

**Researcher: VW Reviewer: PGE**

Below is an example of AV shuttles being used in Columbus, Ohio.



On September 18, 2018 the John S. and James L. Knight Foundation announced a five-year, \$5,250,000 initiative that brings residents to the center of self-driving vehicle pilot projects in five major U.S. cities: Detroit, Long Beach, California, Miami, San Jose, and Pittsburgh.

<https://knightfoundation.org/press/releases/major-5-25-million-knight-foundation-initiative-puts-people-at-the-center-of-local-self-driving-vehicle-programs/>

As of 2020 the industry leaders in autonomous vehicle production are Waymo, Cruise, Argo, Aurora, and Aptiv. Waymo remains ahead of the competition by a year or more. As of present day, Waymo is the only autonomous vehicle company to operate fully self-driving vehicles with no safety drivers for fare paying passengers carrying over 100,000 rides in the first year of its Waymo One pilot program in suburban Phoenix, Arizona on a handful of Chrysler Pacifica minivans.

<https://www.bloomberg.com/features/2020-self-driving-car-race/>



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**APPLICABLE LEGISLATION**

**Section 341.031(5)** of the Florida Statutes sets forth the definition of “paratransit” as those elements of public transit which provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and the provider of the service. Paratransit service is provided by taxis, limousines, “dial-a-ride” buses, and other demand-responsive operations that are characterized by their nonscheduled, nonfixed route nature.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0300-0399/0341/Sections/0341.031.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0341/Sections/0341.031.html)

**Resolution No. R-1127-19**, adopted on October 29, 2019, sets forth the terms of a joint participation agreement with the State of Florida Department of Transportation for \$800,000.00 in state commuter assistance program funds for the first/last mile on-demand transit service.

<http://intra/gia/matter.asp?matter=192367&file=true&yearFolder=Y2019>

**Resolution No. R-296-16**, adopted on April 5, 2016, directs the County mayor to consider the prospective use of autonomous vehicles in planning future transportation and transit routes and projects and requests the metropolitan planning organization coordinate with the County regarding future studies of autonomous vehicles.

<http://intra/gia/matter.asp?matter=160464&file=true&yearFolder=Y2016>

**Resolution No. R-130-06**, adopted January 24, 2006, amends Resolution No. R-1198-05 to clarify that proposed agenda items seeking approval of a contract or conveyance and authority to execute same shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-county parties; providing that Board approval of a contract or conveyance in substantially the form presented means the county manager may make only those changes necessary to correct non-substantive, scrivener’s errors; and providing exceptions.

<http://www.miamidade.gov/govaction/matter.asp?matter=060239&file=false&fileAnalysis=false&yearFolder=Y2006>

**BCC Meeting:  
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**Item No. 8N5  
File No. 200991**

**Researcher: IL Reviewer: PGE**

RESOLUTION AUTHORIZING THE APPROVAL OF A CONSTRUCTION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CSX TRANSPORTATION, INC. FOR THE REPLACEMENT OF THE RAILROAD CROSSING SURFACE AT NORTH WATERWAY DRIVE IN THE VICINITY OF SW 72 AVENUE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a construction agreement between Miami-Dade County and CSX Transportation, Inc. (CSX) for the replacement of the railroad crossing surface at North Waterway Drive in the vicinity of S.W. 72 Avenue in the amount of \$436,037 for the Department of Transportation and Public Works (DTPW).

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** DTPW

This item was brought before the Infrastructure and Capital Improvements Committee on June 9, 2020 and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The proposed item seeks approval for a construction agreement with CSX for the replacement of the railroad crossing surface at North Waterway Drive in the vicinity of S.W. 72 Avenue in the amount of \$436,037 for DTPW. Under the contract, all work is to be completed no later than one-year from the agreement's effective date. DTPW has received complaints from motorists transiting close to S.W. 72 Avenue concerning the condition of the railroad crossing surface. DTPW conducted an inspection of the crossing surface and concluded that the resurfacing of the crossing surface was needed. Resolution No. R-824-74, adopted July 30, 1974, approved agreements between Miami-Dade County and the Seaboard Coast Line Railroad (present day CSX) for the improvement of the railroad crossing at Bird Drive, S.W. 39<sup>th</sup> Street, and North Waterway Drive all in conjunction with S.W. 72<sup>nd</sup> Avenue. Under the resolution, the County is responsible for costs associated with replacement of the railroad crossing surface. As such, DTPW contacted CSX to do the repair work.

The construction agreement includes an explanatory statement setting forth the construction project, i.e., *a crossing surface upgrade from timber and asphalt to concrete TUB-Platform, milling and paving of the roadway approach 10 feet beyond the saw cut, and Maintenance of Traffic and police protection, at North Waterway Drive in Miami.*

The fiscal impact is \$436,037, funded by Road Impact fees through resurfacing countywide improvements Project 2000000539, Site 3001112 FY-2019-2020 Adopted Multi-Year Capital Plan. The Capital Plan describes the project as to construct resurfacing improvements to include ADA ramps and connectors on arterial roads countywide. The total expenditures for the fiscal year are \$22,478,000, which is broken down as follows: \$19,618,000 for construction; \$1,430,000 for planning and design; and \$1,430,000 for project administration.

According to the Force Account Estimate accompanying the construction agreement, the project total is \$456,037 and is broken down in the following cost categories:

- \$20,000 for preliminary engineering;
- \$19,270 for construction engineering/inspection;

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**Researcher: IL Reviewer: PGE**

- \$6,662 for flagging service;
- \$5,000 for signal and communications work;
- \$365,465 for track work; and
- \$39,640 for contingencies.

Under the contract, the payment terms are reimbursable expenses in the amounts and on the dates set forth in the payment schedule. CSX will submit invoices to the DTPW and the agency will remit payment to CSX. Following the completion of the Project, CSX shall submit to the agency a final invoice that reconciles the total reimbursable expenses incurred by CSX against total payments received from the agency. If the agency fails to pay CSX any sums due under this agreement the agency will pay CSX an interest rate of no less than 1.0% per month or the maximum rate of interest permitted by applicable law.

The scope of the crossing resurfacing project consists of the following:

- ❖ Upgrade from timber and asphalt to a concrete TUB-Platform, milling and paving of the roadway,
- ❖ Maintenance of Traffic (MOT) inclusive of police protection,
- ❖ Saw cut of the roadway and removal of the existing surface,
- ❖ Thermal pavement striping,
- ❖ Removal and disposal of waste materials; clean-up of work site,
- ❖ Installation of two surface apply detectable warnings on existing sidewalks,
- ❖ All work to be in accordance with FDOT Indexes 830-T01 and 522-002, and
- ❖ Permits will be procured by DTPW and shall be provided to CSX.

OCA conducted a due diligence review on June 30, 2020 on the contracted firm.

<b><u>Firm</u></b>	<b><u>Corporate Filing</u></b>	<b><u>Tax Collector</u></b>	<b><u>Westlaw</u></b>
CSX Transportation Inc.	Foreign Profit Corporation Principal Address: 500 Water Street, Suite C-160, Jacksonville, FL 32202 Date Filed: <u>March 6, 1946</u>	Multiple Accounts  Paid and Current	No relevant cases found

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Researcher: IL Reviewer: PGE

**Figure 1 illustrates the condition of the crossing surface:**

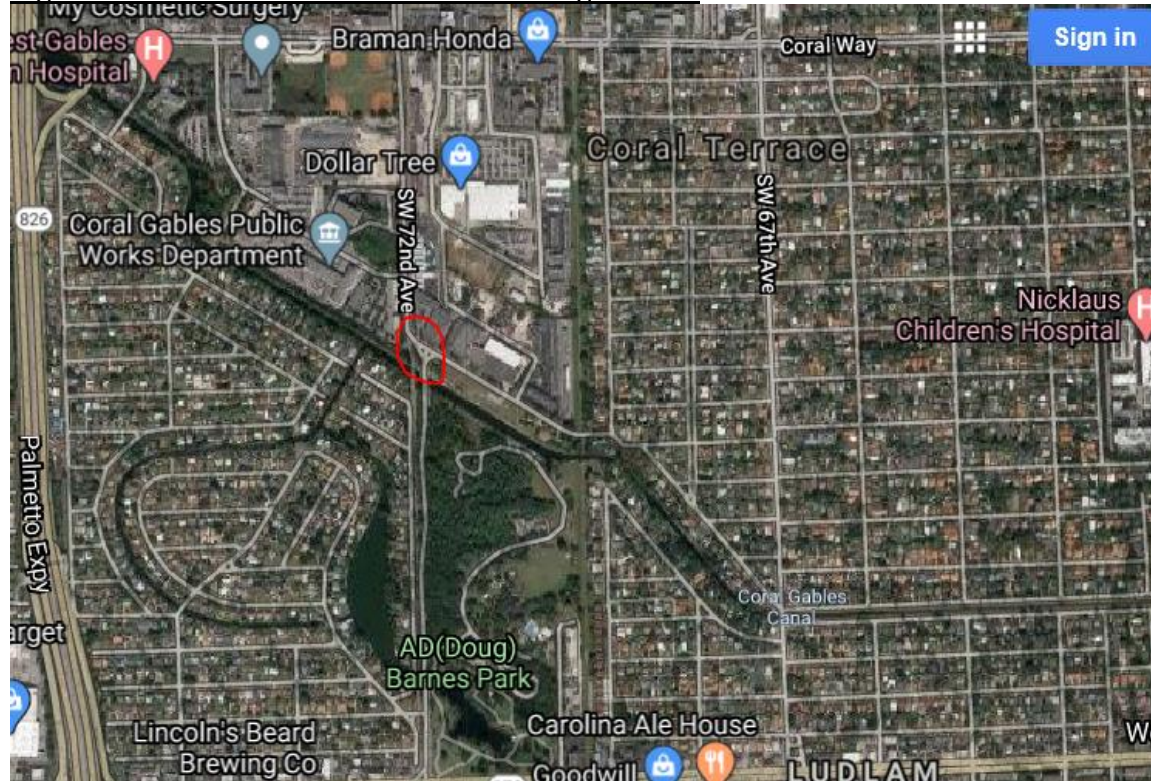


**Figure 2 Illustrates what the new crossing surface will look like:**





**Figure 3 Illustrates the location of the crossing surface:**



#### **ADDITIONAL INFORMATION**

CSX provides rail and intermodal service in 23 states, the District of Columbia and two Canadian Provinces. CSX operates more than 1,200 trains daily over 21,000 miles of track. CSX's Public Projects team is involved in a wide variety of projects initiated by government agencies, local businesses, and others.

<https://www.csx.com/index.cfm/library/files/about-us/property/public-project-manual/>

#### **APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-824-74**, adopted July 30, 1974, approved agreements between Miami-Dade County and the Seaboard Coast Line Railroad (present day CSX) for the improvement of railroad crossing at Bird Drive, S.W. 39<sup>th</sup> Street, and North Waterway Drive all in conjunction with S.W. 72<sup>nd</sup> Avenue. Resolution available upon request.

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**Item No. 8N7  
File No. 200982**

**Researcher: MF   Reviewer: PGE**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER NO. 1 BETWEEN MIAMI-DADE COUNTY AND DOUGLAS N. HIGGINS, INC. FOR THE PROJECT ENTITLED BRIDGE REPLACEMENT AT NORTH MIAMI AVENUE OVER THE LITTLE RIVER CANAL (BRIDGE NO. 874127), EXTENDING THE CONTRACT DURATION BY 292 NON-COMPENSABLE CALENDAR DAYS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize non-compensable Change Order No. 1 between the County and Douglas N. Higgins, Inc. for the North Miami Avenue Over the Little River Canal Bridge Replacement Project, extending the original 790 calendar day deadline by 292 calendar days for the Department of Transportation and Public Works (DTPW).

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** DTPW

This item was heard at the Infrastructure and Capital Improvements Committee (ICI) meeting of June 9, 2020 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The proposed resolution requests Board approval to execute Change Order No. 1 pertaining to *Contract No. 20160165* between the County and Douglas N. Higgins, Inc. for the North Miami Avenue Over the Little River Canal Bridge Replacement Project to extend the work by 292 non-compensable calendar days. The requested extension of time is the result of unexpected utility relocation requirements by the South Florida Water Management District, thereby leading to permitting and approval delays. The project is located in District 3, represented by Commission Chairwoman Audrey M. Edmonson.

The original item was approved by the Board pursuant to Resolution No. R-702-17 on July 6, 2017, awarding a design-build services contract for the Bridge Replacement at N. Miami Avenue over the Little River Canal to Douglas N. Higgins, Inc. in the amount of \$2,925,350 for a contract period of 790 calendar days. Under that contract, the work to be performed consisted of the following:

- Roadway approaches
- Geotechnical work
- Surveys
- Permits
- Other design services (to include construction documents, engineering plans, public involvement plan, et al)

The original contract provides for a resilience aspect in order to adhere to sea level rise considerations, being that the new bridge will impact the canal's water elevation.

Per the original award memorandum, the bridge has a sufficiency rating of less than 70, which requires for work to be performed within two years. OCA researched the sufficiency rating by consulting the U.S. Department of Transportation's



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Federal Highway Administration (FHWA) guide regarding specifications for the country's bridges. According to the FHWA, the sufficiency rating is a numerical rating between 0 and 100 given to each highway bridge. The value is based on the bridge's structural adequacy and safety, essentiality for public use, and its serviceability and functional obsolescence. The life expectancy of the Little River Canal Bridge is approximately 75 years.

As this is a non-compensable time extension, there is no additional fiscal impact to the County. The project is funded via Road Impact Fees funds. The proposed time extension of 292 days – which will bring the total to 1,161 days (i.e., 790 days under original award plus 79 days of contingency time and the current 292-day request). DTPW did not provide a schedule of the needed 292-day extension of time with the detailed work to be performed nor the status of the work completed thus far.

According to the FY2019-20 Adopted Budget and Multi-Year Capital Plan, this item falls under Project # 2000000534. The Capital Plan describes the project as to *construct, rehabilitate and/or provide improvements to bridges countywide*. For FY 2019-20, the total expenditures are \$4,791,000, which is broken down as follows: \$2,361,000 for construction, \$2,255,000 for planning and design and \$175,000 for project administration.

Pursuant to Resolution No. R-421-16, contract awards of \$1,000,000 or more shall require a summary of work evaluations of the recommended contractor. According to the Capital Improvements Information System, there are no evaluations on file for Douglas N. Higgins, Inc. The contractor was awarded \$2,925,350, inclusive of a contingency allocation of \$158,350, for the existing contract for a total contract period of 790 days in 2017. According to the firm history, prior to the 2017 contract award, the company had not performed any prior work for Miami-Dade County.

Figure 1 depicts the Little River Canal Bridge Replacement Project site.

**Figure 1**



Source: Village of El Portal

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**Researcher: MF   Reviewer: PGE**

OCA consulted the Occupational Safety and Health Administration's (OSHA) website, which revealed the contractor, Douglas N. Higgins Inc., received several fines during 2017. Table 1 provides a breakdown of said violations, although details of the exact violations were not available. Records indicate the subject cases associated with the violations were issued final orders in April 2018 with all fines settled.

**Table 1**

OSHA Violations		
Date	Violations/Fine Amount	Total Fines
December 7, 2017	Serious violation - \$18,295 Repeat violation - \$365	\$18,659
November 6, 2017	Serious violation - \$12,934 Willful violation - \$129,336 Repeat violation - \$20,326	\$162,596
July 21, 2017	Serious violation - \$12,549	\$12,549
January 16, 2017	Serious violation - \$119,507	\$119,507
		<b>TOTAL: \$313,311</b>

The aforementioned OSHA reports may be accessed here:

[https://www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1281864.015](https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1281864.015)  
[https://www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1277394.015](https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1277394.015)  
[https://www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1249047.015](https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1249047.015)  
[https://www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1243748.015](https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1243748.015)

OCA performed due diligence on the contractor, Douglas N. Higgins, Inc., on June 23, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Douglas N. Higgins, Inc.	Foreign Profit Corporation  Active  Principal Address: 3390 Travis Pointe Rd. Suite A Ann Arbor, MI  Filed: August 1, 1973	No account on file	Active  Licensed for: General Contractor; Business Information;	No relevant litigation

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**ADDITIONAL INFORMATION**

OCA conducted an Internet search on the contractor, Douglas N. Higgins Inc., on June 2, 2020. According to the contractor's website, the company was founded 54 years ago in Michigan and provides underground utility and municipal infrastructure industry services. The company has worked on several high-profile projects across Florida including:

- Hurricane Irma repairs in Monroe County
- Picayune Strand restoration project in Collier County
- Turtle Rock reclaimed water main, Sarasota County
- Pump station modifications in Miami-Dade County
- Imperial Harbor water main replacement in Bonita Springs (Lee County)

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

**DEPARTMENTAL INPUT**

OCA requested the following information from DTPW on June 2, 2020; the Department responded June 3, 2020 and the answers are noted below in Italics.

- Per the mayor's memo, the extension of time for the company is necessary due to unexpected utility relocation requirements by the South Florida Water Management District. Please provide details of the specific work that will be conducted during the time extension period.  
*The contractor will continue with the bridge replacement and approach roadway reconstruction that were delayed by the requirements of South Florida Water Management District.*
- Can the company confirm that this additional proposed extension of time will be the last one for this project or are there anticipated extensions in the future?  
*There may be other time extension requests as construction activities are in the beginning stages and unforeseen field conditions may cause delays to the completion of the project.*

**APPLICABLE LEGISLATION/POLICY**

**Administrative Order 3-39** sets forth the standard Process for Construction of Capital Improvements, Acquisition of Professional Services, Construction Contracting, Change Orders and Reporting. Established the County's standard procedures for the implementation, classify, track, monitor and report capital construction projects.

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

**Section 2.8.1.1.1.2 of the Miami-Dade County Code (Small Business Enterprise Goods Program)** provides definitions and eligibility for participation in SBE Goods program, establishes criteria for contract measures (set-asides, subcontract goals, bid preference, selection factor); provides for sanctions and penalties for vendor non-compliance.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1.1.1.2SMBUENGOPR](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.2SMBUENGOPR)

**Section 2-1701 of the Code of Miami-Dade County** governs the Community Workforce Program.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTCXIICOWOPR\\_S2-1701COWOPR](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR)

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**Researcher: MF   Reviewer: PGE**

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

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

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

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

**Resolution No. R-1181-18**, adopted November 8, 2018, directs the Mayor to consider 1) safety records of prospective contractors and first-tier sub-contractors for public construction projects; 2) confirm the safety records of recommended contractors and first-tier sub-contractors; and 3) provide a report to the Board within 60 days.

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

**Resolution No. R-702-17**, adopted July 6, 2017, approved the contract award to Douglas N. Higgins, Inc. in the amount of \$2,925,350, for design-build services for the project entitled "Bridge Replacement at North Miami Avenue over the Little River Canal" (Bridge No. 874127).

<http://www.miamidade.gov/govaction/matter.asp?matter=171316&file=true&fileAnalysis=false&yearFolder=Y2017>

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

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

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

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

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

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

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**Item No. 15C1  
File No. 201216**

**Researcher: CB   Reviewer: PGE**

**NOMINATIONS FOR APPOINTMENT TO THE GOODS AND SERVICES TASK FORCE**

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Clerk of the Board

**ANALYSIS**

OCA completed the required background research for the nominees being considered for appointment to the Goods and Services Task Force. The nominees are: Luis Fernandez, Makeba Gassant, Irvine A. Headley, Darryl Holsendolph, Paola Pierre, Jill Press, Ana Tris, and Kathy Emery. There are no adverse findings for the nominees.

**APPLICABLE LEGISLATION**

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

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

### **CONTRIBUTORS**

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Cedric J. Brazle, Jr., Executive Secretary

### **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).