



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

TOURISM AND THE PORTS COMMITTEE MEETING

September 10, 2020

9:30 A.M.

Virtual Meeting

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Commission Auditor

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TABLE OF CONTENTS

DEPARTMENTAL ITEMS

INTERNAL SERVICES

| | |
|--|----|
| 3A (201671): Elevators, Escalators, and Moving Walkways..... | 3 |
| 3B (201673): Canal Maintenance Services for Miami-Dade Aviation..... | 10 |

**TAPS Meeting:
September 10, 2020
Research Notes**

**Item No. 3A
File No. 201671**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$14,750,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00687 FOR PURCHASE OF INSTALLATION, MAINTENANCE, AND MODERNIZATION OF ELEVATORS, ESCALATORS, AND MOVING WALKWAYS FOR THE MIAMI-DADE AVIATION DEPARTMENT AND DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority in an amount not to exceed \$14,750,000 for *Prequalification Pool No. RTQ-00687, Installation, Maintenance, and Modernization of Elevators, Escalators, and Moving Walkways*, for the Miami-Dade Aviation Department (\$13,000,000) and the Department of Transportation and Public Works (\$1,750,000).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item has no procedural history.

ANALYSIS

The purpose of this item is to grant additional expenditure authority for the modernization, maintenance, and repair of 381 elevator equipment units across various Miami-Dade Aviation Department (MDAD) buildings as well as Miami International Airport (MIA)'s conveyance units, and 27 elevator and escalator units primarily located at the Metromover Stations in downtown Miami. The \$14,750,000 requested additional allocation includes \$13,000,000 for MDAD and \$1,750,000 for the Department of Transportation and Public Works (DTPW) to address aged units.

This pool was established on April 10, 2018 via Resolution No. R-330-18 in the amount of \$44,448,000 for a term of five years, expiring April 30, 2023. The pool has seven prequalified vendors and five user departments—MDAD, the Internal Services Department, PortMiami, Public Housing and Community Development (PHCD), and DTPW. The additional allocation being requested will supplement MDAD and DTPW's existing cumulative allocations. If the requested modification is approved, the pool's modified cumulative allocation will be \$59,198,000, representing a percent increase of 33.2% to the existing cumulative allocation.

The pool is utilized by each user department via an Invitation to Quote (ITQ) sent to the vendors who are prequalified for the type of equipment required. The award must be made to the vendor offering the lowest price. Oracle Elevator Company was awarded the contract for both MDAD and DTPW under this pool via *ITQ687-1* from November 2018 to the pool's expiration on April 30, 2023.

According to the pool's Blanket Purchase Order, MDAD's existing cumulative allocation is \$40,912,015 of which \$21,468,971 has been released (as of September 6, 2020), leaving a balance of \$19,443,044. The \$13,000,000 requested additional allocation for MDAD will support the modernization of MIA's aged conveyance units as well as support the continued maintenance and repairs of 381 elevator equipment units.

DTPW has exhausted its \$976,560 allocation 28 months into the 60-month contract. The current allocation was depleted due to the current preventive maintenance cost of \$18,880 monthly, as well as a \$561,108 expenditure in non-monthly

**TAPS Meeting:
September 10, 2020
Research Notes**

**Item No. 3A
File No. 201671**

Researcher: JFP Reviewer: PGE

preventive maintenance, including emergency services and repairs. The \$1,750,000 requested additional allocation for DTPW, which includes a 10% contingency allowance, will allow for the modernization, maintenance, and repair services for 27 elevator and escalator units, several of which are over 25 years old, and thus proper compliance with accessibility requirements pursuant to the Americans with Disabilities Act. The department is requesting an increased allocation to sustain these costs till the end of the pool period, with the request accounting for an additional \$200,000 necessary to maintain operation of the elevators and escalators at the Metromover Stations, addressing the following required repairs:

Escalators

- Step chains and handrails
- Belly repairs
- Unforeseen repairs due to potential equipment failure/incidents, etc.

Elevator

- Platform flooring/replacement
- Hoist way glass replacement
- Drive and software
- Unforeseen repairs due to potential equipment failure or flooding (rainy season), etc.

The additional allocation request also accounts for a \$133,557 cost incurred due to a necessary repair completed in January 2020 that remains unpaid due to the department's current allocation having been depleted. It is unclear why these costs were not properly forecasted at the onset of the contract and if this allocation will sustain the department until the end of the pool term in 31 months, as this equipment is outdoors, thus necessitating more frequent repairs due to water penetration and exposure to vandalism causing increased equipment malfunctions.

The table below details OCA's due diligence review of all the pool's prequalified vendors.

| Awarded Firms | Current County Contracts | Corporate Registration | Tax Collector's Office | Florida DBPR | Litigation (Westlaw) |
|------------------------------------|--------------------------|---|---|---|----------------------|
| Delaware Elevator of Florida, Inc. | - | Florida Profit Corporation Active Principal Address: 1 NW 28 th Street Boca Raton, FL 33431 Filed: October 9, 2007 | Doing Business in Miami-Dade County Paid and Current | License Type: Registered Elevator Company | No relevant cases. |

**TAPS Meeting:
September 10, 2020
Research Notes**

**Item No. 3A
File No. 201671**

Researcher: JFP Reviewer: PGE

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|----------------------------------|-------------------------------------|--|---|---|--|
| Eastern Elevator Service Inc. | ITQ687-1 (ISD) | Florida Profit Corporation Active Principal Address: 2111 No. Commerce Parkway Weston, FL 33326 Filed: August 3, 2006 | Doing Business in Miami-Dade County \$75 Due (2021) | License Type: Registered Elevator Company | No relevant cases. |
| Oracle Elevator Company | ITQ687-1 (DTPW, PortMiami and MDAD) | Florida Profit Corporation Active Principal Address: 43 Daycoeton Place Torrington, CT 06790 Filed: November 17, 1982 | Business Address: 8000 NW 25 th St., Suite 400 Doral, FL 33122 Paid and Current | License Type: Elevator | <i>Linda Walker v. Broward County, et al</i> (Case No. CACE20001105). Filed on January 21, 2020 in the 17th Judicial Circuit, Broward County. Allegation: Defendant Oracle Elevator Company negligently maintained elevator and allowed a negligent condition to exist causing plaintiff invitee to be trapped in elevator door, resulting in injuries and damages to plaintiff. Case Status: Open; Second Amended Complaint filed March 26, 2020. |
| Premier Elevator Services, Corp. | - | Florida Profit Corporation Active | Doing Business in Miami-Dade County Paid and Current | License Type: Registered Elevator Company | No relevant cases. |

**TAPS Meeting:
September 10, 2020
Research Notes**

**Item No. 3A
File No. 201671**

Researcher: JFP Reviewer: PGE

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|--------------------------------------|--------------------------------------|--|--|---|---|
| | | Principal Address: 6601 Lyons Road Suite I-7 Coconut Creek, FL 33073 Filed: October 14, 2016 | | | |
| Schindler Elevator Corporation | SS1245- 3/27-2 and 9103-5/19-4 | Foreign Profit Corporation Active Principal Address: 20 Whippany Road Morristown, NJ 07960 Filed: March 8, 1979 | Doing Business in Miami-Dade County \$75 due (2021) | License Types: Elevator; Registered Elevator Company | <i>Betty Chauncey Emery v. Schindler Elevator Corporation</i> (Case No. 2020-CA- 002249). Filed on April 17, 2020 in the Fourth Judicial Circuit, Duval County. Allegation: Defendants negligently allowed the door of the elevators to remain in defective condition, causing it to close onto plaintiff that resulted in injuries. Case Status: Open; Request to Produce on June 18, 2020. |
| Suncoast Elevator Solutions, Inc. | - | Florida Profit Corporation Active Principal Address: 7238 NW 70th St. Miami, FL 33166 Filed: October 10, 2011 | Business Address: 7238 NW 70th St. Miami, FL 33166 Paid and Current | License Type: Registered Elevator Company | <i>Equailla Dunkley et al v. YMP Center Court, LLC et al</i> (Case No. 2018- 026971-CA-01). Filed on August 8, 2018 in the 11th Judicial Circuit, Miami-Dade County. Allegation: Defendant negligently maintained the subject premises by allowing the hazardous condition |

**TAPS Meeting:
September 10, 2020
Research Notes**

**Item No. 3A
File No. 201671**

Researcher: JFP Reviewer: PGE

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| | | | | | to present on the elevator, causing plaintiff to get trapped in elevator resulting in injuries to the plaintiff. Case Status: Open; Calendar Call scheduled for March 19, 2021. |
| ThyssenKrupp Elevator Corporation | SS1243-3/24-2 and 1233-5/19-4 | Foreign Profit Corporation Active Principal Address: 11605 Haynes Bridge Road Suite 650 Alpharetta, GA 30009 Filed: September 13, 1999 | Business Address: 7481 NW 66 th St. Miami, FL 33166 Paid and Current | License Type: Elevator | <i>Dennis Long v. Miami-Dade County and ThyssenKrupp Elevator Corporation</i> (Case No. 2019-030662-CA-01). Filed on October 16, 2019 in the 11 th Judicial Circuit, Miami-Dade County. Allegation: Defendants failed to maintain elevator causing it to crash to the ground, resulting in damages to plaintiff. Case Status: Open; Order on Motion to Compel on August 28, 2020. |

A September 6, 2020 search on the Business Management Workforce System for the pool's Commodity Codes, 29570 – Passenger Elevators and Parts, and NAICS 238290 – Elevator Installation, did not yield any certified local Small Business Enterprise firms.

ADDITIONAL INFORMATION

It should be noted that, although not the subject of this request for additional expenditure authority, PHCD has exhausted its allocation under this pool. It is unclear how the department will address its elevator and escalator installation, maintenance, and modernization needs until the pool expires in April 2023.

Tampa elevator company exec says he was fired after raising discrimination concerns (article detailing allegation against awarded vendor, Oracle Elevator Company)

<https://www.tampabay.com/business/tampa-elevator-company-exec-says-he-was-fired-after-raising-discrimination-concerns-20190322/>

**TAPS Meeting:
September 10, 2020
Research Notes**

**Item No. 3A
File No. 201671**

Researcher: JFP 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; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

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

Section 2-11.16 of the Code of Miami-Dade County governs responsible wages on County construction contracts, prescribing that, in addition to the other elements of the term "responsible bidder" in law or in the discretion of the Board of Commissioners of Miami-Dade County, as applies to competitively bid County contracts in excess of \$100,000 for the construction, alteration, and/or repair, including painting or decorating, of public buildings or public works, shall mean a bidder who provides documented proof in its bid that the various classes of laborers and mechanics will be paid no less than the specified overall hourly rates as set forth in the contract specifications.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-11.16COCOCO

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

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551_FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR

Resolution No. R-330-18, adopted April 10, 2018, established *Prequalification Pool Rtg-00687* in a total amount up to \$44,448,000.00 for the purchase of installation, maintenance, and modernization of elevators, escalators, and moving walkways for various County departments for an initial term of five years.

<http://intra/gia/matter.asp?matter=180438&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-716-12, adopted September 4, 2012, requires identification of small business enterprise firms in any procurement item submitted for Board approval.

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

Resolution No. R-477-18, adopted May 1, 2018, 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 nonlocal vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

**TAPS Meeting:
September 10, 2020
Research Notes**

**Item No. 3A
File No. 201671**

Researcher: JFP Reviewer: PGE

Implementing Order 3-38 sets forth the County's policies and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

**TAPS Meeting:
September 10, 2020
Research Notes**

**Item No. 3B
File No. 201673**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01370 TO AQUATIC CONTROL GROUP, INC. FOR THE PURCHASE OF CANAL MAINTENANCE SERVICES FOR MIAMI-DADE AVIATION DEPARTMENT WITH AN AMOUNT NOT TO EXCEED \$1,522,671.00, FOR A THREE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD TO AQUATIC CONTROL GROUP, INC., ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve award of *Contract No. FB-01370* to Aquatic Control Group, Inc., for the purchase of canal maintenance services with a fiscal impact of up to \$1,522,671 for a term of three years for the Miami-Dade Aviation Department (MDAD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

There is no procedural history for this item currently.

ANALYSIS

The purpose of this item is for the County to award a contract for canal maintenance services consisting of the removal of invasive species and the cleanup of trash and debris to enhance water flow and deter flooding along canals in the vicinity of Miami International Airport (MIA) and General Aviation Airports (GAA). Aquatic invasive species are known as non-native plants that have evolved to live primarily in water. The recommended item awards *Contract No. FB-01370* to Aquatic Control Group, Inc. (Aquatic) for three years – and no option to renew – with a fiscal impact of \$1,522,671.

Per the solicitation, the method of award was to the lowest responsive, responsible bidder in the aggregate who met the qualification criteria. That criteria requires the awardee to be licensed by the State of Florida for pesticide application. The awardee shall have the capability to provide adequate equipment and staff to perform waterway cleanup duties, which include the removal of invasive plants. Additionally, the awardee shall be tasked with performing weekly maintenance, in the form of trash and debris removal, at MIA and GAA canal sites. As per the solicitation, the scope of work the vendor shall:

- Furnish all labor, materials, and equipment to prevent the growth of invasive plants and algae
- Remove all trash and debris from the designated waterways weekly
- Conduct herbicidal spraying three cycles per year
- Remove hydrocarbon oil absorbent booms

Under the scope of work, the contractor will conduct cleanup and maintenance services on 10 major canals along MIA, and at nine canals and lakes along GAA facilities (Opa-Locka Executive Airport (OPF), Miami Executive Airport (TMB) and Homestead General Airport (X51).

**TAPS Meeting:
September 10, 2020
Research Notes**

**Item No. 3B
File No. 201673**

Researcher: MF Reviewer: PGE

An Invitation to Bid for this solicitation was advertised January 9, 2020. Five bids were received, including two “No Bids.” The awardee, Aquatic Control Group, Inc., was the deemed lowest bidder. The other two companies that submitted bids – Crodon Inc. and Superior Landscaping & Lawn Services, Inc. – submitted higher bids than Aquatic; however, the mayor’s memo is silent pertaining bid amounts of the other two companies.

According to the County’s Bid Tracking System (BTS), there is no current contract in place for MDAD canal maintenance services. Notwithstanding, as a cost comparison for this item, OCA reviewed the last contract of this type, *Contract 75404-4/12, Canal Maintenance Services*, which was valued at \$597,261.01 for a four-year term and expired on May 31, 2011. The scope of services under that contract was similar to the current item. Table 1 below provides fiscal details of the expired contract which was awarded to Deangelo Brothers LLC dba Aquagenix; this incumbent vendor submitted a “No Bid” for the contract under this item.

Table 1

| Contract No. 7504-4/12 Canal Maintenance & Management Services | | | |
|---|---------------------|----------------|-----------------|
| Terms | Total Value | Total Releases | Total Remaining |
| Initial Term June 1, 2007 – May 31, 2008 | \$145,463.38 | \$104,999.64 | \$40,463.74 |
| OTR 1 June 1, 2008 – May 31, 2009 | \$153,463.87 | \$150,801.98 | \$2,661.89 |
| OTR 2 June 1, 2009 – May 31, 2010 | \$149,166.88 | \$149,166.88 | \$0.00 |
| OTR 3 June 1, 2010 – May 31, 2011 | \$149,166.88 | \$60,000.00 | \$89,166.88 |
| TOTAL | \$597,261.01 | | |

Table 2 below compares the annual allocation under the expired contract (specifically the value of OTR #3) with the annual allocation under the recommended contract totaling 1,522,671. The new contract is \$358,391 – or 240% – more annually than the expired contract.

| Contract No. | Annual Allocation | Term |
|--------------------------------|--------------------|----------------------------|
| 7504-4/12 (expired) | \$149,166.88 | OTR #3 (06/2010 – 05/2011) |
| FB-01370 (recommended) | \$507,557 | Annually |
| Annual Price Difference | \$358,391 ↑ | |

As part of the market research for this item, ISD consulted the Florida Fish and Wildlife Conservation Commission (FWC) to obtain information on the types of invasive aquatic plants that exist in the state’s waterway systems. According to the research, such non-native plants impact approximately 1.7 million acres of Florida; specifically, there are three major species of invasive plants along the canals in the vicinity of MIA and GAA, as listed below and depicted in Illustration 1. According to the University of Florida, Florida Wildlife Extension, non-native invasive plants easily carry far away by wind, water, and birds, for example, resulting in areas with fewer plant species and fewer feeding and cover opportunities for wildlife. These types of plant invasions destroy and degrade natural areas throughout Florida.

**TAPS Meeting:
September 10, 2020
Research Notes**

**Item No. 3B
File No. 201673**

Researcher: MF Reviewer: PGE

- *Hydrilla verticillata* (Common Name: Hydrilla)
- *Hygrophila polysperma* (Common Name: East Indian Hygrophila)
- *Rotala rotundifolia* (Common Name: Roundleaf toothcup, Dwarf Rotala) – considered most aggressive

Illustration 1



OCA conducted a search for the Commodity Codes 67585 (Dry Formulation Herbicides), 67590 (Liquid Formulation Herbicides) and 88516 (Algae and Microbe Control Chemicals, Air Conditioning and Cooling Water) on the Business Management Workforce System's Certified Vendor Directory on September 3, 2020. The results netted the following SBE:

- Pancar Industrial Supply Corporation Miami, FL SBE-G&S

Whether this vendor has the capacity to participate in any aspect of the contract's scope of services is beyond the scope of this research note. The vendor listed above did not submit a proposal for the subject contract.

OCA performed due diligence on the awarded vendor, Aquatic Control Group, Inc., on September 3, 2020, below are the findings.

| Awarded Firm(s) | Corporate Registration | Tax Collector's Office | Florida DBPR | Westlaw |
|------------------------------|--|--|---------------------|----------------------|
| Aquatic Control Group, Inc., | Florida Profit Corporation Active Principal Address: 1501 NW 37 St. Miami, FL Filed: October 19, 2011 | Business Address: 1501 NW 37 St. Miami, FL Paid and Current | No account on file | No litigation found. |

ADDITIONAL INFORMATION

Based on information found on Aquatic Control Group, Inc.'s website, the company was founded more than 22 years ago and specializes in canal and waterway maintenance. The company has experience in such services as tree and debris removal,

**TAPS Meeting:
September 10, 2020
Research Notes**

**Item No. 3B
File No. 201673**

Researcher: MF Reviewer: PGE

herbicide treatment, and maintenance of embankments, in scenarios such as storms and hurricanes across Florida.
<https://www.aquaticcontrolgroup.com/>

Illustration 2 below was captured from Aquatic Control Group, Inc's website and depicts the type of canal maintenance work the company performs.

Illustration 2



DEPARTMENTAL INPUT

OCA sent the following inquiry to ISD on September 3, 2020; as of the publication date of this research note, the Department had not responded.

- Please indicate how MDAD has mitigated the canal cleanup and maintenance work for the past 10 years since the last contract ended in 2010 (through Contract No. 7504-4/12).
- Is the maintenance work needed as part of an FWC mandate or letter sent to the County requiring this type of maintenance work? If so, kindly provide said correspondence or explain in detail.
- The awarded contract for this item is for three years with no option to renew. Is there a long-term plan in place to handle the maintenance and cleanup of the canals at MIA and GAA? Please explain.

APPLICABLE LEGISLATION/POLICY

Florida Statute Section 487.011 is administered by the Department of Agriculture and Consumer Services for pesticide regulation and safety.

<https://www.flsenate.gov/Laws/Statutes/2018/0487.011>

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

**TAPS Meeting:
September 10, 2020
Research Notes**

Item No. 3B
File No. 201673

Researcher: MF Reviewer: PGE

approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

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

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

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

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

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

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

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>

CONTRIBUTORS

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

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

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