



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

**HEALTH CARE AND COUNTY OPERATIONS
COMMITTEE**

September 11, 2020

9:30 A.M.

Virtual Meeting

Yinka Majekodunmi, CPA
Commission Auditor

Office of the Commission Auditor (OCA)
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Miami, FL 33128
(305) 375-2524

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**HCCO Meeting:
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Research Notes**

**Item No. 3B
File No. 201662**

Researcher: JFP Reviewer: PGE

RESOLUTION RATIFYING AN EMERGENCY PURCHASE IN THE AMOUNT OF \$100,000.00 AND INCREASE IN EXPENDITURE AUTHORITY IN THE AMOUNT OF \$2,900,000.00 FOR THE PURCHASE OF MOVING SERVICES FOR PREQUALIFICATION POOL NO. RTQ-01333 FOR THE MIAMI-DADE ELECTIONS DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should ratify an emergency purchase in the amount of \$100,000 as well as approve \$2,900,000 in additional expenditure authority for *Prequalification Pool No. RTQ-01333, Moving Services* for the Elections Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item has no procedural history.

ANALYSIS

The purpose of this ratification and authorization of additional expenditure authority is to support moving services for the Elections Department through the remainder of the pool's term, allowing the department to utilize the pool for the upcoming 2020 Presidential Election as well as through the 2024 election cycle. The pool was established under delegated authority on September 25, 2019 for a term of five years to facilitate the delivery and pickup of voting equipment (e.g., optical scanners, privacy booths, ballot transfer carts, check-in stations, etc.) and related supplies, such as folding tables and chairs, to and from Early Voting and Election Day locations.

The Elections Department initially requested a \$400,000 allocation to pilot this service on a trial basis for the 2019 municipal elections and the March 2020 Presidential Preference Primary Election. The pool is currently valued at \$1,099,000 after the following modifications:

Mode of Modification	Date	Amount
Mayor's Authority	2/26/2020	\$599,000
Delegated Authority (Emergency Purchase subject to Board ratification)	7/22/2020	\$100,000
TOTAL		\$699,000
Original Contract Amount		\$400,000
EXISTING CUMULATIVE ALLOCATION		\$1,099,000
Additional Allocation Request		\$2,900,000
MODIFIED CUMULATIVE ALLOCATION		\$3,999,000
		(264% Increase from the Existing Cumulative Allocation)

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The \$100,000 emergency purchase subject to Board ratification was made when the Director of the Elections Department declared an emergency on July 13, 2020 due to the Election Department's remaining allocation being insufficient to support moving services for the August 2020 Primary Election. The department issued *ITQ009* on July 1, 2020, yielding only one respondent. Jasmov, Inc., dba Bekins of South Florida provided a quote of \$480,000 for the requested services. At the time, the current allocation available in the pool was only \$380,000, thus necessitating the \$100,000 emergency purchase to fulfill the contract in time for the August election while the additional \$2,900,000 allocation request, intended to sustain the pool until its expiration on September 20, 2024, is awaiting Board approval.

According to the pool's Blanket Purchase Order, of the \$1,099,000 allocated, \$1,098,915 has been released (as of September 9, 2020), leaving a balance of \$85. Upon approval of the requested additional expenditure authority, the pool's cumulative value will increase to \$3,999,000, with \$2,900,085 remaining. In its justification for the additional allocation, the department states that the cost of the moving services is offset by savings realized by reduced liability to the County, fewer temporary employees required with a reduced turnover rate, and eliminated rental truck costs. The pilot period also demonstrated operational benefits, as permanent staff could be reallocated to other critical functions, and the operations no longer involved uncertainty regarding rental truck availability.

The pool has four prequalified vendors, two being local. OCA's due diligence on the prequalified vendors, including relevant litigation, is detailed below.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Jasmov, Inc., dba Bekins of South Florida	Florida Profit Corporation Active Principal Address: 5300 N. Powerline Rd., Unit 100 Ft. Lauderdale, FL 33309 Filed: February 9, 2006	No account on file.	No account on file.	No relevant cases.
Millennium Relocation Services, Inc.	Florida Profit Corporation Active Principal Address: 9332 NW 101 Street Medley, FL 33178	Business Address: 9332 NW 101 Street Medley, FL 33178 Paid and Current	No account on file.	No relevant cases.

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	Filed: May 9, 1997			
Taylor Concepts Co., dba Esquire Logistics, Inc.	Florida Profit Corporation Active Principal Address: 8272 NW 21st St Doral, FL 33122 Filed: January 4, 2000	Business Address: 8272 NW 21st St Doral, FL 33122 2021 Taxes Due: \$45	No account on file.	No relevant cases.
First Class Moving of South Florida, Inc.	Florida Profit Corporation Active Principal Address: 8110 Anderson Road Suite 100 Tampa, FL 33634 Filed: June 19, 2014	No account on file.	No account on file.	No cases.

A September 9, 2020 search of the Business Management Workforce System for the firm's commodity code, 96256 - Moving and Relocation Services, yielded the following three certified Small Business Enterprises:

- Castle Services, Inc.
- In Touch Logistics, LLC
- Nobel Van Lines Inc., dba Nobel Relocation

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, including purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable; (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

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Researcher: JFP Reviewer: PGE

Resolution No. R-454-13, adopted June 4, 2013, directs the Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and to bring retroactive contract modifications to the Board within 120 days of modifications.

<http://www.miamidade.gov/govaction/matter.asp?matter=131016&file=true&fileAnalysis=false&yearFolder=Y2013>

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

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

Resolution No. R-1011-15, adopted November 3, 2015, directs 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-477-18, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a 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>

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/pdf/files/IO3-38.pdf>

**HCCO Meeting:
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Research Notes**

**Item No. 3C
File No. 201669**

Researcher: TA Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$3,038,000.00 FOR A MODIFIED CONTRACT AMOUNT OF \$13,841,000.00 FOR CONTRACT NO. FB-00634 FOR THE PURCHASE OF JANITORIAL SUPPLIES AND RELATED ITEMS FOR MULTIPLE DEPARTMENTS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF CONTRACT NO. FB-00634 FOR GROUPS 1 AND 2, INCLUDING ANY EXTENSIONS OR CANCELLATION, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS 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 additional expenditure authority in a total amount up to \$3,038,000 for Contract No. FB-00634 for continued purchase of janitorial supplies and related items by County departments.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

ANALYSIS

The purpose of this item is to grant additional expenditure authority in the amount of \$3,038,000 for the continued purchase of janitorial supplies and related items for various County facilities. There are over 300 items available under this contract, including: cleaners, disinfectants, soap, hand sanitizers, dispensers, brooms, brushes, mops, sponges, buckets, waste receptacles, and waste can liners. Due to the COVID-19 pandemic, there has been an unforeseen demand for these items, resulting in higher than standard departmental spending under this contract. The requested increased expenditure is needed to replenish departmental allocations to address both normal operating conditions as well as to provide for additional capacity associated with more frequent cleaning cycles to mitigate the spread of the virus.

This pool was originally established on September 5, 2018 pursuant to Resolution No. R-887-18 in the amount of \$9,002,000 for a five-year term. The contract expires on September 30, 2023, and no extension of the contract is being requested at this time. Three modifications have been administratively approved, resulting in an existing cumulative allocation of \$10,803,000, as detailed below:

	Amount	Percentage Increase
Initial Pool	\$9,002,000	↑ 20%
Modification #1 (10/12/18)	+\$250,000	
Modification #2 (6/10/19)	+\$15,000	
Modification #3 (9/11/19)	+1,535,400	
Existing Cumulative Allocation	\$10,803,000	
Additional Allocation Requested	+\$3,038,000	↑ 54%
Modified Cumulative Allocation	\$13,841,000	

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Item No. 3C

File No. 201669

Researcher: TA Reviewer: PGE

The pool contract consists of three groups:

- Group 1 includes over 300 items awarded on an individual basis that are for non-federally funded purchases.
- Group 2 includes the same items as Group 1, but for federally funded purchases.
- Group 3 is a pre-qualification pool for items that are not included in Groups 1 and 2. Any spot market purchases up to \$100,000, must be set-aside for Small Business Enterprises (SBEs) as permitted by funding source and when there are three or more SBE-certified firms available.

It is not clear if Group 3 is an open pool that would allow additional vendors to be added at any time throughout the term of the contract. OCA identified one certified SBE firm (Glocecol, LLC) that was awarded under the original contract and is showing “active” in Sunbiz, but Procurement’s Bid Tracking System (BTS) is currently showing the firm as “inactive” and not a part of this contract. According to ISD, Glocecol, LLC is currently the subject of an Audit and Management Services Department investigation.

There are 15 vendors under the current contract, of which all but one (Allied Paper Co.) received awards under Group 1 or 2 and Group 3. The mayoral memo states that 10 of the firms are certified SBEs. However, one of the firms, Florida Clear Energy, LLC, is not identified as a certified SBE firm, but it is certified per the Business Management Workforce System (BMWS).

Of the \$3,038,000 being requested, \$50,000 will be allocated to the Cultural Affairs Department through this modification. The department will use this contract to purchase janitorial supplies for its facilities (African Heritage Cultural Arts Center, Joseph Caleb Auditorium, Miami-Dade County Auditorium, and South Miami Dade Cultural Arts Center). The table below shows each user department’s existing allocation, released amount, balance, requested increased spending and modified allocation were this item to be approved.

Department	Allocation	Released	Balance	Proposed Modification	Modified Balance
Animal Services	\$1,100,000.00	\$582,518.55	\$517,481.45	0	\$1,100,000
Aviation	\$300,000.00	\$60,377.26	\$239,622.74	0	\$300,000
Community Action and Human Services	\$130,000.00	\$52,699.33	\$77,300.67	0	\$130,000
Corrections and Rehabilitation	\$1,965,400.00	\$1,097,539.47	\$867,860.53	0	\$1,966,000
Fire Rescue	\$799,000	\$313,982.89	\$485,017.11	\$50,000	\$849,000
Public Housing	\$1,692,000.00	\$438,500.00	\$1,253,500.00	0	\$1,692,000
Internal Services	\$160,000.00	\$112,136.77	\$47,863.23	\$200,000	\$360,000
Library	\$30,000.00	\$29,544.50	\$455.50	\$200,000	
Transportation and Public Works	\$1,350,000.00	\$559,158.04	\$790,841.96	\$450,000	\$1,800,000
Police	\$60,000.00	\$55,889.03	\$4,110.97	\$200,000	\$260,000
Parks, Recreation and Open Spaces	\$1,620,000.00	\$1,015,143.28	\$604,856.72	\$900,000	\$2,520,000
Seaport	\$1,000,000.00	\$336,326.97	\$663,672.94	0	\$1,000,000
Solid Waste	\$70,000.00	\$40,021.24	\$29,978.76	\$125,000	\$195,000
Water and Sewer	\$526,000.00	\$490,940.02	\$35,059.98	\$863,000	\$1,389,000
Total	\$10,802,400.00	\$5,184,777.35	\$5,617,622.65	\$3,038,000	\$13,841,000

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File No. 201669**

Researcher: TA Reviewer: PGE

Based on a review of the above allocations and usage, the following departments are near depletion of their existing allocations, notwithstanding any additional needs related to COVID-19: Library, Police and Water and Sewer. Possible reasons for this are due to an inaccurate estimate of needs when the contract was originally established, or higher than anticipated usage during the contract period.

DEPARTMENTAL INPUT

OCA asked ISD the following questions on September 4, 2020. The department's responses are *italicized*.

1. Glocecol, LLC is an active SBE firm and listed as an awarded, but inactive company in BTS. What does "inactive" indicate;
Glocecol is not listed on the Mayor's memo as they were removed from County contracts and Pools due to the ongoing investigation by the Audit and Management Services Department. The term, "Inactive" means that the vendor is not active in the County's system and as such, is not eligible to receive any purchase orders from the County due to the audit.
2. Florida Clear Energy, LLC is a certified SBE, but is not identified as such in the item;
The omission of the firm's SBE status was a scrivener's error.
3. What is the forecasted time frame for the requested increased spending related to COVID-19; and
There is no forecasted timeframe as COVID-19 is an ongoing pandemic.
4. Summarize the enhanced cleaning protocol implemented due to COVID-19, including the frequency of such cleaning, as well as the impact to staffing requirements under the janitorial services contracts for ISD-managed facilities.
Although the contract names sound similar in nature, they are used for very different things. This item is only for the purchase of supplies and is not used to purchase janitorial services for ISD-managed facilities. The janitorial services for ISD Managed facilities are procured through a Countywide janitorial pool. This contract is used for the purchase of disinfectant products and wipes, hand sanitizer and dispensers, bleach products, graffiti remover, antiseptics, insecticides, repellents, product applicators, etc. During the COVID pandemic, ISD has purchased these items for all 60+ ISD buildings and on behalf of other County departments.

ADDITIONAL INFORMATION

In January 2019, a trial court found Inteboro Packaging Corporation breached its agreement with West Whiteland Township, PA because the bags it delivered were inferior to the sample bags it initially provided in the RFP process.

<https://www.waste360.com/legal/township-prevails-bait-and-switch-trash-bag-scheme>

APPLICABLE LEGISLATION/POLICY

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

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

[dade county/codes/code of ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE](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. 3C

File No. 201669

Researcher: TA Reviewer: PGE

Resolution No. R-887-18, adopted September 5, 2018, established Contract No. FB-00634 for the purchase of janitorial supplies and related items for various departments, in an amount up to \$9,002,000 for a term of five years.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2018/181820min.pdf>

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>

**HCCO Meeting:
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Research Notes**

**Item No. 3D
File No. 201678**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-00754 TO PARADIGM SOFTWARE, LLC FOR PURCHASE OF SCALE HOUSE OPERATIONS SOFTWARE AND HARDWARE SYSTEM FOR THE DEPARTMENT OF SOLID WASTE MANAGEMENT WITH AN ESTIMATED FISCAL IMPACT TO THE COUNTY IN AN AMOUNT OF UP TO \$1,391,523.00 FOR THE INITIAL SIX-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize a contract award for RFP No. 00754 to Paradigm Software, LLC., for the purchase of Scale House Operations software and hardware system in an amount up to \$1,391,523 for an initial six-year term with two, three year options to renew for the Miami-Dade Department of Solid Waste Management (DSWM).

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 Board to approve a six-year initial term contract with Paradigm Software, LLC., (Paradigm) for the scale house operations software and hardware system in an amount up to \$1,391,523 and two, three-year options to renew, bringing the estimated cumulative value to \$2,282,623 for DSWM. The Scale House Operation system processes 480,000 inbound and outbound waste disposal transactions and has over 200 customer accounts and generates over \$100 million annually in billing invoices. The County originally contracted with Paradigm on June 25, 2008, under a bid waiver, Contract No. BW8675-1/12. Below is a timeline of the contracts that have been awarded to Paradigm as well as the proposed contract: See Table 1.

Table – 1 Timeline inclusive of the proposed contract and options to renew.

Contract Type	Effective Date	Expiration	Value
BW8675-1/12	06/25/2008	01/27/2010	\$ 99,655.50
BW8675-1/12-1	01/28/2010	07/31/2016	\$ 827,000
L9867-1/20	08/01/2016	07/31/2018	\$ 123,500
L9867-1/20-1(1)	08/01/2018	01/31/2021	\$ 154,375
Total Value of Past Contracts			\$1,204,531
Contract Type	Effective Date	Expiration	Value
RFP No. 00754 (Proposed Contract)	TBD	TBD	\$1,391,523
First Option to Renew (3years)	TBD	TBD	\$ 372,563
Second Option to Renew (3years)	TBD	TBD	\$ 452,936
Total Value of Proposed Contract			\$2,217,022
Grand Total			\$3,421,553

**Source: Bid Tracking System and Payment and Option to Renew Schedule (page 56 of the Contract)*

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File No. 201678**

Researcher: IL Reviewer: PGE

The rationality for the variance in price between the current contract and the proposed contract is centered on the fact that the current contract covers operation and maintenance only, and the proposed contract is the complete overhaul and replacement of the current system utilized by DSWM.

DSWM has been utilizing the software CompuWeigh and according to the mayoral memo CompuWeigh has reached its end of life functionality resulting in a decline of optimal capacity causing delays and downtime amounting to the potential loss of revenue.

A request for proposals was advertised on June 13, 2019 to obtain proposals from qualified firms capable of meeting the demands of service at DSWM. The solicitation via BidSync invited over 12,000 potential vendors of which 61 downloaded the solicitation documents. On June 20, 2019, a pre-proposal meeting was held, and three vendors attended the meeting. On July 17, 2019, on the submittal date, a single proposal was received by ISD. The proposal was accepted by ISD and negotiations with the firm resulted in 13 percent savings from the proposed costs for the initial term. The scope of services are listed below:

Paradigm's Project Manager will be responsible for:

- Submitting the detailed Implementation Plan to the County by an agreed upon date after the execution of the Agreement.
- Ensuring CompuWeigh interfaces with scale regardless of make or model provided scale has appropriate interface.
- One-time import of accounts, trucks, and rates from current system to CompuWeigh and historical transactional data if agreed to within the Agreement.
- Providing regular progress reports as the situation warrants and/or as the County reasonably requests, including meeting/interviewing with County Personnel throughout the Project as required.
- Meeting/Interviewing County Personnel during the Project as required; and providing overall direction, management, and leadership for the Project.
- Attending status meetings either in person or via a designated forum (as determined by Paradigm) or through conference calls or such other means as may be mutually agreed upon.
- Working with the County's Project Manager to create as part of the Implementation Plan an issues management process to resolve any issues.
- Making required modifications to the Milestones to obtain necessary approval(s).
- Serving as Paradigm's key contact for the County.

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Item No. 3D

File No. 201678

Researcher: IL Reviewer: PGE

The Office of the Commission Auditor (OCA) conducted a due diligence review on September 3, 2020 of Paradigm Software, LLC; see Table -2.

Table 2 due diligence review

Awarded Vendor	Corporate Filing	Tax Collector	Westlaw
Paradigm Software, LLC	Foreign Limited Liability Company Principal Address: 113 Old Padonia RD, Suite 200m Cockeysville, MD 21030 Date Filed: 09/25/2000	None	No Relevant Cases

OCA conducted a search of the Business Management Workforce System (BMWS) on September 7, 2020. The contract's Commodity Code is 98846 (Landfill Services). Two SBE-G&S certified firms were identified:

- Blue Home Builders Corp., DBA Bh Builders Medley, FL
- The Combined Group Corp. Miami, FL

ADDITIONAL INFORMATION

OCA conducted an internet search on Paradigm Software, LLC., and found that Paradigm was recently contracted with Pinellas County for similar services under Contract No. 089-0065-P.

<https://www.pinellascounty.org/purchase/PDF/contract-listing.pdf>

APPLICABLE LEGISLATION/POLICY

Florida Statute 287.055 section 4(b) – The agency shall select in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services. In determining whether a firm is qualified, the agency shall consider such factors as the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to each firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. The agency may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations under subsection (5).

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board. **Section 2-8.1(b)(3) of the County Code** prescribes that formal sealed bids for purchase of goods or services shall not be required where such formal sealed bids would not be practicable.

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

**HCCO Meeting:
September 11, 2020
Research Notes**

Item No. 3D

File No. 201678

Researcher: IL Reviewer: PGE

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

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

Resolution No. R-140-15, adopted February 3, 2015, directs the Mayor to conduct a full review of the scope, prior to the re-procurement of replacement contracts for goods or services to ensure such contracts reflect the current needs of the County, to include information in recommendations to the Board, and to consult with the Small Business Development Division regarding solicitation contract language.

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

Resolution No. R-1011-15, adopted November 3, 2015, directs the 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, and directs the Mayor to include such information in the memorandum to Board pertaining to vendor being recommended for contract award.

<http://www.miamidade.gov/govaction/matter.asp?matter=152271&file=true&fileAnalysis=false&yearFolder=Y2015>

Resolution No. R-477-18, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a 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>

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; 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>

**HCCO Meeting
September 11, 2020
Research Notes**

**Item No. 3E
File No. 201681**

Researcher: VW Reviewer: TA

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01337 IN A TOTAL AMOUNT UP TO \$2,430,000.00 FOR THE FIRST YEAR OF THE FIVE-YEAR TERM FOR THE PURCHASE OF POLYMER FOR WATER TREATMENT FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should approve the establishment of a prequalification pool, *RTQ-01337: Polymer for Water Treatment*, for the Miami-Dade Water and Sewer Department (WASD) in an amount up to \$2,430,000 for the first year of the five-year term.

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 to approve the establishment of a prequalification pool, *RTQ-01337: Polymer for Water Treatment*, for WASD to purchase polymer and polymeric flocculants. Polymer and polymeric flocculants are used in the wastewater treatment processes to coagulate suspended solids and produce large curds of solid materials (floc) facilitating the removal of organic sludge from and clearing the cloudiness of raw water. The term of this pool will be for a five year term in an amount up to \$2,430,000 for the first year of the term. The department will recommend a future allocation and time frame based on actual usage.

The subject pool will consolidate three existing pools: Prequalification Pool 4048-0/15 – *Polymeric Flocculants*, Prequalification Pool 7879-0/15 – *Polymer for Water Treatment*, and Prequalification Pool 5840-0/23 – *Polymeric Flocculants*. Four vendors responded to the solicitation, including one “No Bid”. Two vendors are being recommended for inclusion in this pool: Kemira Chemicals, Inc. and Polydyne, Inc. The pool will remain open allowing additional vendors that meet the prequalification criteria to be added throughout the pool's term.

It should be noted that two of the three prequalification pools, 4048-0/15 – *Polymeric Flocculants* and 7879-0/15 – *Polymer for Water Treatment* are set to expire on September 30, 2020, prior to this pool being established. In addition, because there will only be two firms in the new consolidated pool, this allows for limited competition and may impact the County's ability to obtain pricing that may be possible under the existing pools. The five firms under the existing pools are as follows:

1. BASF Corp
2. US Polymers, Inc.
3. Polydyne, Inc.
4. Kemira Chemicals, Inc.

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Researcher: VW Reviewer: TA

5. Solenis LLC

The two other bidders that responded to this solicitation were not under the existing pools. It is not clear why three vendors under the existing pools did not respond to the solicitation for this new pool.

The table below compares the existing three prequalification pools with the new proposed prequalification pool. The first year allocation for the replacement prequalification pool is roughly three percent higher than the combined annual allocation of the previous three prequalification pools which are being consolidated.

Table 1

Prequalification pool	Length of term	Cumulative value	Annual allocation
4048-0/15 – <i>Polymeric Flocculants</i>	04/01/2010-09/30/2020	\$20,322,580.65	\$1,943,195
7879-0/15 – <i>Polymer for Water Treatment</i>	10/01/2010-09/30/2020	\$2,734,280	\$273,428
5840-0/23 – <i>Polymeric Flocculants</i>	10/01/2013-09/30/2023	\$13,680,000	\$136,800
Total:			\$2,353,423
RTQ-01337, <i>Polymer for Water Treatment</i>	5 years	N/A	\$2,430,000 ¹

On September 3, 2020, OCA conducted due diligence on the two vendors being recommended for inclusion in the pool, which is detailed below.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Kemira Chemicals, Inc.	Foreign Profit Corporation Active 1000 Parkwood Circle Suite 500 Atlanta, GA 30339 Filed: May 16, 2007	Nothing found	No account on file.	Nothing found.
Polydyne, Inc.	Foreign Profit Corporation	Nothing found	No account on file.	Nothing found.

¹ \$2,430,000 reflects the allocation for the first year. The department will recommend a future allocation and time frame based on actual usage in the first year.

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File No. 201681

Researcher: VW Reviewer: TA

	Active			
	1 Chemical Plant Rd. Riceboro, GA 31323			
	Filed: October 2, 2001			

A September 3, 2020 search of the Business Management Workforce System for the pool's commodity code, 8857, *Polymer Flocculants, Color, Thickening, Dewatering, Coagulant Aid, Not Hardness Control* yielded 1 certified SBE firm:

- Expert Dewatering Inc.

APPLICABLE LEGISLATION/POLICY

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

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

[_dade_county/codes/code_of_ordinances?nodeId=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-140-15, adopted February 3, 2015, directed 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-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>

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>

**HCCO Meeting:
September 11, 2020
Research Notes**

**Item Nos. 3F
File No. 201683**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING REJECTION OF ALL PROPOSALS RECEIVED IN RESPONSE TO SOLICITATION NO. EPPRFP-01522 FOR THE PURCHASE OF INVESTMENT MANAGEMENT SOFTWARE FOR THE FINANCE DEPARTMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve rejection of all proposals received under *Solicitation No. EPPRFP-01522* for the purchase of Investment Management Software for the Finance Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

ANALYSIS

The purpose of this item is for the County to reject all proposals received under *Solicitation No. EPPRFP-01522, Investment Management Software*. The County's existing agreement, *Contract No. L411-A* was a legacy purchase awarded under delegated authority in July 2017 for maintenance and support services to the current investment management software system. Said system is utilized as an investment management software that maintains and monitors investment portfolios for the Finance Department in amounts fluctuating between \$5.5 billion to \$9 billion in fixed income assets.

OCA reviewed the Bid Tracking System on September 4, 2020 pertaining *Legacy Contract No. L411-A*. According to BTS, of the \$240,426 that was allocated for this contract, \$220,420.57 has been released, leaving a balance of \$20,005.43. The item is silent on whether a modification for additional expenditure be presented to the Board, as the Department has almost fully exhausted its allocation and whether the contract term will be extended as this replacement is being rejected.

In an effort to replace legacy *Contract No. L411-A* – initially awarded to FIS Data Systems Inc. dba AvantGard, LLC – the County advertised a Request for Proposals (RFP) on March 11, 2020 for firms with expertise in Investment Management Software – in the areas of implementation, integration, configuration, data conversion, disaster recovery, among other services. Per BTS, the value of the replacement contract would have been \$345,000 – the budgeted sum – funded by the General Fund. The solicitation netted proposals from three firms: Bloomberg Financial; Clearwater Analytics; and Emphasys Software. According to communication from ISD staff, of the three proposals received, one was for an estimated cost of \$1,314,011 and one was for \$1,733,275. Subsequently, after reviewing the proposals from all three vendors, the Finance Department concluded the best course of action would be to reject all proposals due to budgetary constraints – as two of the three price quotes were more than 240% of the budgeted amount for this purchase. According to the requestor Department, the third firm did propose a price within the allocated budget; however, concerns were raised about the firm's technical capabilities pertaining the services to be rendered.

As a remedy to this, in the future the Finance Department will re-evaluate the scope of services and market and determine appropriate budget modifications to devise a solicitation that supports the Department's needs. In the meantime – and until a new solicitation is issued – the maintenance and support services will remain uninterrupted through the current vendor. The item is silent pertaining to how the new solicitation will be materially different from the rejected one. However, the scope of services from the rejected solicitation consists of the following:

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File No. 201683**

Researcher: MF Reviewer: PGE

- A cloud or Software as a services-based Investment Management Software to include software, related maintenance and support and services to include planning, organizing, installing, configuring, testing for acceptance, and user training on the Software.
- Software should be of handling different users, trades, and configurable for the unique functional needs for each investment instrument.
- Software must be a commercially available product. The County is not seeking beta systems or purchasing professional services to design and develop a system.
- Software must be compliant with GASB 31, 40 and 72 Reporting guidelines.
- Implementation of the Software should include:
 - Provide validation checks and reduce manual work and mitigate human error
 - Ability to prepare streamlined reports based on key data.
- The proposer must map the data of the extracted and transformed files to the proposed Software and be responsible for loading historical data into the proposed Software.
- User Access requirements consist of:
 - A license model that does not require users counts; however, in the event that the proposed Software requires a “Per User” license model, the proposed Solution must accommodate, at a minimum, 20 named users, with the ability to add and remove user accounts as necessary during the term of the resultant Contract to not exceed 20 total named users.
 - The Solution should allow for an unlimited number of users to access the software during the term of the resultant Contract. In the event that any additional software needs to be installed, the selected Proposer should at a minimum provide twenty (20) user licenses.
 - The County prefers not to purchase separate licenses for third party applications which are embedded into the Software. All licenses that may be required by the Software for third party products are to be included with the proposed Software and maintained throughout the term of the resultant contract. Licensing must include all licenses required to operate and maintain the test, development/staging and training environments
- The software should account for the following types of investment securities and money market instruments:
 - Agency Discount Notes
 - Agency Callable Securities
 - Agency Callable Step-up Securities
 - Treasury Bills/Notes
 - Commercial Paper
 - Cash Accounts e.g. Passbook Accounts
 - CD's
 - Money Markets
 - Equities
 - Repurchase agreement
 - Support for other Investment Types as needed (i.e. Israeli Bonds)
- Among the minimum required program features are:
 - No limits on the number of portfolios the program can maintain
 - No limits to the number of databases available
 - A minimum of 9,999,999 individual security transactions; security types must be pre-defined by Miami-Dade County

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Researcher: MF Reviewer: PGE

- Provide various accretion and amortization options

OCA conducted a search for the BTS-listed Commodity Code 92045 (Software Maintenance/Support Services) on the Business Management Workforce System's Certified Vendor Directory on September 3, 2020. Listed below are the active SBEs identified.

- A.L Jackson & Company P.S. 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 360TechGroup Miami Lakes, FL SBE-G&S
- Teckpert, LLC dba Teckpert Miami, FL SBE-G&S

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

OCA performed due diligence on the current vendor, FIS AvantGard, LLC, on September 10, 2020; below are the findings.

Current (Awarded) Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
FIS Data Systems Inc dba FIS AvantGard, LLC	Foreign Limited Liability Company Active Principal Address: 601 Riverside Ave. Jacksonville, FL Filed: June 4, 2008	No account on file	No account on file	No litigation found

ADDITIONAL INFORMATION

OCA performed an Internet search of the current vendor, FIS AvantGard, LLC, on September 4, 2020. According to the website, the company offers merchant, banking and capital market solutions across the sectors of government, finance and accounting, energy and commodities, insurance, and corporates. <https://www.fisglobal.com/>

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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)

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-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>

**HCCO Meeting:
September 11, 2020
Research Notes**

**Item No. 3G
File No. 201684**

Researcher: JFP Reviewer: PGE

RESOLUTION AUTHORIZING LEGACY PURCHASE PURSUANT TO SECTION 2-8.1(B)(2) OF THE COUNTY CODE FOR A ONE YEAR TERM AND IN AN AMOUNT NOT TO EXCEED \$366,000.00 FOR CONTRACT NO. 234A-3 TO COGSDALE CORPORATION FOR THE PURCHASE OF ADPICS/FAMIS MAINTENANCE AND SUPPORT FOR THE FINANCE AND INTERNAL SERVICES DEPARTMENTS; AND, EXCEPT FOR THE EXERCISE OF OPTION-TO-RENEW PERIODS, AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT AND EXERCISE ANY EXTENSIONS OR TAKE ANY ACTIONS PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a legacy purchase for *Contract No. 234A-3, ADPICS/FAMIS Maintenance and Support* in the amount of up to \$366,000 for a one-year term (with four, one-year option to renew periods, each subject to separate Board approval) for the Finance and Internal Service departments.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item has no procedural history.

ANALYSIS

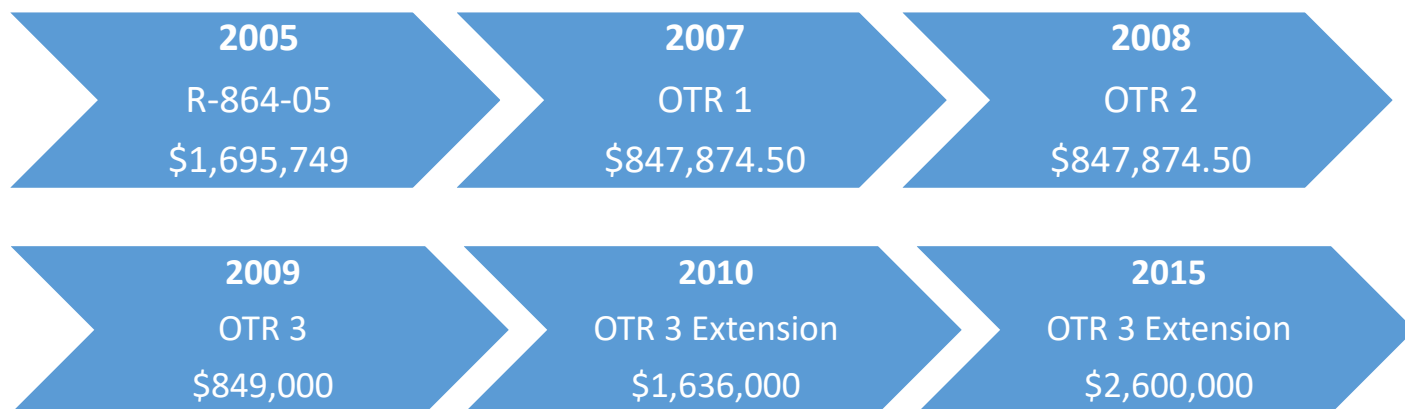
The purpose of this legacy purchase is to authorize continued utilization of Cogsdale Corporation's software maintenance and technical support services for the Advanced Purchasing and Inventory Control System (ADPICS) managed by the Internal Services Department and the online Financial Accounting Management Information System (FAMIS) managed by the Finance Department until the County fully transitions to the new PeopleSoft Enterprise Resource Planning (ERP) system, the rollout of which has been delayed. These proprietary mainframe applications are used countywide to support the County's purchasing and financial operations. ADPICS is used to manage and administer procurement contracts and vendor profile management and FAMIS is used to perform online financial management processes. The additional allocation of \$366,000 will support continued maintenance and support services for these systems for the requested one-year term. The item also includes four, one-year options to renew.

This legacy contract was initially awarded on July 7, 2005 (Resolution No. R-864-05) in the amount of \$1,695,749 for a two-year term with three, one-year options to renew to Tier Technologies, Inc. In May 2007, Tier Technologies was acquired by the Cogsdale Corporation. Prior to the conclusion of the third option to renew period, the Board approved additional time and expenditure authority in the amount of \$1,636,000 for a term of five years via Resolution No. R-730-10. The Board subsequently approved \$2,600,000 in additional expenditure for this legacy contract for an additional five-year term, bringing the contract's cumulative value to \$8,476,498 for a term of 15 years and three months. The current contract term expires on December 31, 2020, reflecting a three-month administrative extension. Approval of this item will extend the contract term until December 31, 2021. Further Board action is necessary to approve each of the four, one-year option to renew periods. The graphic below depicts the Board's actions on the contract since its inception.

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File No. 201684**

Researcher: JFP Reviewer: PGE



Of the \$5,085,000 cumulative allocation for the current option term, \$4,187,574 has been released (as of September 10, 2020), leaving a balance of \$897,425. The allocations by department, and corresponding allocation requests, are detailed below.

Department	Current Cumulative Allocation (OTR 3)	Allocation Requested	Modified Cumulative Allocation
Finance Department	\$4,958,000	\$0	\$4,958,000
Internal Services Department	\$127,000	\$366,000	\$493,000
Total:	\$5,085,000	\$366,000	\$5,451,000

Detailed below are the maintenance support fees of ADPICS and FAMIS, justifying the present allocation request as well as that of the four optional, one-year option terms, which would require separate Board approval.

Term	Maintenance Support Fees
One-Year Extension (Present Request)	\$365,685
OTR 1	\$376,656
OTR 2	\$387,956
OTR 3	\$400,689
OTR 4	\$411,582

OCA's due diligence of Cogsdale Corporation is detailed below.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Cogsdale Corporation	Foreign Profit Corporation	No account on file.	No account on file.	No relevant cases.
	Active			

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Researcher: JFP Reviewer: PGE

Principal Address:
1 Antares Drive
Suite 400
Ottawa, Ontario
K2E-8C4 CA

Filed: June 25, 2007

A September 10, 2020 search of the Business Management Workforce System for the contract's commodity code, 92045 - Software Maintenance and Support Services, yielded the following seven certified Small Business Enterprises:

- L. Jackson & Company P.A.
- Amiritech Group LLC
- Computer Based Associates, Inc.
- Insinet Group LLC
- Meridian Partners, LLC
- Speedyittech, LLC, dba 360TechGroup
- TECKpert, LLC, dba TECKpert

Given the proprietary nature of the Systems, it is unclear if these firms would be able to provide the scope of services required.

ADDITIONAL INFORMATION
INFORMS

INFORMS is the name of Miami-Dade County's Enterprise Resources Planning (ERP) project. ERPs streamline and modernize an organization's business processes and technologies, so they operate more efficiently. INFORMS will involve replacing the County's Financial and Administrative systems, all Human Resources systems, Time & Leave and Payroll applications, as well as upgrading Hyperion (Budget Analysis Tool or BAT). The project will use various Oracle ERP software products, including PeopleSoft v9.2.

<https://secure.miamidade.gov/employee/informs/home.page>

Cogsdale Corporation

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

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

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File No. 201684

Researcher: JFP Reviewer: PGE

Section 2-8.1(b)(2) of the County Code (Legacy Purchases) 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. The County Mayor shall include, in any Legacy Purchase award recommendation, a 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.

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-864-05, adopted July 7, 2005, established a contract with Tier Technologies, Inc. in the amount of \$1,695,749 to provide licenses, maintenance and technical support for the County's financial and procurement systems: Online Financial Accounting Management Information System (OLF FAMIS) and Advanced Purchasing and Inventory Control System (ADPICS) for two years with three, one-year options to renew.

<http://intra/gia/matter.asp?matter=051949&file=true&yearFolder=Y2005>

Resolution No. R-730-10, adopted July 8, 2010, modified *Contract No. 234A-3* granting additional time and expenditure authority in the amount of \$1,636,000 for a term of five years.

<http://intra/gia/matter.asp?matter=101492&file=true&yearFolder=Y2010>

Resolution No. R-714-15, adopted September 1, 2015, authorized award of *Legacy Contract No. 234A* to Cogsdale Corporation for purchase of ADPICS/FAMIS maintenance and technical support services for a five-year term in a total amount not to exceed \$2,600,000 for the Finance and Internal Services departments.

<http://intra/gia/matter.asp?matter=151349&file=true&yearFolder=Y2015>

Resolution No. R-718-17, adopted on July 6, 2017, 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.

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

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-477-18, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons why goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

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>

**HCCO Meeting:
September 11, 2020
Research Notes**

**Item No. 3H
File No. 201701**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01513 GROUPS A, B, AND F TO TRIUMVIRATE ENVIRONMENTAL SERVICES, INC., CONTRACT NO. FB-01513 GROUPS C AND D TO E-SCRAP, INC., AND CONTRACT NO. FB-01513 GROUP E TO US ECOLOGY TAMPA, INC. FOR THE PURCHASE OF HAZARDOUS AND NON-HAZARDOUS WASTE SERVICES FOR MULTIPLE DEPARTMENTS WITH AN AMOUNT NOT TO EXCEED \$3,440,137.00, FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD TO GROUP A, B, AND F TO TRIUMVIRATE ENVIRONMENTAL SERVICES, INC., GROUP C AND D TO E-SCRAP, INC, AND GROUP E TO US ECOLOGY TAMPA, 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 authorize the approval of *Contract No. FB-01513* (Groups A through F) to purchase hazardous and non-hazardous waste services in an amount of up to \$3,440,137 for a five-year term for various County departments.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

There is no procedural history for this item currently.

ANALYSIS

The purpose of this item is for the Board to approve the award of *Contract No. FB-01513* for Groups A through F to purchase hazardous and non-hazardous waste services, such as recycling and disposal services for use by multiple County departments, with a fiscal impact of \$3,440,137 for five years. This item is before the Board as *Contract No. FB-01180* which was adopted on May 19, 2020 pursuant to Resolution No. 470-20, awarded only 11 groups, with the groups under this item not being awarded as a result of inaccurate licensing requirements in the solicitation.

To remedy the inability to award the referenced six groups, ISD exercised short-term bridge *Contract No. BW-10080* in the amount of \$250,000 under delegated authority so as not to interrupt services in the interim; said bridge contract is set to expire October 31, 2020. OCA reviewed the Bid Tracking System (BTS) on September 3, 2020, which shows the bridge contract as having released \$58,266.28, leaving a balance of \$191,733.72.

The fiscal impact for this item under requested *Contract No. FB-01513* for Groups A through F is \$3,440,137, and the cumulative value of this contract and the previously awarded *Contract No. FB-01180* in the amount of \$4,043,880 bring the combined award value to \$7,484,017 for countywide hazardous and non-hazardous waste services. Previous *Contract No. 7224-1/19* was valued at \$10,199,000 for a term of six years, six months. According to BTS, as of September 3, 2020, the previous contract had a remaining balance of \$961,120.50. While the cumulative allocation under the replacement contracts is lower than previous *Contract No. 7224-1/19-1*, it is pertinent to note that the replacement contract has a shorter term of five years, while the previous contract was for a term of six-years, six months.

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Table 1 below shows the value and term (including OTRs as applicable) of the previous contract, the replacement contract (FB-01180), the bridge award and this item awarding the remaining six groups. As depicted, the annual allocation of the replacement contracts combined is lower than the previous contract. As cited in the mayoral memo, the reason for this decrease is based on the forecasted usage by the user departments.

Contract Nos.	Value	Term	Annual Allocation Comparison
Previous Contract No. 7224-1/19-1	\$10,199,000	October 14, 2016 – April 30, 2020	\$2,266,444 per year
Replacement Contract No. FB-01180	\$4,043,880	June 1, 2020 – May 31, 2025	\$1,496,803 per year
Replacement Contract No. FB-01513 (requested under this item)	\$3,440,137	October 6, 2020, 2020 – November 30, 2025 (<i>estimated period</i>)	The combined replacement contracts (totaling 7,484,017) are \$769,641 lower ↓ annually than the previous contract
Bridge Contract No. BW-10080	\$250,000	May 1, 2020 – October 31, 2020	---

The scope of replacement *Contract No. FB-01180* consists of the awardee providing recycling and disposal services for hazardous and non-hazardous materials, including emergency oil spills, removal of chemicals or fluids and household waste collection and disposal events, in compliance with County and State regulatory requirements.

An Invitation to Bid was issued under this solicitation on April 16, 2020; seven bids were received including two “No Bids” by the Bid Open date of April 27, 2020. Three awardees are being recommended for this item. The solicitation consisted of six groups based on various categories. Listed below are the respective groups and their specializations.

- Group A: Used Oil Filters
- Group B: Drums and Pails
- Group C: Waste Batteries
- Group D: Non-Hazardous Bulbs
- Group E: Household Hazardous Waste Disposal Services
- Group F: Collection disposal of Soil Contaminated with Hydrocarbon Products (hydraulic oil, gasoline, diesel)

OCA consulted the Occupational Safety and Health Administration’s (OSHA) website to review the safety records of the awarded contractors and found no records.

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OCA conducted a search for the BTS-listed Commodity Codes 92645 (Hazardous Material & Waste Services) and 96871 (Solid or Liquid Waste Disposal) on the Business Management Workforce System's Certified Vendor Directory on September 3, 2020. Listed below are the SBEs identified.

- Bioresponse, Corp., dba Bioresponse Restoration Miami, FL SBE-G&S
- Eco Solution Group, LLC Miami, FL SBE-G&S
- Pump Outs Unlimited, Inc., dba Pump Outs Medley, FL SBE-G&S
- United Medical Industries, Corp. Miami, FL SBE-G&S

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

OCA performed due diligence on the awarded vendors on September 4, 2020, below are the findings. Two of the vendors shown below, Triumvirate Environmental Services, Inc. and U.S. Ecology Tampa, Inc., are awardees under *Contract No. FB-01180*.

Group No.	Awarded Firms	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
C and D	E-Scrap, Inc.	Florida Profit Corporation Active Principal Address: 2220 E. 11 th Ave. Hialeah, FL Filed: June 15, 2001	Paid and Current Business Address: 2220 E. 11 th Ave. Hialeah, FL	No account on file	No litigation found
A, B and F	Triumvirate Environmental Services, Inc.	No account on file	No account on file	Licensed for: Restricted Rx Drug-Distributor-Destruction	<i>Cress v. Triumvirate Environmental (Florida) Inc.</i> Case No. 0:15-CV-60174, filed January 28, 2015 in the U.S. District Court, Southern District of Florida (Fort Lauderdale, FL) Allegation: Defendant failed to pay overtime wages to plaintiff in violation of the Fair

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					Labor Standards Act. Case status: Settlement reached April 2, 2015 by defendant.
E	U.S. Ecology Tampa, Inc.	Foreign Profit Corporation Active Principal Address: 101 S. Capitol Blvd. #1000 Boise, ID Filed: December 4, 2003	Paid and Current Business Address: 2702 E. 8 th Ave. Tampa, FL	Licensed for: Restricted Rx Drug- Distributor- Destruction	<i>Taylor, Billie v. U.S. Ecology, Inc.</i> Case No. 201945755, filed July 5, 2019 in the Harris County District Court (Texas). Allegation: Defendant marketed, distributed, sold a contaminated product, and failed to warn about the cancer-causing risk and chemical substance resulting in damages to plaintiff's decedent; the plaintiff is seeking damages in excess of \$5 million. Case status: As of August 31, 2020, the case is scheduled for trial December 7, 2020.

ADDITIONAL INFORMATION

OCA performed an Internet search of the selected vendors; below is a synopsis of the vendors' company profile.

- **E-Scrap, Inc.** – the company is certified by the Florida Department of Environmental Protection and permitted by Miami-Dade County's Division of Environmental Resources Management (DERM) to recycle electronics from main frame systems to notebooks LCD monitors, desktop and free-standing copiers, et al. <http://www.escrapusa.com/>
- **Triumvirate Environmental Services, Inc.** – the company was established 32 years ago and perform work in the fields of life sciences, healthcare, education, and industrial markets. Among their clients are: Roche; University of Virginia; and Merck. <https://www.triumvirate.com/>
- **U.S. Ecology Tampa, Inc.** – the company performs work in the fields of pharmaceutical, automotive, retail, utilities and energy, et al. Among the services offered are: solid waste treatment, thermal solutions, metals recovery, used oil, deep-well disposal, landfill services. <https://www.usecology.com/location/us-ecology-tampa>.

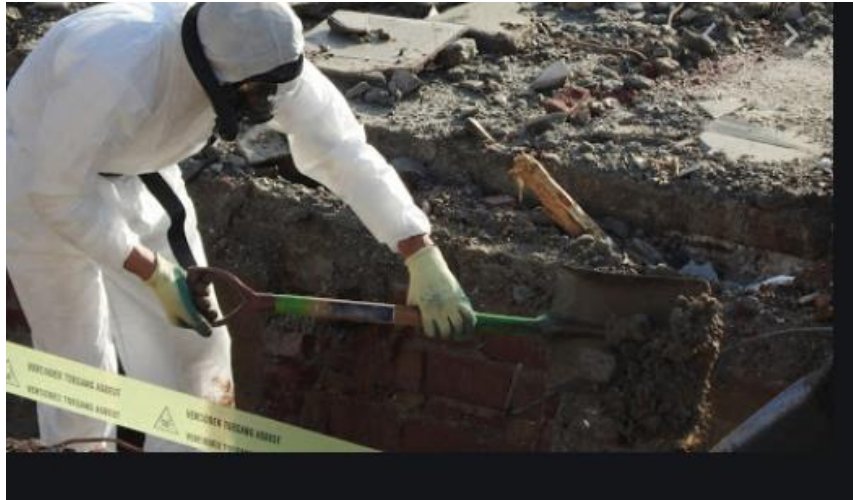
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Illustration 1 below shows the type of work performed in the area of hazardous and non-hazardous waste services.

Illustration 1



DEPARTMENTAL INPUT

OCA sent ISD the following inquiry September 4, 2020; the Department replied on September 10, 2020 and the responses are shown below in Italics.

- According to the mayor's memo, the County was unable to award six groups on the previously approved contract from May 2020 (through Resolution No. 470-20) due to inaccurate licensing requirements in the solicitation. Kindly provide details of those inaccuracies and delineate how the new solicitation under this item differs. *The side-by-side table illustrates the requested permits for six groups in FB-01180 and the correct permits for the six groups in FB-01513.*

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<i>FB-01180</i>	<i>FB-01513</i>
<p><i>Group 2 – Used Oil Filters</i></p> <p><i>Bidder shall provide a valid Hazardous Waste Transporter Permit issued by Miami Dade County.</i></p> <p><i>Bidder shall provide a valid Liquid and Solid Waste Transporter Permit issued by Miami-Dade County.</i></p> <p><i>Bidder shall provide a valid Used Oil Collection and Transporter Permit issued by Miami-Dade County.</i></p>	<p><i>GROUP A: Used Oil Filters:</i></p> <p><i>Bidder(s) shall provide a valid Liquid Waste Transporter Permit: Category, Hazardous Waste issued by Miami-Dade County.</i></p> <p style="text-align: center;"><i>or</i></p> <p><i>A valid Liquid Waste Transporter Permit: Category, Waste Oil issued by Miami-Dade County.</i></p>
<p><i>Group 4 – Drums and Pails</i></p> <p><i>Bidder shall provide a valid Liquid and Solid Waste Transporter Permit issued by Miami-Dade County.</i></p>	<p><i>GROUP B: Drums and Pails:</i></p> <p><i>Bidder(s) shall provide a valid Liquid Waste Transporter Permit: Category, Hazardous Waste issued by Miami-Dade County.</i></p> <p style="text-align: center;"><i>and</i></p> <p><i>A valid Hazardous Waste Transporter Certificate of Approval issued by FDEP.</i></p>
<p><i>Group 12 – Non-Hazardous Bulbs</i></p> <p><i>Bidder shall provide a valid Hazardous Waste Transporter Permit issued by Miami Dade County.</i></p> <p><i>Bidder shall provide a valid Mercury Storage Transporter Permit issued by Miami-Dade County.</i></p>	<p><i>GROUP D: Non-Hazardous Bulb:</i></p> <p><i>Bidder(s) shall provide a valid Hazardous Waste Transporter Certificate of Approval issued by FDEP.</i></p>
<p><i>Group 16 – Household Hazardous Waste Disposal Services</i></p> <p><i>Bidder shall provide a valid Hazardous Waste Transporter Permit issued by Miami Dade County.</i></p>	<p><i>GROUP E: Household Hazardous Waste Disposal Services:</i></p> <p><i>Bidder(s) shall provide a valid Liquid Waste Transporter Permit: Category, Hazardous Waste issued by Miami-Dade County.</i></p>

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<i>Bidder shall provide a valid Liquid and Solid Waste Transporter Permit issued by Miami-Dade County.</i>	<i>and A valid Hazardous Waste Transporter Certificate of Approval issued by FDEP.</i>
<i>Group 17 – Collection disposal of soil contaminated with hydrocarbon products like hydraulic oil, gasoline, diesel, etc.</i> <i>Bidder shall provide a valid Hazardous Waste Transporter Permit issued by Miami Dade County</i> <i>Bidder shall provide a valid Liquid and Solid Waste Transporter Permit issued by Miami-Dade County.</i>	<i>GROUP F: Collection/Disposal of soil contaminated with hydrocarbon products like hydraulic oil, gasoline, diesel, etc.:</i> <i>Bidder(s) shall provide a valid Liquid Waste Transporter Permit: Category, Waste Oil issued by Miami-Dade County.</i>

- According to BTS, the bridge contract, which expires at the end of October 2020, has a balance of \$191,733.72. What is the allocation destination of the remaining balance and will this entire balance be used prior to its expiration? Explain.
Departments on BW-1080 were polled, and the following departments have responded with planned allocation usage as shown below, for a total anticipated usage at this time of \$143,034; the remaining \$48,699 may or may not be used prior to expiration.
 - *DSWM - \$102,719*
 - *DTPW - \$30,754*
 - *FR - \$2,000*
 - *ME - \$1,158*
 - *RER - \$403*
 - *WASD - \$6,000*

APPLICABLE LEGISLATION/POLICY

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

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

Miami-Dade County Code Section 29-124(f)(ii) (Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust) states where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars (\$1,000,000.00) unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or

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reject the recommendation of the Trust by a majority vote. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

[Miami-Dade County Code Section 29-124\(f\)\(ii\)](#)

Resolution No. 470-20, adopted May 19, 2020, approved award of Contract No. FB-01180 for Groups 1, 3, 5, 6, 7, 9, 10, 11, 13, 14 and 15 for the purchase of hazardous and non-hazardous waste services to Triumvirate Environmental Services, Inc., U.S. Ecology Tampa, Inc., and World Petroleum Corp. for multiple Departments with an amount not to exceed \$4,043,880 for a five-year term.

<http://intra/gia/matter.asp?matter=200563&file=true&yearFolder=Y2020>

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

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2019/190936min.pdf>

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

Resolution No. R-1011-15, adopted November 3, 2015, directs 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; and directing the county mayor to include such information in memorandum to Board pertaining vendor being recommended for contract.

<http://www.miamidade.gov/govaction/matter.asp?matter=152271&file=true&fileAnalysis=false&yearFolder=Y2015>

Resolution No. R-140-15, adopted February 3, 2015, directs the mayor to conduct a full review, prior to re-procurement of replacement contracts for goods and services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the county, to include information in recommendations to the Board, and to consult with the Small Business Development division, regarding solicitation and contract language.

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

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

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

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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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).