



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

BOARD OF COUNTY COMMISSIONERS MEETING

November 19, 2020

9:30 A.M.

Commission Chambers

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Commission Auditor

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Research Notes**

**Item No. 3A6
File No. 202298**

Researcher: CB Reviewer: PGE

RESOLUTION APPROVING THE CITY OF MIAMI CODESIGNATION OF NW 16TH STREET FROM NW 11TH AVENUE TO NW 14TH AS “DR. EUGENE J. SAYFIE WAY”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Chairwoman Audrey M. Edmonson (District 3)
Department/Requester: None

There is no procedural history at this time.

ANALYSIS

Pursuant to Ordinance No. 13-29, OCA completed the required background research on “Eugene J. Sayfie,” which yielded publicly available information via an internet name search highlighting Dr. Sayfie’s medical career, scholarship, humanitarian and civic engagements. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Eugene J. Sayfie.” Pursuant to Ordinance No. 19-11, OCA verified that “Eugene J. Sayfie” is deceased.

APPLICABLE LEGISLATION

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

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

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

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

Ordinance No. 19-11, adopted on February 5, 2019, relates to codesignation items requiring OCA’s background research report to indicate whether the person to be honored is living or deceased.

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

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**Item No. 8A1
File No. 201955**

Researcher: JNF Reviewer: PGE

RESOLUTION APPROVING, BY TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT, CONTRACT FOR SALE AND PURCHASE BY MIAMI-DADE COUNTY FOR THE ACQUISITION OF APPROXIMATELY 61,546 SQUARE FEET OF OFFICE AND WAREHOUSE SPACE ON 99,760 SQUARE FEET OF LAND LOCATED WEST OF MIAMI INTERNATIONAL AIRPORT FROM CASA MAR INVESTMENTS, INC., AS SELLER, FOR A PURCHASE PRICE OF \$10,200,000.00; APPROVING LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND TRANSWAY AIRFREIGHT CARGO, INC. FOR LEASE OF 22,000 SQUARE FEET OF THE 61,546 SQUARE FEET OF OFFICE AND WAREHOUSE SPACE, FOR A TERM OF FIVE YEARS AT A MONTHLY RENTAL RATE OF \$12,833.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SALE AND PURCHASE CONTRACT, TO EXERCISE ALL PROVISIONS CONTAINED THEREIN, TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE THIS TRANSACTION AND TO ACCEPT CONVEYANCE OF THE PROPERTY BY WARRANTY DEED; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE LEASE AGREEMENT AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN, INCLUDING TERMINATION; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD THE WARRANTY DEED IN THE PUBLIC RECORDS AND PROVIDE SAID DEED TO THE CLERK OF THE BOARD; DIRECTING THE CLERK OF THE BOARD TO ATTACH AND PERMANENTLY STORE THE WARRANTY DEED WITH THIS RESOLUTION; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF THE AGREEMENTS TO THE PROPERTY APPRAISER WITHIN 30 DAYS OF THEIR EXECUTION

ISSUE/REQUESTED ACTION

Whether the Board should authorize a sale and purchase contract with Casa Mar Investments, Inc. (Seller) in the amount of \$10,200,000 for the acquisition of 99,760 square feet of land located west of Miami International Airport, 61,546 square feet of which is office and warehouse space, as well as a lease agreement with Transway Airfreight Cargo, Inc., the current lessee, for 22,000 square feet of the warehouse space, producing an estimated \$825,000 in County revenue for the five-year lease term.

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12
Department/Requester: Aviation Department**

This item was forwarded to the BCC with a favorable recommendation by the Tourism and the Ports Committee at its October 15, 2020 meeting.

ANALYSIS

The purpose of this item is to approve the instruments required for the County's acquisition of real property located on the west side of Miami International Airport at 2205 NW 70 Avenue in furtherance of the County's Capital Improvement Plan for growth at Miami International Airport to accommodate the airport's cargo needs. The 99,760 square foot lot includes approximately 61,546 square feet of office and warehouse space, 22,000 feet of which are currently leased by Transway Airfreight Cargo, Inc. (Lessee). Once acquired, the County will continue the Seller's lease of the property to the Lessee for a term of five years, and plans to lease the remaining 39,545 square feet to additional cargo handling companies to offset the \$10,200,000 cost of purchasing the property.

In accordance with Section 2-10.4.2(a) of the County Code, the Miami-Dade Aviation Department (MDAD) had the property appraised by three state-certified appraisers on separate occasions, resulting in the property being appraised at

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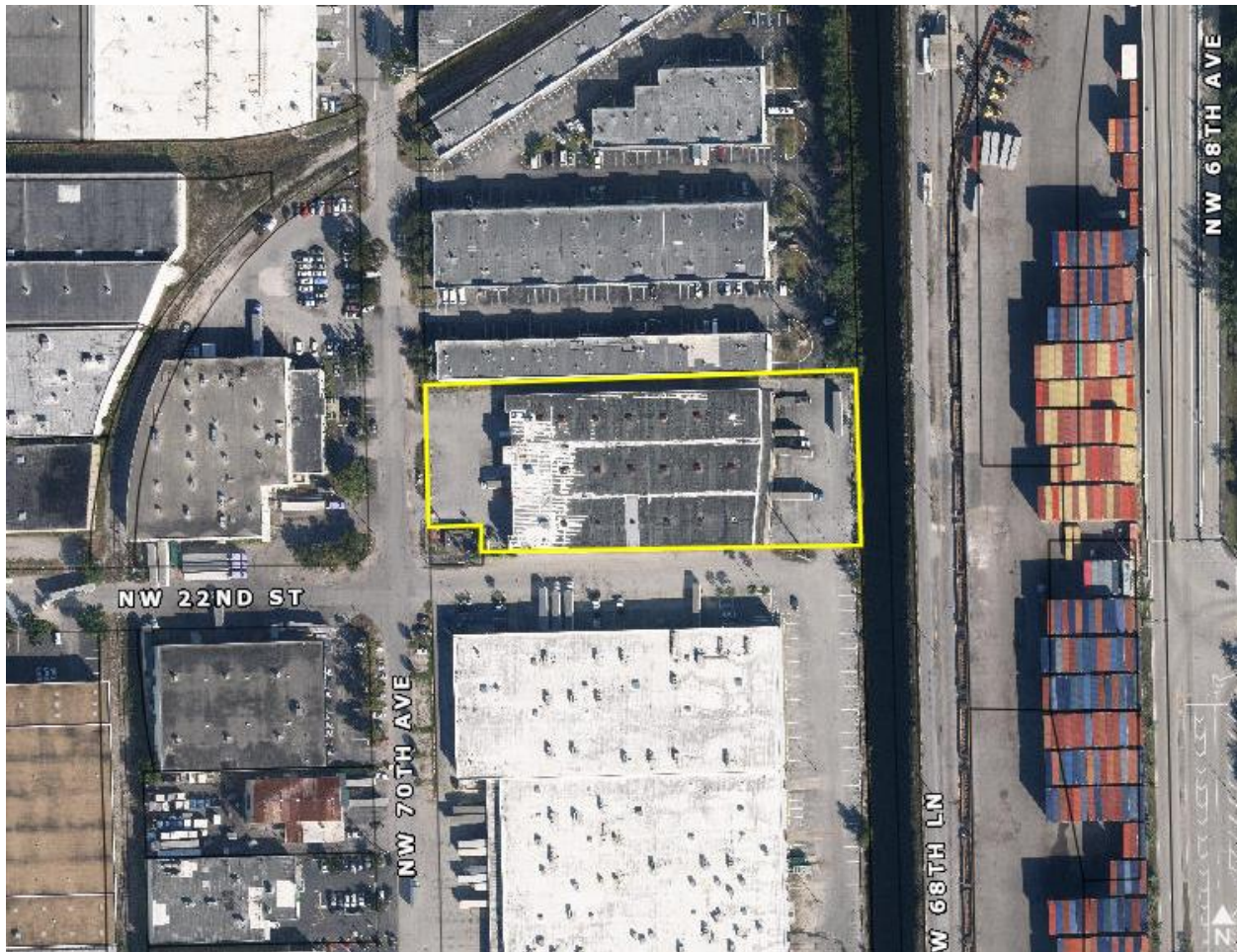
Researcher: JNF Reviewer: PGE

\$8,300,000 by two appraisers in 2019, with a third appraiser determining an appraisal value of \$9,230,000 one year later in August 2020. The highest appraisal value of \$9,230,000 is \$970,000, or 10.5% less than the agreed upon sale and purchase price. According to the Miami-Dade Property Appraiser's website, the assessed value of the property for 2020 is \$4,538,710, or 55.5% less than the \$10,200,000 purchase price. Given that the agreed purchase price exceeds the average of the appraised values as determined by the three appraisers, the Board is required to approve the purchase by a two-thirds vote, as prescribed by Section 125.355, Florida Statutes.

The Mayoral Memorandum noted that industrial property available for sale west of MIA is a rarity. MDAD confirmed that the subject property is the only property that has been available for purchase in over one year. The property is strategically located with optimal connectivity to MIA, making it ideal for cargo handling.

The property, Folio No. 30-3035-003-0030, is depicted in Graphic 1 below.

Graphic 1



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The secondary lease with Transway Airfreight Cargo, Inc. for the 22,000 square feet of warehouse and office space will produce \$154,000 in annual revenue to the County for each of the first two years, with the rental rate starting at \$7.00 per square foot and increasing by \$0.50 per square foot each year for the third and fourth years, ultimately amounting to an estimated \$825,000 in County revenue for the five-year lease term. The leased square footage and corresponding initial rental rate consists of the following:

Table 1

Description	Area (sq. ft.)	Monthly Rent	Annual Rent
A/C Office Ground Floor	500	\$291.67	\$3,500
Non-AC Warehouse	16,030	\$9,350.83	\$112,210
A/C Office Mezzanine	2,559	\$1,492.75	\$17,913
Covered Loading Platform	2,911	\$1,698.08	\$20,377
TOTAL	22,000	\$12,833.33	\$154,000

Pursuant to the lease agreement, the Lessee is to use the premises for receiving, storing, consolidating and packaging of cargo; handling of dry goods and salvaged automobiles for third parties (Lessee's customers) including pickup and delivery, loading and unloading cargo transported or to be transported by air or land and performing freight forwarding business; operation of bonded and non-bonded warehouses; for normal operations associated with the Lessee's cargo handling business; and such other activities as are directly related or incidental to the authorized cargo handling use of the premises. All the listed activities are to be performed by employees, agents, or vendors of the Lessee.

OCA's due diligence on Seller, Casa Mar Investments, Inc., is detailed in Table 2 below.

Table 2

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Casa Mar Investments, Inc.	Florida Profit Corporation Active Principal Address: 2205 NW 70 th Ave. Miami, FL 33164 Filed: August 11, 1994	Business Address: Unincorporated location in Miami-Dade County Status: Paid and Current	No account on file	No cases

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OCA's due diligence of the Lessee, Transway Airfreight Cargo, Inc. is detailed in Table 3 below.

Table 3

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Transway Airfreight Cargo, Inc.	Florida Profit Corporation Active Principal Address: 2205 NW 70 th Ave. Miami FL 33122 Filed: December 31, 1981	Owner Address: 2205 NW 70 th Ave. Miami, FL 33122 Status: No taxes due	No account on file	<i>Mohammed Biltagi v. Transway Airfreight Cargo Inc.</i> (Case No. 2019-035052-CA-01). Filed in the Eleventh Judicial Circuit, Miami-Dade County on December 2, 2019. Allegation: Defendant through conversion refused to return cargo valued at \$55,000 to plaintiff and converted the product to its own use resulting in damages to plaintiff. Case status: Open; Calendar Call set for November 30, 2020.

DEPARTMENTAL INPUT

The following question was posed to the Aviation Department. Its response is denoted below in italics.

- Please explain whether this expenditure has been budgeted for; (a) if so, provide the line item where this budget can be identified and provide the associated funding source(s) to pay for it; and (b) provide its financial index or account code.

MDAD Response: *The funding source for this purchase is future Aviation Revenue Bonds, Project No. 2000001340 - Land Acquisition Subprogram, as programmed the Fiscal Year (FY) 2020-2021 Proposed Budget and Multi-Year Capital Plan.*

ADDITIONAL INFORMATION

MDAD Capital Improvement Plan

On June 4, 2019, the Miami-Dade County Board of County Commissioners adopted a new capital improvement program at Miami International Airport that will fund up to \$5 billion in airport-wide modernization projects over the next five to 15 years, paving the way for future growth in passenger and cargo traffic at MIA - projected to reach 77 million travelers and more than four million tons of freight by the year 2040.

The comprehensive program is designed to address all of the airport's future capacity and operational needs through five sub-programs that include: a redevelopment of Central Terminal concourses E and F; an expanded South Terminal (concourses H and J); renovated Concourse D gates to accommodate additional wide- and narrow-body aircraft, as well

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as larger regional jets; two new hotels (one which will include a business and conference center with exhibition space) and other miscellaneous landside projects; and expanded aircraft parking positions and warehouses for cargo operations.
http://www.miami-airport.com/capital_improvement.asp

APPLICABLE LEGISLATION/POLICY

Section 125.355, Florida Statutes, delineates the procedure for the proposed purchase of real property by county and prescribes that the county's governing body is required to approve the purchase by an extraordinary vote if the agreed purchase price exceeds the average appraised price of the two requisite appraisals.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.355&URL=0100-0199/0125/Sections/0125.355.html

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

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR

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

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10.4.2APREPUSALE

Resolution No. 974-09, adopted July 21, 2009, directed that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.

<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

Resolution No. R-791-14, adopted September 3, 2014, directed the Mayor to provide the Miami-Dade County Property Appraiser a copy of all leases and operating agreements involving County-owned property.

<http://intra/gia/matter.asp?matter=141723&file=true&yearFolder=Y2014>

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**Item No. 8A2
File No. 201961**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING FIFTH AMENDMENT TO DEVELOPMENT LEASE AGREEMENT C-634 BETWEEN THE COUNTY AND AAR AIRCRAFT SERVICES INC., CLARIFYING CERTAIN PROVISIONS CONCERNING THE OPPORTUNITY FEE PAYMENT REQUIREMENT TO THE COUNTY AND PROVIDING FOR A ONE-TIME PAYMENT OF \$500,000.00 TO THE COUNTY; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH FIFTH AMENDMENT AND EXERCISE ALL RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the Fifth Amendment to the Development Lease Agreement (DLA) with Allen Aircraft Radio Aircraft Services, Inc. (AAR) to (1) clarify certain provisions concerning the opportunity fee payment requirement; and (2) provide for a one-time payment of \$500,000 to the County for the Miami-Dade Aviation Department (MDAD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Miami-Dade Aviation Department (MDAD)

This item was heard at the Tourism and Ports Committee meeting of October 15, 2020 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to obtain Board authorization of a fifth amendment to the DLA with AAR to restructure the terms of the opportunity fees provision of the lease as well as provide for a one-time payment to the County of \$500,000 within 10 days of Board approval. The DLA was entered into in June 1998 and it authorized the construction of a new aircraft hangar for use and occupancy by AAR at MIA via Resolution No. R-392-98. The original term of the lease was for 30 years and the rental rate was to be \$274,362.40 annually for the land but no charge for the hangar. Additionally, the original contract called for a 3% opportunity fee on gross revenues in addition to the rental rate.

There have been four prior amendments to the DLA. Amendment No. 2 was intended to change the lessees name to Avborne Heavy Maintenance Inc. Amendment No. 3 extended the term of the original agreement of 30 years by four more years for a total of 34 years via Resolution No. R-1221-04. Amendment No. 3 expanded the lessee's permitted use of the premises by allowing additional aviation related usages, including air cargo activities – subject to the County's consent. The current item – Amendment No. 4 – intends to change the lessee's name once again, this time to AAR. Table -1 below outlines the timeline pertaining to the DLA as well as the series of amendments associated with the DLA.

Table-1 DLA and Amendments

Contract/Amendment	Date Approved	Reason
R-392-98 (Original Agreement)	April 21, 1998	Design and construction of privately funded improvements on county-owned land
Amendment No. 1	August 24, 1998	Bankruptcy procedures
Amendment No. 2	August 3, 1999	Firm Name Change
Amendment No. 3	December 15, 2004	Additional 4 year term and enhancement of premise use.
Amendment No. 4	October 26, 2009	Firm Name Change

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Amendment No. 5	November 19, 2020 (anticipated approval date)	One-time payment of \$500,000 and opportunity fee provision modification
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To help understand the key changes in language over the course of the past four amendments, the table below puts the provisions of the original DLA under the left column of Table-2 below and the amended provisions under the right column.

Table -2 Summary of Modifications to DLA

Original Provision	Amended Provision
June 29, 1998. 10.4 Leasehold Mortgages. Landlord agrees that Tenant shall have the right to hypothecate, encumber, collaterally assign, or mortgage its leasehold interest in the Lease to any lender financing Tenant's business operations ("Bank"), upon the following conditions:	Conveying the amendment added On Article 10.4, conditions G, H and I have been added. (Please refer to Amendment 1 to read additional conditions.) This was done on August 24, 1998.
June 29, 1998. The County entered into a Lease Agreement with Professional Modification Services, Inc.	This Amendment was for a Name Change. August 3, 1999. <ol style="list-style-type: none"> 1. The name of the Lessee herein shall be changed to Avborne Heavy Maintenance, Inc. 2. This Amendment shall become effective on the 1st day of June 1999. 3. A letter of credit shall be used by the County as the deposit under the said lease for the account of Avborne Heavy Maintenance, Inc.
June 29, 1998. <u>2.1 Term.</u> The County hereby leases to the Lessee, and the Lessee hereby leases from the County, effective on the date first written above, the area described in Article 2.2. (Premises) and with the right to construct and occupy the improvements described in Article 5 (Improvements) hereof for a term of thirty (30) years. Such thirty-year term shall begin twenty-four months after the date first written above or upon the date of substantial completion, or upon issuance of a temporary C.O., whichever first occurs ("The Commencement Date") <u>3.1-A Authorized Uses of Premises.</u> <ol style="list-style-type: none"> 1. Major and minor maintenance of aircraft and aviation related equipment, including but not limited to modifying, refurbishing or otherwise rebuilding or overhauling airframes, engines and equipment, and executive, administrative and operational offices to support the maintenance activities. 2. The purchase and/or sale, disposition or exchange of aircraft, engines, accessories, equipment, and any other 	This amendment was for additional time. December 15, 2004. <u>2.1 Term.</u> The County hereby extends the thirty (30) year term of the Development Lease Agreement for an additional four (4) years. Such new thirty-year term shall begin on the date of execution of this First Amendment ("The New Commencement Date"). Added. <u>3.1-A Authorized Uses of Premises.</u> The Premises may be used for other aviation related uses, including, but not limited to air cargo, subject to the County's consent, which shall not be unreasonably withheld, delayed or conditioned.

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supplies including fuel and lubricants; provided, however, that there shall be no commercial selling of fuel and lubricants except as it is incidental to a part of its maintenance activities.	
Original Provision	Amended Provision
August 3, 1999. 1. The name of the Lessee herein shall be changed to Avborne Heavy Maintenance, Inc.	Name Changed. October 26, 2009. 1. The name of the Lessee herein shall change to AAR Aircraft Services -Miami- Inc. 2. This amendment shall become effective as of January 1, 2009.
June 29, 1998. The County entered into a Lease Agreement with Professional Modification Services, Inc.	Name Changed. August 3, 1999. 1. The name of the Lessee herein shall be changed to Avborne Heavy Maintenance, Inc. 2. This Amendment shall become effective on the 1 st day of June 1999. 3. A letter of credit shall be used by the County as the deposit under the said lease for the account of Avborne Heavy Maintenance, Inc.
AAR has \$225,000 cost expense (if no profit is made on parts)	Proposed (November 19, 2020) Deleted – AAR has \$225,000 cost expense (if no profits are made on parts) the opportunity fee will be based on the gross revenue earned under all AAR’s leases, not only DLA No. C-634

The Fiscal Impact of this amendment is positive for the County as it amounts to a one-time payment of \$500,000 to the County from AAR. Moreover, the opportunity fees will be calculated based on the gross revenues earned by AAR’s leases and not only this DLA which will result in a larger yield. In addition to Agreement C-634, AAR has other leases with the County for use of parcels adjoining Building 850, and 25 vehicular parking spaces at Building 5A (Agreement L-9814). The parcels that adjoin Building 850 are used for a "Wash Rack" Hangar (Agreement L-9189), aircraft pavement/land (C-10098), and vehicular parking (C-6903).

On August 20, 2018, the department of Audit and Management Services conducted an audit report on this development lease agreement. Assistant County Attorney Ryan Zagare stated that in Table IV of the audit report, there is a line item that reads “Revenues incorrectly allocated to other leases.” That is the amount of the revenue that AAR was essentially deducting from its revenue reporting to arrive at a lower opportunity fee. For the years in question, it ranged between \$18 million and \$27 million. The opportunity fee is equal to the amount by which 3% of the gross revenue exceeds the imputed deductions permitted under the contract. Table IV also shows these calculations/deductions under the section entitled “Less Base Amount.” One component of the “Base Amount” is the land rental paid by AAR. For the years in question, that ranged between 654k and 749k. However, the rentals listed there are only for the master lease, and do not include the other AAR leases.

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Researcher: IL Reviewer: PGE

The Fifth Amendment would include the land rentals for the other leases since the contract does allow AAR to deduct its land rent. The Fifth Amendment, however, also allows AAR to exclude expendables revenue from its opportunity fee. With that information, the impact on the opportunity fee can be calculated. For the years in question, when you reverse the revenue allocation that AAR made to its other leases, add in the land rent for the AAR leases to the Base Amount, reverse the \$225,000 deduction that AAR added to the Base Amount based on its claim that it did not profit on parts (which MDAD disputes), and remove the expendables revenue, the new opportunity fee increases in a couple of years by a couple of hundred thousand dollars, and remains at zero in some years because AAR still did not make enough revenue to owe an opportunity fee. As for a forecast, it is impossible to make one because it is all based on how much revenue AAR takes in in a given year.

OCA has reconstructed Table IV from the Audit and Management audit as depicted in illustration 1.

Illustration-1 depiction of Table IV from the Audit and Management report referenced by the County Attorney.

Table IV
Summary of Additional Opportunity Fees Due

Development Lease C-634	Year Ended March 31, 2013					Total
	2013	2014	2015	2016	2017	
Gross Revenues Reported	\$87,671,763	\$78,982,359	\$77,539,918	\$80,265,189	\$87,446,169	\$411,905,398
Add:						
-Revenues incorrectly allocated to other leases	18,545,162	16,298,100	15,924,933	16,556,512	27,775,478	95,100,185
-Unreported Profit on Expendables ¹	<u>1,452,733</u>	<u>2,425,857</u>	<u>1,681,532</u>	<u>1,550,936</u>	<u>826,186</u>	<u>7,937,244</u>
Gross Revenues, as adjusted	<u>\$107,669,658</u>	<u>\$97,706,316</u>	<u>\$95,146,383</u>	<u>\$98,372,637</u>	<u>\$116,047,833</u>	<u>\$514,942,827</u>
Opportunity Fee Computation:						
-3% of Gross Revenues Less Base Amount:	\$3,230,090	\$2,931,189	\$2,854,391	\$2,951,179	\$3,481,435	\$15,448,284
-Imputed Costs	2,025,000	2,025,000	2,025,000	2,025,000	2,025,000	10,125,000
-Land Rentals	654,252	664,800	685,902	717,554	749,220	3,471,738
-Adjustment for Profit on Parts ²	=	<u>(225,000)</u>	<u>(225,000)</u>	<u>(225,000)</u>	<u>(225,000)</u>	<u>(900,000)</u>
-Base Amount, as adjusted	<u>2,679,252</u>	<u>2,464,800</u>	<u>2,485,902</u>	<u>2,517,564</u>	<u>2,549,220</u>	<u>12,696,738</u>
-Additional Opportunity Fees Due	<u>\$550,838</u>	<u>\$466,389</u>	<u>\$368,489</u>	<u>\$433,615</u>	<u>\$932,215</u>	<u>\$2,751,546</u>
Profits on Parts (Memo Only): ^{1,2}						

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Researcher: IL Reviewer: PGE

-Parts Revenue	\$21,535,530	\$21,993,044	\$23,548,570	\$17,500,836	\$28,758,018	\$113,335,998
-Cost of Parts Sold	<u>(22,180,980)</u>	<u>(21,331,448)</u>	<u>(21,089,868)</u>	<u>(14,647,254)</u>	<u>(23,968,253)</u>	<u>(103,217,803)</u>
-Profit (Loss)	<u>\$(645,450)</u>	<u>\$661,596</u>	<u>\$2,458,702</u>	<u>\$2,853,582</u>	<u>\$4,789,765</u>	<u>\$10,118,195</u>

Source: AAR records, and Department records.

¹Profits on parts and expendables for the year ended March 31, 2013 include amounts from June 2012 through March 2013.

²Pursuant to the Agreement, the Base Amount is reduced by \$225,000 for each year profit is earned on parts.

The audit report from AMS also stated that the during the audit period, AAR underreported gross revenues in excess of \$100 million dollars. Moreover, audited schedules of gross revenues and percentage opportunity fees paid, prepared by certified public accountants, revealed that AAR allocated revenue earned under lease C-634 to two other leases. The audit concluded that AAR owed MDAD \$2.8 millions dollars for the five years ended on March 31, 2017.¹ The lessee through its lobbyist Baker and McKenzie and stated the following:

“The Audit Report offers no explanation as to why this independent auditor-approved revenue allocation approach is improper from an accounting standpoint, unfair from a commercial standpoint, or otherwise inappropriate. Rather, AAR provided the County with a draft of the Independent Audit Report explicitly explaining its pro-ration of revenue across the three leases based on square footage. Far from objecting, the County acquiesced and ratified AAR's revenue allocations for each year.”²

OCA conducted a due diligence review of AAR on October 6, 2020 illustrated on Table 3.

Table 3: Due Diligence Review

Tenant	Corporate Filing	West Law
AAR Aircraft Services	<p>Florida for Profit Corporation</p> <p>Principal Address: 2825 West Perimeter Road, Indianapolis Maintenance Center, Indianapolis, IN 46241</p> <p>Date Filed: December 24, 2009</p>	<p>Smith v. AAR Aircraft Services, filed on January 28, 2020. Allegation: Defendant discriminated against plaintiff on the basis of race and failed to accommodate in violation of civil rights. Status: Motion for extension of time and for discovery for January 15, 2021.</p>

The map below taken from the Google Maps on October 8, 2020.

¹ Findings and Summary of the August 20, 2018 AMS Audit (page 3)

² Response letter from Baker McKenzie (page 3)

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Researcher: IL Reviewer: PGE



ADDITIONAL INFORMATION

AAR acquired a Maintenance Repair and Overhaul (MRO) facility at Miami International Airport in 2008 in close proximity to its landing gear overhaul facility.

<https://www.aarcorp.com/timeline/>

OPPORTUNITY FEE

An Opportunity Fee is defined as a fee charged for doing business at an airport. The fee is a percentage of the gross revenues the business earned from its business dealings at the airport. Typically, the opportunity fee is levied on the monthly gross revenues generated and is fixed for the term of the agreement. A Minimum Annual Guarantee (MAG) is defined as the yearly amount of rent to be paid to the airport by a concessionaire or in some cases a developer. The MAG is calculated based on the annual gross revenues generated by the airport vendor and generally resets each year for the term of the agreement. The fees are calculated to be not less than the first year in which the MAG is applied. The key distinction between an Opportunity Fee and a MAG is that the latter is a fixed monthly fee that is generally adjusted upward annually for the term of the agreement whereas the first is akin to percent rent as it fluctuates based on the monthly gross receipts generated by the vendor. For Miami-Dade County, the term Opportunity Fee is applied to general services permits issued by the Aviation Department. That fee is generally set at seven percent of the permittee's monthly gross revenues.

<https://www.miamidade.gov/auditor/library/survey-of-opportunity-fees-at-selected-regional-airports.pdf>

Departmental Input

OCA reached out to MDAD and asked the following questions:

1. How did Amendment 3 expand the use the permitted use? *MDAD Response* Additional Aviation related usages added, including air cargo activities – subject to the County's consent. See Article 3.1 (A) from Amendment No. 3 document.

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2. What was the original use limited to? *MDAD Response*- Major and minor maintenance of aircraft and aviation related equipment, including but not limited to modifying, refurbishing, rebuilding, overhauling airframes, engines and equipment . Executive, administrative and operational offices to support maintenance activities.
 - i. To purchase and / or sale, disposition or exchange of aircraft, engines, accessories, equipment and any other supply including fuel and lubricants; provided, however, that there shall be no commercial selling of fuel and lubricants, except as it is incidental to and a part of its maintenance activities. See Article 3.1 (A) from attached Lease Agreement document.
3. What is the forecast on the amount of money that can potentially be yielded from the other leases AAR has, as a result of the opportunity fee? *MDAD Response* - The Assistant County Attorney, Ryan Zagare, responded the following: The Assistant County Attorney, Ryan Zagare, responded the following:

Attached please find the AMS Audit Report. It contains the information relevant the Commission Auditor's question No. 6.

In Table IV of the Report, there is a line item that reads "Revenues incorrectly allocated to other leases." That is the amount of the revenue that AAR was essentially deducting from its revenue reporting to arrive at a lower opportunity fee. For the years in question, it ranged between \$18 million and \$27 million. That is not the end of the analysis, though. The opportunity fee is equal to the amount by which 3% of the gross revenue exceeds the imputed deductions permitted under the contract. Table IV also shows these calculations/deductions under the section entitled "Less Base Amount." One component of the "Base Amount" is the land rental paid by AAR. You will see that for the years in question, that ranged between 654k and 749k. However, the rentals listed there are only for the master lease, and do not include the other AAR leases. The Fifth Amendment that is currently going to the Board for approval would include the land rentals for the other leases, since the contract does allow AAR to deduct its land rent. Table II shows the land rentals for the other AAR leases. The Fifth Amendment, however, also allows AAR to exclude expendables revenue from its opportunity fee. With that information, the impact on the opportunity fee can be calculated. For the years in question, when you reverse the revenue allocation that AAR made to its other leases, add in the land rent for the AAR leases to the Base Amount, reverse the \$225,000 deduction that AAR added to the Base Amount based on their claim that they did not profit on parts (which MDAD disputes), and remove the expendables revenue, the new opportunity fee increases in a couple of years by a couple of hundred thousand dollars, and remains at zero in some years because AAR still did not make enough revenue to owe an opportunity fee. As for a forecast, it is really impossible to make one because it is all based on how much revenue AAR takes in in a given year. If you have AAR's current monthly revenue reporting since April 1, you could potentially extrapolate it out over a year and do the calculations to figure out the opportunity fee owed under the Fifth Amendment's revised formula.

4. Audit and Management Services Department prepared an audit report finding that AAR owed \$2,751,546 in additional opportunity fees for the years ended 2013 through 2017. Is the one-time payment of \$500,000 in response to the money owed (\$2,751,546) and if so how and when will the outstanding \$2,251,546 be paid?
MDAD Response- The one-time payment of \$500,000 is it. It is the settlement we reached with them over the interpretation of what should be included as revenue. Those interpretations are clear now moving forward.

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APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 125.38 states that the Board of County Commissioners may if satisfied that such property is required for such use and is not needed for county purposes, may convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, as such board may fix, regardless of the actual value of such property. The fact of such application being made, the purpose for which such property is to be used, and the price or rent therefor shall be set out in a resolution duly adopted by such board. In case of a lease, the term of such lease shall be recited in the resolution. No advertisement shall be required.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.38&URL=0100-0199/0125/Sections/0125.38.html

Resolution No. R-461-13, adopted by the Board on June 4, 2013, establishes County policy to require inclusion of a reverter or lease termination provision in conveyance documents when conveying County-owned property by sale or lease under Florida Statute Section 125.38.

<http://intra/gia/matter.asp?matter=130909&file=true&yearFolder=Y2013>

Resolution No. R-392-98, adopted by the Board on April 21, 1998, development lease agreement with Professional Modification Services, Inc., for leasing of unimproved land for construction of facilities at Miami International Airport.

<http://intra/gia/matter.asp?matter=981545&file=false&yearFolder=Y1998>

Resolution No. R-1221-04, adopted by the Board on October 19, 2004 first amendment development lease agreement with Professional Modification Services, Inc., for leasing of unimproved land for construction of facilities at Miami International Airport, extending the agreement for one four-year term and providing other aviation related uses on the premises.

<http://www.miamidade.gov/govaction/matter.asp?matter=042657&file=true&fileAnalysis=false&yearFolder=Y2004>

Administrative Order (A.O.) No 8-4 sets forth the County's processes and procedures for the sale, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification if applicable. Should a recommendation not be received from the Planning Advisory Board within the time period provided within this administrative order, the Planning Department Director will provide a recommendation on the proposal.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

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**Item No. 8D1
File No. 201988**

Researcher: TA Reviewer: PGE

RESOLUTION AMENDING THE MIAMI-DADE COUNTY INVESTMENT POLICY REMOVING THE REQUIREMENT THAT THIRD PARTY CUSTODIANS BE QUALIFIED PUBLIC DEPOSITORIES, AND ADDING A REQUIREMENT THAT SECURITIES PURCHASED BY THE COUNTY MUST BE HELD FOR THE CREDIT OF THE COUNTY IN ACCORDANCE WITH SECTION 218.415 OF THE FLORIDA STATUTES

ISSUE/REQUESTED ACTION

Whether the Board should amend the Miami-Dade County Investment Policy (Investment Policy) to remove the requirement that third-party custodians be qualified public depositories and add a requirement that securities purchased by the County must be held for the credit of the County.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Finance Department

This item was heard at the Transportation and Finance Committee meeting of October 15, 2020 and forwarded to the Board with a favorable recommendation.

ANALYSIS

The purpose of this item is to amend the Miami-Dade County Investment Policy to:

- Remove the requirement that third-party custodians be a qualified public depository (QPD);
- Add a requirement that securities purchased by the County must be held for the credit of the County in accordance with Section 218.15 of the Florida Statutes*; and
- Correct scrivener's errors.

* Note: The addition of this language may be redundant because the previous sentence already states that "All securities purchased by the County must be held for the credit of the County...". The only new language is *in accordance with Florida Statutes §218.415*; however, that statute applies to the Investment Policy overall. Thus, the italicized language could be added to the existing sentence.

The County's investment advisor, First Southwest Company, and the County Attorney's Office concur that these revisions are compliant with Florida Statutes §218.415, which pertain to local government investment policies. Specifically, the section pertaining to third-party custodians is as follows:

(10) THIRD-PARTY CUSTODIAL AGREEMENTS. The investment policy shall provide appropriate arrangements for the holding of assets of the unit of local government. Securities should be held with a third party; and all securities purchased by, and all collateral obtained by, the unit of local government should be properly designated as an asset of the unit of local government. No withdrawal of securities, in whole or in part, shall be made from safekeeping, except by an authorized staff member of the unit of local government. Securities transactions between a broker-dealer and the custodian involving purchase or sale of securities by transfer of money or securities must be made on a "delivery vs. payment" basis, if applicable, to ensure that the custodian will have the security or money, as appropriate, in hand at the conclusion of the transaction.

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The Investment Policy in its current form was originally adopted by the Board on September 9, 2004 (Resolution No. R-1074-04) and was last amended in 2016 (Resolution No. R-367-16) and 2009 (Resolution No. R-31-09). In 2016, the Investment Policy was amended to authorize the County to invest in bonds, notes, or instruments backed by the full faith and credit of the government of Israel, updated banking terminology, and corrected scrivener's errors. In 2009, Resolution No. R-1074-04 was rescinded in its entirety and authorized the implementation of a new written investment policy.

According to the U.S. Securities and Exchange Commission (SEC), a "qualified custodian" can be banks, registered broker-dealers, futures commission merchants, or certain foreign entities. A qualified custodian either maintains client funds and securities in a separate account for each client under that client's name, or in accounts that contain only client funds and securities under the name of the investment adviser as agent or trustee for the clients. Depository custodian banks are regulated by the Federal Reserve and subject to a higher standard on compliance, capitalization requirements, and overall code of conduct. The website of Florida's Chief Financial Officer Jimmy Patronis more specifically defines a "qualified public depository" as a bank or savings association that has been approved by the Florida Treasury's Bureau of Collateral Management ("BCM") to accept public funds for deposit. By removing the QPD requirement, the pool of qualified third-party custodians that the County can utilize would be expanded because not all third-party custodians are QPDs.

ADDITIONAL INFORMATION

The current list of active QPDs authorized to hold public deposits, as of September 30, 2020 is available at this link: <https://www.myfloridacfo.com/division/treasury/collateralmanagement/documents/ListofActiveQPDs.pdf>

APPLICABLE LEGISLATION/POLICY

Florida Statute 218.415, Local government investment policies – Investment activity by a unit of local government must be consistent with a written investment plan adopted by the governing body, or in the absence of the existence of a governing body, the respective principal officer of the unit of local government and maintained by the unit of local government or, in the alternative, such activity must be conducted in accordance with subsection (17). Any such unit of local government shall have an investment policy for any public funds in excess of the amounts needed to meet current expenses as provided in subsections (1)-(16), or shall meet the alternative investment guidelines contained in subsection (17). Such policies shall be structured to place the highest priority on the safety of principal and liquidity of funds. The optimization of investment returns shall be secondary to the requirements for safety and liquidity. Each unit of local government shall adopt policies that are commensurate with the nature and size of the public funds within its custody.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0218/Sections/0218.415.html

Resolution No. R-1074-04, adopted on September 9, 2004, rescinded Resolution No. R-36-01 in its entirety, and authorized the implementation of a new written investment policy.

<http://www.miamidade.gov/govaction/matter.asp?matter=042886&file=false&fileAnalysis=false&yearFolder=Y2004>

Resolution No. R-31-09, adopted on January 22, 2009, rescinded Resolution No. R-1074-04 in its entirety and authorized the implementation of a new written investment policy.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2008/083625min.pdf>

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Researcher: TA Reviewer: PGE

Resolution No. R-367-16, adopted on May 17, 2016, amended the Miami-Dade County Investment Policy authorizing investments in bond, notes, or instruments backed by the full faith and credit of the government of Israel and modifying the composition of and maturity of certain authorized investments.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2016/160417min.pdf>

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**Item No. 8F1
File No. 201699**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING THE TERMS OF, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AS LANDLORD AND CENTER OF INFORMATION AND ORIENTATION, INC., AS TENANT, FOR THE PREMISES LOCATED AT 1600 NW 6 COURT, ROOM 105, FLORIDA CITY, FLORIDA, TO BE UTILIZED AS ADMINISTRATIVE AND REFERRAL SERVICES TO INDIVIDUALS WITH HIV/AIDS, WITH A TOTAL RENTAL REVENUE TO THE COUNTY ESTIMATED TO BE \$18,235.56, FOR THE INITIAL FIVE YEAR TERM OF THE LEASE AGREEMENT AND THE ONE, FIVE YEAR OPTION TO RENEW; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF THE LEASE AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN THIRTY DAYS OF THE EXECUTION OF THE LEASE AGREEMENT

ISSUE/REQUESTED ACTION

Whether the Board should (1) declare surplus County-owned property located at 1600 N.W. 6th Court, Room 105, in Florida City; and (2) authorize the Mayor to enter into a lease agreement between Miami-Dade County as landlord and Center of Information and Orientation, Inc., a Florida not-for-profit organization as tenant, for the property to be utilized as administrative and referral services to individuals with HIV/AIDS, with a total rental revenue to the County of \$18,235.56 for a five-year term with one, five-year option to renew for the Internal Services Department (ISD).

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

Department/Requester: Internal Services Department

This item was heard at the Housing, Social Services and Economic Development Committee meeting of October 14, 2020 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

This item is requesting Board approval to authorize a long-term replacement lease with Center of Information and Orientation, Inc. (COIOI), a Florida nonprofit entity engaged in delivering housing and referral services to individuals with HIV/AIDS. More specifically, the item declares surplus County-owned property located at 1600 N.W. 6th Court, Room 105, in Florida City and authorizes execution of a lease agreement between Miami-Dade County (Landlord) and COIOI for an initial five-year term plus one, five-year renewal term with a total rental revenue to the County of \$18,235.56.

The tenant has occupied this space since June 2, 2009 using it as its administrative office for delivery of services to individuals living with HIV/AIDS. Under Resolution No. R-35-14, the Board on January 22, 2014 approved the prior lease agreement with COIOI. The cumulative term of that lease was six years with total revenue to the County of 9,420.12. That lease expired on January 31, 2020 and COIOI remains in the space as a holdover tenant.

In addition to the housing and referral services for HIV/AIDS customers, COIOI provides strategies improving the quality of life to low-income residents via access to services such as: literacy, family strengthening, youth leadership,

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delinquency prevention, health and wellness, and emergency food and shelter assistance, leading to self-sufficiency and economic stability.

This County-owned property lies in District 9, which is represented by Commissioner Dennis C. Moss. This lease is before the Board for approval as the property was circulated amongst County departments with no department indicating a need for it, thus rendering it surplus.


The total estimated rental revenue to be generated for the County in the first five-years plus the one, five-year option to renew will be \$18,235.56 inclusive of an annual three percent increase beginning on the second year of the lease term, and each subsequent year thereafter, including the option to renew period.

Under the lease, the County shall pay all charges for general facility maintenance and repairs, janitorial services, landscaping, improvements, water, electricity, and interior and exterior repairs. The Tenant will assume and promptly pay all costs associated with separately metered utilities including, but not limited to, telephone, internet, cable, and security monitoring systems for the premises.

Has the expenditure or revenue (as applicable) been budgeted for?				
Legistar	If yes: Provide the budget line item where this expenditure or revenue can be identified.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	If no: Explain why this expenditure or revenue was not budgeted for, including how the expenditure will be addressed, or what the revenue will be utilized for.
201699	General Fund Countywide	General Fund	COEFMFLCTYE8	N/A

Below is a comparison between what the payment was annually under the expired lease and what the payment will be annually under the proposed lease. See Table 1.

Table 1 Comparing Rent under Expired and Proposed Leases

COIOI Expired Lease	Price Per Sq. Ft	Proposed Lease (COIOI)	Price Per Sq. Ft	Increase in Revenue
\$1,545.02 (last annual year of the expired lease)	\$11.70	1,591.32 (first year)	\$12.06	2.97% 

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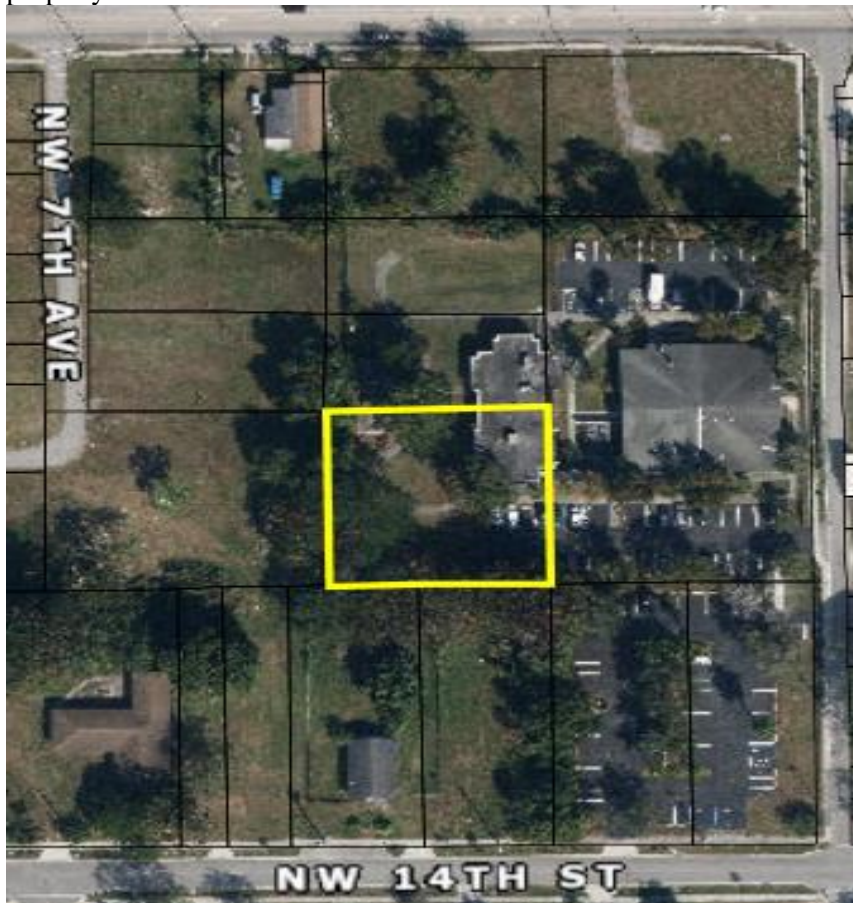
The market rent for comparable spaces in this area ranges from \$19.00 to \$25.00 per square foot on an annual basis. Under this proposed lease, COIOI pays \$12.06 per square foot. This represents a roughly \$7.00 to \$13.00 savings per year based on the average market rent in the area.

OCA conducted a due diligence review of COIOI on October 8, 2020 as illustrated below in Table 2.

Table 2: Due Diligence Review conducted on November 9, 2020.

Tenant	Corporate Filing	West Law
Center of Information and Orientation, Inc.	Florida Not for Profit Corporation Principal Address: 181 N.E. 82 nd Street, 2 nd Floor, Miami, FL 33138	No Cases

The map below was taken from the Property Appraiser's Office on November 9, 2020 and shows the location of the property.



<https://www.miamidade.gov/Apps/PA/propertysearch/#/>

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ADDITIONAL INFORMATION

Below is a comprehensive list of services provided by COIOI:

- 2020 Census Outreach
- Long-Term Rental Housing Assistance
- Emergency Food, Shelter and Utility Assistance
- Case Management for Medicaid Project AIDS Care
- HIV/AIDS Outreach
- After School Tutoring
- Employment Services for Under- and Unemployed
- Domestic Violence Awareness and Prevention
- Child Abuse Prevention
- Breast Cancer Awareness
- Food Bank

OCA Conducted a review of general financial information such as revenues and expenses reported to the Florida Department of Agriculture and Consumer Services website on November 9, 2020.

Check a Charity powered by Florida Department of Agriculture and Consumer Services

Registration Number: CH9239

Revenue Source: IRS 990 w/ Schedule A (12/31/2018)

Total Revenue: \$506,101.00

Program Services Expenses:
\$499,283.00 **95%**

Total Expenses: \$525,725.00

Administrative Expenses:
\$26,442.00 **5%**

Surplus/Deficit: -\$19,624.00

Fundraising Expenses: \$.00 **0%**

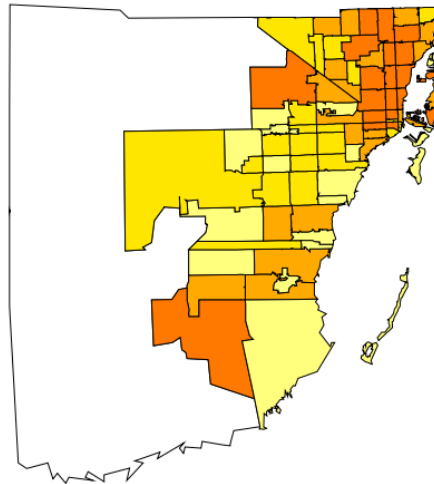
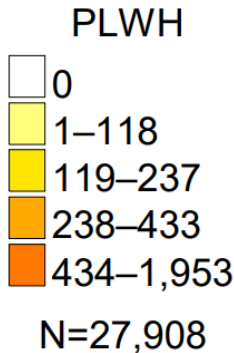
<https://csapp.800helpfla.com/CSPublicApp/CheckACharity/CheckACharity.aspx>

Below is an illustration of adults living with HIV by zip code taken from the Florida Department of Health's website on November 9, 2020.

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Adults (Age 13+) Living¹ with HIV by ZIP Code of Current Residence, Miami-Dade County, Year-end 2018



¹Excludes homeless and cases with unknown Zip Code. Data as of 6/30/2018

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APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 125.38 states that the Board of County Commissioners may if satisfied that such property is required for such use and is not needed for county purposes, may convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, as such board may fix, regardless of the actual value of such property. The fact of such application being made, the purpose for which such property is to be used, and the price or rent therefor shall be set out in a resolution duly adopted by such board. In case of a lease, the term of such lease shall be recited in the resolution. No advertisement shall be required.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.38&URL=0100-0199/0125/Sections/0125.38.html

Resolution No. R-668-09, adopted by the Board on June 2, 2009, authorized the execution of a lease agreement at the Florida City Neighborhood Service Center, 1600 N.W. 6 Court, Florida City, with the Center of Information and Orientation, Inc., a Florida Not-for-Profit Corporation, for premises to be utilized as administrative offices, for a One year term with three (3) additional one-year renewal option periods and for a rental amount for the first lease year of the initial term at \$1,320.00, which is equal to \$10.00 per square foot on an annual basis.

<http://intra/gia/matter.asp?matter=091162&file=true&yearFolder=Y2009>

Resolution No. R-461-13, adopted by the Board on June 4, 2013, establishes County policy to require inclusion of a reverter or lease termination provision in conveyance documents when conveying County-owned property by sale or lease under Florida Statute Section 125.38.

<http://intra/gia/matter.asp?matter=130909&file=true&yearFolder=Y2013>

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Researcher: IL Reviewer: PGE

Resolution No. R-791-14, adopted by the Board on September 3, 2014, directing the Mayor or the Mayor's designee to provide the Miami-Dade County Property Appraiser a copy of all leases and operating agreements involving County-Owned property.

<http://www.miamidade.gov/govaction/matter.asp?matter=141723&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-35-14, adopted by the Board on January 22, 2014, Board approved a lease with the Center of Information and Orientation Inc., for a one-year term, with five, one-year options to renew generating a cumulative value of \$9,420.12.

<http://intra/gia/matter.asp?matter=132358&file=true&yearFolder=Y2013>

Resolution No. R-333-15, adopted by the Board on April 21, 2015, established the County policy requiring disclosure of the market value of market rental in legislative items authorizing the conveyance or lease of County-owned property to promote disclosure and fiscal responsibility.

<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

Resolution No. 1054-16, adopted by the Board on, November 1, 2016, directing the County Mayor or the County Mayor's designee and the public health trust to (1) identify all single occupancy restrooms located in buildings and facilities that are owned, operated or leased by the County and the public health trust and to replace any gender signage with gender neutral/gender inclusive signage on or near the opening of such single occupancy restrooms; (2) take appropriate steps to ensure that County and public health trust employees are made aware of this resolution, to include a provision in all county and public health trust future leases and agreements to require tenants to comply with this resolution, and to ensure that all persons are afforded access to such single occupancy restrooms based on availability unless such denial is based on security or other nondiscriminatory reasons

<http://intra/gia/matter.asp?matter=162300&file=true&yearFolder=Y2016>

Resolution No. R-380-17, adopted by the Board on April 4, 2017, requires that the County Mayor or County Mayor's designee provide written notification to District Commissioners in which County-owned property lies no less than four weeks prior to (1) any issuance of a request for proposal or expression of interest regarding the sale, lease, or development of such property or (2) placing any item on the agenda of the Board or any committee of the Board requesting the approval, sale, lease, or surplus of County-owned property.

<http://intra/gia/matter.asp?matter=170414&file=true&yearFolder=Y2017>

Resolution No. R-407-19, adopted by the Board on April 9, 2019, directing the County Mayor designee to provide written notification to the public prior to the non-competitive sale or lease of county-owned property for certain purposes.

<http://intra/gia/matter.asp?matter=190474&file=true&yearFolder=Y2019>

Administrative Order (A.O.) No 8-4 sets forth the County's processes and procedures for the sale, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification if applicable. Should a recommendation not be received from the Planning Advisory Board within the time period provided within this administrative order, the Planning Department Director will provide a recommendation on the proposal.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

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**Item No. 8F2
File No. 201990**

Researcher: MF Reviewer: PGE

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF CONTRACT NO. L-10094 FOR PURCHASE OF VOTER REGISTRATION AND EVIDS MAINTENANCE AND SUPPORT TO VR SYSTEMS, INC. IN AN AMOUNT NOT TO EXCEED \$3,919,000.00 FOR A FIVE-YEAR TERM FOR THE MIAMI-DADE ELECTIONS DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve, by a two-thirds vote of the members present, a designated purchase for *Contract No. L-10094* to VR Systems, Inc. for the purchase of voter registration system and EViD equipment software licenses, maintenance and support services in the amount of up to \$3,919,000 for a term of five years for the Elections Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was heard at the Health Care and County Operations Committee meeting of October 16, 2020 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is for the County to establish a long-term replacement contract with VR Systems, Inc. to purchase ongoing maintenance and support services for the existing Voter Focus, MOVE Act Information Services, Pitney Bowes, GIS, Financial Filer Management Interface, Election Night Reporting, DirectPrint and EViD software and equipment used by the Elections Department to meet operational needs. This designated purchase to VR Systems, Inc. is for a term of five years with a cumulative value of up to \$3,919,000. The contract, which was signed by the vendor on July 29, 2020, reserves the County the right to exercise an option to renew for a period of up to five years on a year-to-year basis. However, this item is not requesting approval of the option terms. Additionally, the contract is not attached to the agenda item as required by Resolution No. 130-06, which cites that contract's shall not be placed on any BCC or committee agenda unless the contract is completely negotiated, in final form, and executed by all non-county parties.

The requested designated purchase would consolidate and replace legacy *Contract No. L601*, which is valued cumulatively at \$5,388,721.37 for a term of seven years and four months and *Contract No. EPP-RFP8248*, which is valued cumulatively at \$4,156,710.33 for a term of 13 years and two months. Both contracts are awarded to VR Systems, Inc. and expire on January 31, 2021. The Administration recommends establishing the designated purchase as a means of consolidating these existing contracts to promote efficiency in contract management.

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The justification provided by the Administration for the designated purchase is due to impracticability of competition as there is limited market competition for such technology. However, the Market Research conducted identified the following competitors: VOTEC Corporation, Clear Ballot Group Inc., Elections Services Corporation, Diebold Election Systems, Inc., Dominion Voting Systems Corporation, and Election Data Services, Inc.

Further reasoning for the designated purchase is that VR Systems, Inc. is the sole supplier of the needed technology; there are no other authorized vendors – for which approval is required by the State’s Elections Office – that can provide the needed hardware and software for the County Elections Department.

Pursuant to Resolution No. R-477-18, which requires disclosure as to the reasons why goods and services are not being procured through local businesses, the requestor Department indicates there are no firms that have the capability of providing the needed products and services. Additionally, ISD cites that the County has invested more than \$9.3 million in VR Systems, Inc.’s hardware and software, with the acquisition of 1,700 EViD stations – electronic pollbook tablets – that are only compatible via the selected vendor. All but one of Florida’s 67 counties utilize VR Systems Inc.’s products and services.

The fiscal impact for the five-year term of this replacement contract is \$3,919,000. Tables 1 and 2 below depict the price and payment schedule along with the totals, per the contract (which is not attached to the mayoral memo), for both the Electronic Voter ID Stations and Related Services, and the Voter Registration System – both for five years.

Table 1

TOTAL PRICE FOR THE ELECTRONIC VOTER IDENTIFICATION STATIONS AND RELATED SERVICES		
Product	Term Description	Amount
Annual EViD County Software License Maintenance Support & Use (Based on a 3% increase each year)		
Year 1	12/1/2020 – 11/30/2021	\$9,735.56
Year 2	12/1/2021 – 11/30/2022	\$10,027.63
Year 3	12/1/2022 – 11/30/2023	\$10,328.46
Year 4	12/1/2023 – 11/30/2024	\$10,638.31
Year 5	12/1/2024 – 11/30/2025	\$10,957.46
	Total	\$51,687.42
Annual EViD Station Software License Maintenance Support & Use (Covers 1763 EViDs@ \$123.72/EViD)		
Year 1	12/1/2020 – 11/30/2021	\$218,118.36
Year 2	12/1/2021 – 11/30/2022	\$218,118.36
Year 3	12/1/2022 – 11/30/2023	\$218,118.36
Year 4	12/1/2023 – 11/30/2024	\$218,118.36

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Year 5	12/1/2024 – 11/30/2025	\$218,118.36
	Total	\$1,090,591.80
	Grand Total	\$1,142,279.22

Table 2

TOTAL PRICE FOR THE VOTER REGISTRATION SYSTEM AND RELATED SERVICES		
Product	Term Description	Amount
Voter Focus Maintenance & Support (Includes MAIS & Pitney Bowes Interface)		
Year 1	12/1/2020 – 11/30/2021	\$366,363.79
Year 2	12/1/2021 – 11/30/2022	\$377,354.70
Year 3	12/1/2022 – 11/30/2023	\$388,675.34
Year 4	12/1/2023 – 11/30/2024	\$400,335.61
Year 5	12/1/2024 – 11/30/2025	\$412,345.67
	Total	\$1,945,075.11
GIS Interface Maintenance & Support		
Year 1	12/1/2020 – 11/30/2021	\$5,159.27
Year 2	12/1/2021 – 11/30/2022	\$5,314.05
Year 3	12/1/2022 – 11/30/2023	\$5,473.47
Year 4	12/1/2023 – 11/30/2024	\$5,637.67
Year 5	12/1/2024 – 11/30/2025	\$5,806.80
	Total	\$27,391.26
FFMS Interface Maintenance & Support		
Year 1	12/1/2020 – 11/30/2021	\$6,555.55
Year 2	12/1/2021 – 11/30/2022	\$6,752.22
Year 3	12/1/2022 – 11/30/2023	\$6,954.78
Year 4	12/1/2023 – 11/30/2024	\$7,163.43
Year 5	12/1/2024 – 11/30/2025	\$7,378.33
	Total	\$34,804.31
FFMS Services		
Year 1	12/1/2020 – 11/30/2021	\$13,500.00
Year 2	12/1/2021 – 11/30/2022	\$13,905.00
Year 3	12/1/2022 – 11/30/2023	\$14,322.15
Year 4	12/1/2023 – 11/30/2024	\$14,751.81
Year 5	12/1/2024 – 11/30/2025	\$15,194.37
	Total	\$71,673.33
Election Night Reporting		

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Maintenance & Support		
Year 1	12/1/2020 – 11/30/2021	\$33,550.78
Year 2	12/1/2021 – 11/30/2022	\$34,557.30
Year 3	12/1/2022 – 11/30/2023	\$35,594.02
Year 4	12/1/2023 – 11/30/2024	\$36,661.84
Year 5	12/1/2024 – 11/30/2025	\$37,761.70
	Total	\$178,125.64
DirectPrint Maintenance & Support		
Year 1	12/1/2020 – 11/30/2021	\$53,587.00
Year 2	12/1/2021 – 11/30/2022	\$55,194.61
Year 3	12/1/2022 – 11/30/2023	\$56,850.45
Year 4	12/1/2023 – 11/30/2024	\$58,555.96
Year 5	12/1/2024 – 11/30/2025	\$60,312.64
	Total	\$284,500.66
ELM (Election Learning Management System)		
Year 1	12/1/2020 – 11/30/2021	\$43,391.00
Year 1	ELM Implementation/Configuration One Time Fee	\$1,534.00
Year 1	ELM Training One Time Fee	\$3,068.00
Year 2	12/1/2021 – 11/30/2022	\$44,692.73
Year 3	12/1/2022 – 11/30/202	\$46,033.51
Year 4	12/1/2023 – 11/30/2024	\$47,414.52
Year 5	12/1/2024 – 11/30/2025	\$48,836.95
	Total	\$234,970.71
	Grand Total	\$2,776,541.02

Table 3 below shows (as of November 15, 2020) the current values, released amounts, and balance, as well as the term dates under current Contract Nos. *L601-2(2)-Electronic Poll Books Purchase, Maintenance, and Support Services*, and *EPP-RFP8248-5(5)-Voter Registration System*. It is pertinent to note that both current contracts are in their options-to-renew (OTR) terms: *Contract No. L601-2(2)* is in its second and final OTR term, while *Contract No. EPP-RFP8248-5(5)* is in its fifth and final OTR term. Additionally, Table 4 below depicts the fiscal impact differential based on an annual allocation comparison between the current contracts and replacement *Contract No. L-10094*. As shown, the replacement contract is 24% lower – on an annual basis – from the total two current consolidated contracts. The mayoral memo is silent as to how the lower amount was negotiated.

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Table 3

CURRENT CONTRACTS BALANCES AND RELEASES		
Contract Nos.	L601-2(2)	EPP-RFP8248-5(5)
Current Value	\$686,250	\$758,333.33
Effective Dates	November 1, 2018 – January 31, 2021	December 1, 2018 – January 31, 2021
Released Amount	\$685,642.63	\$696,072
Balance	\$607.37	\$62,261.33

Table 4

CURRENT AND REPLACEMENT CONTRACTS FISCAL DIFFERENTIALS			
Current Contracts			Replacement Contract
	L601-2(2)	EPP-RFP8248-5(5)	L-10094
Current Value	\$686,250 – OTR 2	\$758,333.33 – OTR 5	\$3,919,000
Original Value	\$4,200,000	\$1,044,679	
OTRs	\$502,471.37 – OTR 1	\$475,000 – OTR 1 \$500,000 – OTR 2 \$600,000 – OTR 3 \$778,698 – OTR 4	
Terms	7 years, 4 months September 23, 2013 – January 31, 2021	13 years, 2 months November 12, 2007 – January 1, 2021	5 years
Total Value	\$5,388,721	\$4,156,711	\$3,919,000
Annual Allocation	\$728,205	\$314,902	\$783,800
Annual Allocation Comparison	$\$728,205 + \$314,902 = \$1,043,107$ $\$1,043,107$ (current contracts consolidated amount)		\$783,800
Annual Allocation Difference	$\$1,043,107 - \$783,800 = \$259,307 \text{ (annually)}$		\$259,307  24%

OCA conducted a search for the procurement's Commodity Code 92045 (Software Maintenance/Support Services) on the Business Management Workforce System's Certified Vendor Directory on November 11, 2020. Listed below are the local SBEs identified.

- A.L. Jackson & Company P.A. Miami, FL SBE-G&S
- Amiritech Group, LLC Miami, FL SBE-G&S
- Computer Based Associates, Inc. Miami, FL SBE-G&S

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- Insinet Group, LLC Doral, FL SBE-G&S
- Meridian Partners, LLC Miami Beach, FL SBE-G&S
- SpeedyIttech, LLC Miami Lakes, FL SBE-G&S
- Teckpert, LLC Miami, FL SBE-G&S

Notwithstanding, only VR Systems Inc. can participate in the needed services as the equipment is proprietary to VR Systems.

OCA performed due diligence on the awarded vendor, VR Systems Inc., on November 10, 2020; Table 5 below shows the findings.

Table 5

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
VR Systems, Inc.	Florida Profit Corporation Active Principal Address: 3773 Commonwealth Blvd. Tallahassee, FL 32303 Filed: August 7, 1992	No account on file	No account on file	No relevant litigation found

ADDITIONAL INFORMATION

OCA conducted Internet research on November 12, 2020 pertaining the selected vendor. The search yielded several news articles relating to alleged cyber-attacks on voter outcome manipulation regarding VR Systems, Inc. as a purported victim in the instances. VR Systems Inc. was cited in a November 9, 2020 news article as being one of the vendors at risk of online schemes through third-party election data vaults that could potentially manipulate vote counts. A VR Systems, Inc. company official, however, refuted the claim stating the company does not conduct voter tabulation “nor is it connected to county or state voter tabulation systems.”¹ The same allegation was published in news site BuzzFeed.com, which claims to have debunked several rumors surrounding the post-election results of 2020.

¹Dan Evon, *Is there a Hammer and Scorecard Operation to Manipulate Vote Counts?*, Snopes.com, November 9, 2020, <https://www.snopes.com/fact-check/hammer-scorecard-vote-counts/>

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According to BuzzFeed, the assertion that any attempts of manipulating votes whereby VR Systems, Inc. was part of a conspiracy has been proven false.²

An earlier news article from May 2019 published in the Orlando Sentinel reported several news sources had cited two Florida counties had been hacked during the 2016 general election. The issue at hand centered upon whether the two counties had received suspected “spear phishing” emails posing as VR Systems, Inc. In information technology circles, spear phishing is considered a targeted cyber-attack on personal information.³ Notwithstanding, the same article notes that the Sun-Sentinel reported there were several other counties that had received the same email – including Broward, Clay, Duval, Gulf, Lee and Volusia counties, among others.⁴ Certainty that at least one Florida county – Volusia – was targeted by Russian intelligence agents with infected emails (linking VR Systems, Inc.) during the 2016 election was reported by the FBI in the Mueller Report, released in April 2019.⁵

VR Systems, Inc. was again in the news this past September 2020. According to BusinessWire, the Texas Secretary of State had certified the company as its flagship for the state’s voter registration and election management solution system.⁶

OCA also reviewed the vendor’s website. Based on information found on VR Systems Inc.’s webpage, the vendor was established as a family-owned business and in 2010 turned the company into an employee-owned business. Among the firm’s products are: EViD, electronic pollbook; Voter Focus, elections management software; and ELM, elections training software. <https://www.vrsystems.com/>

²Jane Lytvynenko & Craig Silverman, *Here’s a Running List of Debunked Post-Election Rumors*, BuzzFeed.com, November 10, 2020, <https://www.buzzfeednews.com/article/janelytvynenko/post-elections-debunks>

³Mark Gorrie, *Malware: What is spear phishing?*, NORTON, <https://us.norton.com/internetsecurity-malware-what-spear-phishing.html>

⁴Steven Lemongello & Dan Sweeney, *Russian election hackers broke into Panhandle county’s computers, reports say*, ORLANDO SENTINEL, May 17, 2019. <https://www.orlandosentinel.com/politics/os-ne-washington-county-hacking-reports-20190517-wc6qp7xsi5ct5krnitpcx4hjy-story.html>

⁵Steven Lemongello, *Mueller Report: At least one Florida county hacked and accessed by Russian intelligence*, ORLANDO SENTINEL, April 18, 2019, <https://www.orlandosentinel.com/politics/os-ne-mueller-report-florida-20190418-story.html>

⁶BusinessWire, *VR Systems Receives Certification from Texas Secretary of State*, September 24, 2020, <https://www.businesswire.com/news/home/20200924005813/en/VR-Systems-Receives-Certification-from-Texas-Secretary-of-State-for-Flagship-Voter-Registration-Election-Management-Solution>

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Illustration 1 below is from the company's website and depicts the aforesaid products and services.

Illustration 1



EVID★
electronic pollbook
Source: VR Systems, Inc.



VoterFocus★
elections management



ELM★
elections training

DEPARTMENTAL INPUT

OCA reached out to ISD on November 10, 2020 with the following inquiry; the Department replied on November 16, 2020 and the responses are shown in Table 6 below.

- Explain whether this expenditure has been budgeted for; (a) if so, provide the line item where this budget can be identified and provide the associated funding source(s) to pay for it; and (b) provide the financial index or account code for the expenditure and revenue.

Table 6

Has the expenditure been budgeted for?			
If yes:			If no:
Provide the budget line item where this expenditure can be identified.	Provide the funding source(s).	Provide the Financial index or account code.	Explain why this expenditure was not budgeted for, including how the expenditure will be addressed.
FY 2020-21 Adopted Operating Budget	General Fund	(Index Codes) ELEFINADMIN (Subobject 22430)	N/A

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APPLICABLE LEGISLATION/POLICY

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

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

Section 2-8.1(b)(3) of the Code of Miami-Dade County (Procedures for purchases when competitive procedures are not practicable) Notwithstanding the requirements of section 2-8.1(b)(1), formal sealed bids for purchase of goods or services shall not be required where such formal sealed bids would not be practicable as set forth herein. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) solicitations where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer.

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

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

Resolution 1011-15, adopted on 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>

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Resolution No. 735-13, adopted on September 17, 2013, authorized an agreement in the amount of \$4,100,000 with VR Systems, Inc. for the purchase of electronic voter identification stations electronic poll books, associated software licenses and ongoing maintenance support services.

<http://intra/gia/matter.asp?matter=131649&file=true&yearFolder=Y2013>

Resolution No. R-187-12, adopted 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 on September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

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

Resolution No. 924-10, adopted on September 10, 2010, authorizes the County mayor or designee to exercise option-to-renew periods for certain competitive contracts described in the item, subject to the monetary limitations set forth therein under the mayor or designee's delegated authority for the purchase of goods and services.

<http://intra/gia/matter.asp?matter=101999&file=true&yearFolder=Y2010>

Resolution No. 130-06, adopted on January 24, 2006, amended Resolution No. 1198-05 to clarify that proposed agenda items seeking approval of a contract or conveyance and authority to execute the same shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completed negotiated, in final form, and executed by all non-county parties.

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

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

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

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**Item No. 8F3
File No. 201987**

Researcher: TA Reviewer: PGE

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF CONTRACT NO. SS-10082 FOR PURCHASE OF LIQUID CHROMATOGRAPH TANDEM QUADRUPOLE MASS SPECTROMETER AND RELATED PRODUCTS, SUPPLIES AND ACCESSORIES TO SHIMADZU SCIENTIFIC INSTRUMENTS INC. IN AN AMOUNT NOT TO EXCEED \$364,709.00 FOR A ONE-YEAR TERM FOR THE MEDICAL EXAMINER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL, AND EXTENSION, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve, by a two-thirds vote of the members present, a designated purchase for a liquid chromatograph tandem quadrupole mass spectrometer and related products, supplies, and accessories from Shimadzu Scientific Instruments, Inc., under *Contract No. SS-10082*, in an amount not to exceed \$364,709 for a one-year term for the Medical Examiner Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was scheduled for the Public Safety and Rehabilitation Committee meeting of November 9, 2020. Due to the cancellation of that meeting, the item was waived to the November 19, 2020 Board meeting.

ANALYSIS

The purpose of this item is to approve the designated purchase of a Shimadzu Model 8060 liquid chromatograph tandem quadrupole mass spectrometer (LC-MS/MS) and related products, supplies, and accessories in an amount not to exceed \$364,709 for a one-year term from Shimadzu Scientific Instruments, a subsidiary of Shimadzu Corporation, to be funded by a National Institute of Justice (NIJ) grant for the Medical Examiner Department (ME). The ME currently utilizes various specialized instruments to test a range of drugs and poisons for both Miami-Dade cases and cases for outside clients, but is in need of advanced tools to more accurately and efficiently screen samples of postmortem fluids in a cost effective manner. There is currently a backload of approximately 300 Miami-Dade cases, representing an increase of 20% more than last year, as cases have increased and become more complex with the introduction of new opioids and psychoactive substances. The purchase of the Shimadzu Model 8060 will allow for improved case processing and turnaround times to address the ME's workload.

The ME submitted a grant proposal to the NIJ which detailed its necessity for an LC-MS/MS instrument, specifically, the Shimadzu Model 8060, which is capable of speeds that exceed most instruments in the market. Market research was conducted and considered at least three other models, but the Shimadzu product has a scan rate at least double that of the other vendors. The ME also confirmed this model's effectiveness based on its use of in-house Shimadzu 8060 LC-MS/MS instruments. Based on the merit of the grant application, the NIJ awarded the ME a grant of \$372,438, including \$354,709 for the purchase of the instrument. The price proposal for this contract, including a one-year warranty and customer familiarization and installation, totals \$364,708.99.

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Researcher: TA Reviewer: PGE

The Shimadzu Model 8060 is an LC-MS/MS that is capable of scanning 400 targeted substances at a high scanning speed to generate detailed full composite spectra scans, which improves the ability to identify targeted drugs and poisons as compared to other manufacturers. This purchase is being recommended as a designated purchase because the NIJ grant was awarded for the specific purchase of this model and associated supplies, and competition is not practicable because Shimadzu maintains all copyright privileges for its products, which must be purchased directly from a subsidiary of the company.

OCA conducted a search of firms with the Commodity Code 495 (Laboratory and Field Equipment and Supplies) in the Business Management Workforce System (BMWS) on November 3, 2020. No certified SBEs were identified.

OCA initiated a due diligence review of the recommended vendor on November 3, 2020; findings are summarized below in Table 1.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Shimadzu Scientific Instruments, Inc.	Foreign Profit Corporation FEIN: 52-1035956 Active Principal Address: 7102 Riverwood Dr Columbia, MD 21046 Filed: January 20, 2005	No account on file.	No account on file.	No relevant cases.

DEPARTMENTAL INPUT

OCA sent the below questions to ISD on November 3, 2020; the responses are *italicized*.

1. Given the upfront investment and the required supplies and accessories that may be needed beyond the one year warranty and contract term, why wasn't an OTR or other items to meet future needs negotiated into this same contract (and be potentially covered by non-grant funds, if needed)?

ISD Response: *The original grant proposal for the Liquid Chromatograph Tandem Quadrupole Mass Spectrometer did include items beyond the instrument, such as consumables for operation. However, the NIJ decided the final award amount, which included the instrument and a significantly smaller amount for consumables. Instrument contracts are usually limited to service and parts.*

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File No. 201987**

Researcher: TA Reviewer: PGE

The laboratory currently has two Shimadzu Model 8060 LC/MS/MS systems that have been in use for more than 3 years. Manufacturers typically provide only one year of warranty with the purchase of their instruments. Each year however, the owner has the ability to purchase additional year(s) of service. The ME laboratory routinely purchases additional service contracts in order to assure the best service, support, and parts for the instrument. The purchase of additional years of service is not supported by the grant. Service contracts are purchased separately, and generally fall within the ME's authorized delegated authority.

2. The NIJ grant document with grant requirements is referenced in the item. Please provide a copy.

ISD Response: *Attached.* (Available upon request.)

On November 11, 2020, OCA requested information on whether this expenditure has been budgeted for; ISD's response is below:

Has the expenditure been budgeted for?			
If yes:			If no:
Provide the budget line item where this expenditure can be identified.	Provide the funding source(s).	Provide the Financial index or account code.	Explain why this expenditure was not budgeted for, including how the expenditure will be addressed.
N/A	N/A	N/A	This is a grant funded, one time equipment purchase funded by a National Institute of Justice grant that was awarded during FY 2018-19.

ADDITIONAL INFORMATION

OCA performed an Internet search of the subject manufacturer, Shimadzu Corporation (Shimadzu), on November 2, 2020. According to its website, Shimadzu has been in business for about 145 years (since 1875) and provides analytical and measuring instruments, and industrial machinery, for a broad range of applications in various industries. The company is based in Kyoto, Japan, but has a physical presence worldwide. Shimadzu is the first mass spectrometry company in the world to deliver a triple quadrupole mass spectrometer. The LCMS-8060 is described as capable of detecting ultra-trace components in complex matrices, both quickly and with high sensitivity. The product was originally launched in 2010 and the latest upgrade to the current version was in 2015.

<https://www.shimadzu.com/an/products/liquid-chromatograph-mass-spectrometry/triple-quadrupole-lc-msms/lcms-8060/index.html>

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**Item No. 8F3
File No. 201987**

Researcher: TA Reviewer: PGE

Graphic 1 below depicts the Shimadzu LCMS-8060.



APPLICABLE LEGISLATION/POLICY

Section 2-8.1 and 2-8.1(b)(3) 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. (Procedures for purchases when competitive procedures are not practicable) Notwithstanding the requirements of section 2-8.1(b)(1), formal sealed bids for purchase of goods or services shall not be required where such formal sealed bids would not be practicable as set forth herein. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) solicitations where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer.

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

**BCC Meeting:
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Research Notes**

**Item No. 8F3
File No. 201987**

Researcher: TA Reviewer: PGE

Resolution No. R-828-19, adopted on 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 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-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 on 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>

Resolution No. R-716-12, adopted 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>

**BCC Meeting:
November 19, 2020
Research Notes**

**Item No. 8F4
File No. 202208**

Researcher: JNF Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$550,000.00 FOR A MODIFIED TOTAL CONTRACT AWARD OF \$1,546,000.00 FOR CONTRACT NO. FB-00664 FOR CLEANING AND REPAIR OF BUNKER GEAR FOR THE MIAMI-DADE FIRE RESCUE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY EXTENSION OR CANCELLATION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority in an amount not to exceed \$550,000 for *Contract No. FB-00664, Cleaning and Repair of Bunker Gear*, for the Miami-Dade Fire Rescue Department, resulting in a modified contract value of \$1,545,369.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was forwarded to the BCC by the BCC Chairperson due to cancellation of the Public Safety and Rehabilitation Committee's November 9, 2020 meeting. This item was also waived to the November 19, 2020 BCC meeting.

ANALYSIS

The purpose of this item is to grant additional expenditure authority for the continued purchase of cleaning and repair services for firefighter personal protective equipment—the fireproof coats and pants, helmets, hoods, gloves, and boots collectively known as bunker gear. More specifically, the \$550,000 requested additional spending will address increased usage of the contract resulting from COVID-19 and the ensuing added biohazard exposure necessitating more frequent decontamination of the gear. The heightened cleaning requirements are in accordance with National Fire Protection Association (NFPA) standards.

This competitively awarded contract was approved on May 16, 2018 under delegated authority in the amount of \$780,369 for a term of five years. The contract was effective August 1, 2018 and is scheduled to expire on July 31, 2023. A \$215,000 modification was approved on August 7, 2020, increasing the contract's cumulative value to \$995,369. If the requested modification is approved, the contract's modified cumulative allocation will be \$1,545,369, representing a 55.3% increase from the existing cumulative allocation. The contract's allocation history is detailed in Table 1 below.

Table 1

	Approval Date	Approval Authority	Amount
Original Contract	May 16, 2018	Delegated Authority	\$780,369
First Modification	August 7, 2020	Delegated Authority	\$215,000
Requested Modification	Pending	BCC	\$550,000
TOTAL MODIFIED CONTRACT AMOUNT:			\$1,545,369

The FY 2020-21 adopted budget includes the purchase of new bunker gear to improve firefighter protection and provide a replacement set for personnel to utilize after a contaminating incident. Division comments in the FY 2020-21 Adopted

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File No. 202208**

Researcher: JNF Reviewer: PGE

Budget and Multi-Year Capital Plan state that department management will explore alternative solutions for gear cleaning due to capacity issues with the current vendor. It is unclear how this will impact the current contract.

According to the contract's Blanket Purchase Order, \$994,369 of MDFR's existing \$995,369 cumulative allocation has been released (as of November 12, 2020), leaving a balance of \$1,000 two years and three months into the five-year contract. The department has nearly depleted its allocation due to increased utilization of the contract as a result of COVID-19 necessitating disinfection and sanitation of bunker gear after each incident of bio-hazardous exposure, pursuant to September 2020 NFPA recommendations. Given that COVID-19 has increased the range of incidents requiring cleaning of bunker gear after firefighter response, additional expenditure authority is being requested to accommodate the unanticipated need for the remaining two years and nine months of the contract. Specialized cleaning needed to decontaminate gear exposed to hazardous pathogens, such as COVID-19, is within the current contract scope.

There were four respondents to the 2018 solicitation, including one no bid by Lion. MBGC, LLC, dba Minerva Bunker Gear Cleaners, as the lowest responsive and responsible bidder, was awarded the contract over Xeros High Performance Workwear, dba Marken PPE and Gloves, Inc.

Table 2 below details OCA's due diligence review of MBGC, LLC, dba Minerva Bunker Gear Cleaners.

Table 2

Awarded Firms	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
MBGC, LLC, dba Minerva Bunker Gear Cleaners	Florida Limited Liability Company Active Principal Address: 3795 NW 38 Street Miami, FL 33142 Filed: January 28, 2011	Owner Address: 3795 NW 38 Street Miami, FL 33142 No taxes due.	License Type: Registered Elevator Company	No relevant cases.

A November 12, 2020 search on the Business Management Workforce System for the pool's Commodity Codes, 95420 - Dry Cleaning Services and 34094 - Washing Equipment for Face Masks, etc., did not yield any certified Small Business Enterprise firms.

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File No. 202208**

Researcher: JNF Reviewer: PGE

DEPARTMENTAL INPUT

OCA posed the following questions to ISD. The department's response is denoted below in italics.

- 1) Did the department's approved FY 2020-21 budget for bunker gear cleaning and repair services account for the heightened cleaning requirements in place due to COVID-19? Was there an increase from FY 2019-20 as a result?

ISD Response: *The budget for FY 2020-21 was not increased due to COVID-19 - it was due to MDFR's increased usage and the compliance with revised NFPA guidelines, but due to our internal cleaning program we may be able to absorb the increased usage due to COVID-19 without exceeding the new allocation. The National Fire Protection Agency (NFPA 1851) new bunker gear cleaning standard changed and "doubled the annual cleaning". This essentially doubled the non-contaminated maintenance of all bunker gear used by MDFR. Additionally, the new NFPA 1851 Standard for Bunker Gear Cleaning also now requires all bunker that is used in any area that exposes the firefighter to the products of combustion must be cleaned and also sanitized. These are all new to the industry as a result of skyrocketing cancer rates in firefighting. These changes have been addressed moving forward in "b".*

- 2) The FY 2020-21 Adopted Budget includes the purchase of new bunker gear to improve firefighter protection and provide a replacement set for personnel to utilize after a contaminating incident. Division comments in the FY 2020-21 Adopted Budget state that department management will explore alternative solutions for gear cleaning due to capacity issues with the current vendor.

a. What precisely are the capacity issues with the current vendor, MBGC, LLC?

ISD Response: *The current vendor is the only vendor providing this service in our area and provides service for all major fire rescue departments in the tri-county area. The larger the volume of gear required to be cleaned and inspected directly impacts the clean gear return time. To meet current standards, bunker gear must be processed within certain time segments for each piece and per technique.*

b. What alternative solutions for gear cleaning are being explored? How will this impact the current contract?

ISD Response: *MDFR has constructed a "bunker gear cleaning facility" (ISP) that will work in conjunction with the current vendor to assure that all MDFR personnel have clean and safe bunker gear. By taking a percentage of the post fire cleaning and inspections in-house, we have improved all portions of the process. This budget modification will complete the required funding for the remainder of the contract duration under this model.*

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**Item No. 8F4
File No. 202208**

Researcher: JNF Reviewer: PGE

On November 11, 2020, OCA requested information on whether this expenditure has been budgeted for; ISD's response is below:

Has the expenditure been budgeted for?			
If yes:			If no:
Provide the budget line item where this expenditure can be identified.	Provide the funding source(s).	Provide the Financial index or account code.	Explain why this expenditure was not budgeted for, including how the expenditure will be addressed.
22430 - OTHER OUTSIDE CONT	Fire District	FRELOG012009	N/A

ADDITIONAL INFORMATION

Center for Disease Control Guidance for Firefighters and EMS Providers

<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/firefighter-EMS.html>

NFPA 1851

Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting

<https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=1851>

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=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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>

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Research Notes**

**Item No. 8F4
File No. 202208**

Researcher: JNF 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>

**BCC Meeting
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Research Notes**

**Item No. 8F5
File No. 202211**

Researcher: VW Reviewer: PGE

RESOLUTION AUTHORIZING AWARD OF A LEGACY CONTRACT FOR L3HARRIS RADIO COMMUNICATION SYSTEM UPGRADE FOR THE INFORMATION TECHNOLOGY DEPARTMENT, CONTRACT NO. L-9203-0/30, TO L3HARRIS TECHNOLOGIES, INC. FOR A TEN-YEAR TERM IN A TOTAL AMOUNT NOT TO EXCEED \$20,715,017.00, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATIONS OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve award of *Legacy Contract No. L-9203-0/30, L3Harris Radio Communications System Upgrade Agreement*, to L3Harris Technologies, Inc. for the Information Technology Department (ITD) for a 10-year term in a total amount not to exceed \$20,715,017.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was scheduled to be heard at the Public Safety and Rehabilitation Committee meeting on November 9, 2020; however, the meeting was cancelled due to Tropical Storm Eta. The item has been waived to the November 19, 2020 BCC meeting.

ANALYSIS

The purpose of this item is for the Board to approve the award of *Legacy Contract L-9203-0/30* to L3Harris Technologies, Inc. for a 10-year term for software and hardware upgrades and expansion services for the County's radio communications system infrastructure in an amount of \$20,715,017. More specifically, this contract is intended to enhance, upgrade, maintain and support the County's P25 Radio Communications System (P25 System). The awarded contract will replace *Contract No. BW9203-3/21* which was also awarded to L3Harris Technologies, Inc. for a period of five-years with three, two-year options to renew, effective on February 1, 2010 with the last option to renew expiring on September 30, 2021. The total cumulative allocation for the previous contract is \$43,496,000.


Per the Market Research conducted by ISD for this long-term replacement legacy award, the County has invested \$87,000,000 over the last 27 years into the L3Harris radio system. That investment plus the total value of the previous contract (\$43,496,000) and the current recommended award (\$20,715,017) totals \$151,211,017. Table 1 below compares the annual allocation for the previous contract to the replacement legacy contract. The annual allocation for the new contract is approximately 44% lower than the previous contract. Per the mayoral memo, this is attributable to the fact that the County purchased a complete system under the current agreement while the new agreement will only provide upgrades and additional maintenance.

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**Item No. 8F5
File No. 202211**

Researcher: VW Reviewer: PGE

Table 1

Contract Number	Length of Term including all OTRs	Annual Allocation
BW9203-3/21 (current)	11 years and 8 months	\$3,728,229
L-9203-0/30 (replacement)	10 years	\$2,071,502  44%

A review of the Blanket Purchase Order on November 12, 2020 of the previous contract shows that of the \$43,496,000 allocated for the length of the contract including the three OTRs, a total of \$39,667,159 has been released, leaving a cumulative balance of \$3,828,841 with a little less than a year left under the contract.

The replacement contract is being awarded as a legacy contract to L3Harris Technologies as there is a need to continue to operate an existing County system which may not be replaced without substantial expenditure. L3Harris has worked with the County during the previous decade to design the current architecture of the County's P25 Radio System. Given that the L3Harris System is proprietary only L3Harris is authorized to provide the needed upgrades, maintenance and support services stipulated by the legacy contract. L3Harris is one of the largest radio providers in the world; its chief rival is Motorola Solutions, Inc. Each company, however, has a back-end infrastructure that is unique to themselves so a L3Harris system cannot be configured with Motorola software and vice versa. If the County were to compete this contract and award the contract to Motorola Solutions, Inc., it would require the County to completely overhaul and replace the existing L3Harris radio network infrastructure. According to the Administration, it is not feasible or practicable for the County to compete this contract as a complete transition to a new system would take an estimated eight to 10 years and cost approximately \$350 million dollars including the potential need to purchase land for up to 11 radio tower sites, all while the current radio infrastructure is in need of upgrade.

Under the scope of work for the legacy contract, L3Harris will be responsible for the following:

- Upgrade the Miami-Dade system from PR9D hardware and software type to SR10A.4 hardware and software type, providing system engineering, project management, installation services, staging, shipping and warehousing, and training;
- Replace all existing site routers at dispatch locations (Lightspeed, DPCC, SPCC, Fire EOC and North Miami Beach PD); provide redundant routers at these locations except North Miami Beach PD;
- Replace the existing Network Switching Center (NSC) running PR9D with a Geo-HA VIDA Premier Core, featuring a primary NSC cabinet at DPCC and secondary cabinet at lightspeed;
- Update the control points of Systems A and B to feature Distributed Control Point functionality and to be compatible with the SR10A.4 VIDA cores;
- Equip each multi-site with new Network Sentry's and MASTR V modules as required and reconfigure the multi-site to be compatible with the SR10A.4 core;
- Convert the two receive-only sites at Palm Springs North and Trail Glades to full transmit-receive and complete expansion of the System A site; and
- Provide two RF sites, operating on the County's 20 800 MHz System A channels in P25T Phase 1 and 2 modes at the following locations: Palm Springs North and Trail Glades.

According to the contract, prices shall remain firm and fixed for the term of the contract, including any option or extension periods. However, the contractor may offer incentive discounts to the County at any time during the contract term.

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File No. 202211**

Researcher: VW Reviewer: PGE

The Office of the Commission Auditor conducted a due diligence review on November 12, 2020 of L3Harris Technologies, Inc.

Table 2

Awarded Vendor	Corporate Filing	Tax Collector	Westlaw
L3Harris Technologies, Inc.	Foreign Profit Corporation Principal Address: 1025 W. NASA Blvd Melbourne, FL 32119 Date Filed: 11/02/1971	One Account Business address: 7508 NW 54th St Miami, FL 33126 Paid/Current	No relevant cases found.

DEPARTMENTAL INPUT

On November 11, 2020, OCA requested information on whether this expenditure has been budgeted for; ISD's response is below:

Has the expenditure been budgeted for?			
If yes:			If no:
Provide the budget line item where this expenditure can be identified.	Provide the funding source(s).	Provide the Financial index or account code.	Explain why this expenditure was not budgeted for, including how the expenditure will be addressed.
ET57RADIOPRJ	Internal Service Funds	CPE313ETD800	N/A

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

Section 2-8.1(b)(2) of the County Code provides for legacy purchases upon a majority vote of the Board members present. A legacy purchase is defined as a 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

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Item No. 8F5

File No. 202211

Researcher: VW Reviewer: PGE

expenditure. In any legacy purchase award recommendation, the County Mayor shall include 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=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

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

Resolution No. R-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-83-10, adopted January 28, 2010, authorized the execution of agreements with Nextel South Corp, and Harris Corporation, in an amount not to exceed \$38,600,000, to vacate radio frequencies operated by the County.

<http://intra/gia/matter.asp?matter=093358&file=true&yearFolder=Y2009>

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>

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Research Notes**

**Item No. 8F6
File No. 201991**

Researcher: MF Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$607,900.00 FOR A MODIFIED TOTAL CONTRACT AWARD OF \$10,475,500.00 FOR CONTRACT NO. FB-00123 GROUP 1 (PREVENTIVE MAINTENANCE) FOR A/C CHILLERS, AUXILIARY EQUIPMENT, WATER TREATMENT FULL SERVICE CONTRACT FOR THE MIAMI-DADE AVIATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY EXTENSION OR CANCELLATION, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure of \$607,900 under *Contract No. FB-00123 – Group 1 Preventive Maintenance* for the continued purchase of maintenance services for air conditioning chillers, auxiliary equipment, and water treatment for the Miami-Dade Aviation Department (MDAD), resulting in a total modified contract value of \$10,475,500.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was heard at the Tourism and the Ports Committee meeting of October 15, 2020 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is for the County to authorize additional expenditure to Group 1-Preventive Maintenance of *Contract No. FB-00123* for the purchase of A/C chillers, Auxiliary Equipment, and Water Treatment Full Service for MDAD facilities, with a fiscal impact to the County of \$607,900 – bringing the total award under this contract to \$10,475,500.

The justification provided by MDAD to ISD for this modification request is summarized as follows: *Miami Dade Aviation Department (Aviation) is requesting a modification to increase the spending authority under this Contract, in order to continue full-service maintenance on all water chillers, water treatment, cooling towers, air compressors, pumps, variable frequency drives, associated piping and structural components. In accordance with Section 3.2, Quality Assurance, the awarded vendors were given 60 days to inspect equipment and report back to Aviation any deficiencies found and make the necessary repairs to bring equipment up to satisfactory and safe operating conditions in accordance with original specifications. Upon initial inspection, a large number of preexisting condition repairs were necessary to bring equipment not covered on previous contracts to OEM standards. Cost to bring equipment to OEM standards was approximately \$1,000,000. This additional cost was due to an increase in equipment and services not covered under the previous chiller contract. All pre-existing condition repairs have been completed. In addition, replacement of chillers, replacement of water treatment equipment, replacement of valves and piping at Bldg. 2208 and 3090, and Hurricane Irma damages have impacted Aviation's expenses, under this contract. These expenses have totaled \$870,000.00. The current allocation on this contract is only to cover the yearly, quarterly, and monthly services. There is one prior modification request of \$1,644,600 submitted recently, under the Mayor's delegated authority (20%). This second modification in the amount of \$607,900 will go to the BCC for approval.*

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**Item No. 8F6
File No. 201991**

Researcher: MF Reviewer: PGE

The difference between AC chillers and AC units is that a chiller utilizes an absorption refrigeration cycle to remove heat from an area by taking hot water, cooling it down in its liquid form and then the chilled water circulates throughout. An AC unit, on the other hand, can cool down as well as heat a room; to cool a room, AC units take the hot air and cool it down by removing the heat and delivering cold air.¹

The Board approved award of *Contract No. FB-00123* in the amount of \$8,223,000 on March 3, 2015, pursuant to Resolution No. R-207-15, for a six-year term expiring March 31, 2021. The contract established two groups: *Group 1-Full-Service Maintenance*, and *Group 2-Prequalification Pool of Bidders for Purchase, Replacement and Installation of Capital Equipment (closed pool)*. Subsequently, the contract has been modified as permissible through the mayor's delegated authority. OCA reviewed the Bid Tracking System (BTS) on November 15, 2020 which showed an allocation amount of \$9,867,600 and a released amount of \$8,689,882.18 leaving a balance of \$1,177,717.82. The requested additional expenditure amount of \$607,900 will bring the total modified cumulative allocation to \$10,475,500. Table 1 below depicts the contract's allocations including approved modifications.

Table 1

Contract No. FB-00123	
Current Contract Amount	\$9,867,600
Contract Total When Last Approved by Board	\$8,223,000
All Modifications Since Last Board Approval	\$1,644,600
Requested Modification Amount Under this Item	\$607,900
Modified Cumulative Allocation	\$10,475,500
	 \$9,867,600 + \$607,900 = \$10,475,500

OCA reviewed BTS on October 9, 2020 pertaining to the subject contract. The search yielded an email communication dated June 5, 2020 from MDAD staff directed to ISD noting profound concerns that MDAD was in jeopardy of having services terminated due to unpaid invoices. The email referred to a contract modification requested by MDAD on October 2019 – that as of nine months later (June 5, 2020) ISD had not processed. In part, the email stated MDAD had depleted its allocation (for the full-service contract) and owed the vendor – identified as Johnson Controls Inc.² – \$437,000 in past due invoices – and that a payment of \$167,695 was looming on June 28, 2020. The correspondence also stated the vendor's attorney had issued a demand letter to the County in May 2020, pertaining to a past due payment of \$65,557 – which MDAD paid, thereby leading to the allocation being depleted.

OCA conducted a search for the BTS-listed Commodity Codes 03113 (Chillers, Heat Exchangers and Receivers), 90644 (Heating, Ventilating AC Services), 91036 (Heating, AC and Ventilation), 96223 (Chemical Treatment Services of Boiler and Tower) on the Business Management Workforce System's Certified Vendor Directory on November 15, 2020. A total of 54 SBEs were identified. Whether the SBEs have the capacity to participate in any aspect of the contract's scope of services is beyond the scope of this research note.

¹ Home Air Advisor, <https://homeairadvisor.com/chiller-vs-air-conditioner/>

² Phone conversation with MDAD staff on October 14, 2020.

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**Item No. 8F6
File No. 201991**

Researcher: MF Reviewer: PGE

OCA performed due diligence on November 10, 2020 pertaining to the awarded vendors under Group1 – which are the subject of this request – as well as the existing closed prequalification pool of vendors (under Group 2) that were part of the original contract; Table 2 below provides the findings.

Table 2

Group No.	Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
1 and 2	Johnson Controls, Inc.	Foreign Profit Corporation Active Principal Address: 5757 N. Green Bay Ave. Milwaukee, WI Filed: November 7, 1957	No account on file	No account on file	No relevant litigation found
1 and 2	RGEN Enterprises, LLC dba Cool Water Air Conditioning	Florida Limited Liability Company Active Principal Address: 5716 NE 4th Ave Miami, FL Filed: April 23, 2018	Business Address: 5716 NE 4th Ave. Miami, FL Paid and Current	Active Licensed for: Certified Mechanical Contractor; Construction Business Information; Construction Financial Officer	No litigation found
1 and 2	Southeastern Chiller of Miami, Inc. dba Southeastern Chiller Services	Florida Profit Corporation Active 3800 NW 126 Ave. Coral Springs, FL 33065 Filed: October 1, 1993	No account on file	Active Licensed for: Construction Business Information	No relevant litigation

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1 and 2	Weathertrol Maintenance Corp.	Florida Profit Corporation Active Principal Address: 7250 NE 4 Ave. Miami, FL Filed: April 10, 1969	Principal Address: 7250 NE 4 Ave. Miami, FL Paid and Current	Active Licensed for: Certified Mechanical Contractor; Construction Business Information	No relevant litigation
2	Cool-Breeze Air Conditioning Corporation	Florida Profit Corporation Active Principal Address: 13120 SW 130 Terr. Miami, FL Filed: September 14, 1987	No account on file	Active Licensed for: Certified Air Conditioning Contractor	No relevant litigation
2	Honeywell International, Inc.	Foreign Profit Corporation Active Principal Address: 300 S. Tryon St. Charlotte, NC Filed: October 6, 1986	No account on file	Active Licensed for: Construction Course Provider; Certified Alarm System Contractor; Certified Mechanical Contractor; Certified Alarm System Contractor I; Healthcare Clinic Establishment Permit; Construction Business Information; Electrical Business	No relevant litigation

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Researcher: MF Reviewer: PGE

				Information: Registry	
2	Trane U.S., Inc. dba Trane	Foreign Profit Corporation Active Principal Address: 800 E. Beaty St. Davidson, NC Filed: January 7, 1952	No account on file	No account on file	<i>Cruz et al. v. Trane Inc., et al.</i> Case No. 3:19- CV-07324, filed February 28, 2019 in the U.S. District Court, District of New Jersey (Trenton). Allegation: During April 2018, the defendant engaged in racist actions (toward plaintiffs) through the use of racial slurs in the presence of several male and female African- American workers to which when the employees complained to HR, they received unlawful reprisals. Case status: A fact discovery deadline was extended to October 30, 2020 – for which a telephone status call was scheduled. No other status update is available.

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Researcher: MF Reviewer: PGE

Illustration 1 below shows an example of a Chiller AC system.

Illustration 1



ADDITIONAL INFORMATION

OCA conducted Internet searches on the selected vendors on October 10, 2020. Below is a snapshot of information from each of the vendor's websites.

- Johnson Controls, Inc. – among the goods and services the company offers are HVAC equipment, fire detection and suppression, operations and maintenance repair services, and systems integration. <https://www.johnsoncontrols.com/>
- RGEN Enterprises, LLC dba Cool Water Air Conditioning – the company's clients include Miami VA Hospital; Brickell Bay Club; The Hebrew Academy; The Seasons (Fort Lauderdale); Majestic Tower Bal Harbour; and Miami-Dade County School Board. <http://www.coolwaterac.com/>
- Southeastern Chiller of Miami, Inc. dba Southeastern Chiller Services – the company opened 27 years ago and provides AC maintenance and repair and equipment replacement services for large commercial and industrial customers. <https://sechillers.com/>
- Weathertrol Maintenance Corp. – the company was established more than 50 years ago as a family-owned business with expertise in the design, construction, maintenance and operation of HVAC systems for large, industrial and government buildings. <https://wtrol.com/>

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- Cool-Breeze Air Conditioning Corporation – established more than 30 years ago, the company offers cooling and heating services with 24/7 availability. <https://www.cool-breezeac.com/>
- Honeywell International, Inc. – established more than 100 years ago, the company offers multi-faceted services in the areas of healthcare pharma, industrial and manufacturing, retail, safety, buildings and cities, and aerospace. <https://www.honeywell.com/en-us>
- Trane U.S., Inc. dba Trane – the company bills itself as a world leader in air conditioning systems, services and solution, offering energy-efficient heating, ventilating and AC systems, building, contracting and energy services, in addition to support services. <https://www.trane.com/index.html>

DEPARTMENTAL INPUT

OCA sent the following inquiries to ISD on October 14, 2020; the Department replied on October 15, 2020; additionally, OCA inquired on November 10, 2020 pertaining to the budgeted item and the Department replied on November 16, 2020; the responses are shown in Italics and on Table 3 below.

- *Contract FB-00123 expires March 31, 2021, which is less than six months away. Kindly provide the status of the long term re-procurement plan for this.*

ISD Response: ISD started the process for replacement contract on August 30, 2019 by sending an email to MDAD requesting scope of work and signed Allocation Request Form for the new contract. MDAD's completed Allocation request form was received by ISD on June 10, 2020. However, in the meantime both departments were working on their portions of the new bid. MDAD was reviewing specifications and validating the list of equipment (chillers, pumps, motors, cooling towers) to ensure accurate information is provided to all bidders for the new bid. While MDAD was working on specifications, ISD prepared solicitation draft with appropriate licensing requirements, after validation with regulatory agencies, and appropriate terms. ISD also issued an RFI and posted draft as a future solicitation. At this time staff from both departments are finalizing the solicitation and minor edits are being made to the draft and ISD intends to advertise the solicitation next week.

- Please provide explanation for the delay from the time MDAD requested a contract modification in October 2019 to when ISD granted said modification in June 2020 (as noted in an email communication from MDAD to ISD dated June 5, 2020).

ISD Response: When the modification request for additional monies was sent to ISD in October, the Procurement Contracting Officer in ISD was already working with MDAD to resolve an urgent vendor related matter on this contract. The issue related to assignment of contract by Cool Water Air Conditioning, Inc. to RGEN Enterprises LLC which had purchased Cool Water Air Conditioning, Inc. However, RGEN Enterprises had not started the process of contract reassignment. ISD staff contacted the vendor to obtain the information required for the contract reassignment. This entire assignment process took months as the vendor took time in providing appropriate documents to validate the company's qualifications, which included reviewing: Vendor's Mechanical Contractors License, Technicians' Certifications, EPA Certifications, Non-destructive Testing Certifications, Stratospheric Ozone Protection Permit, References, Mechanical Engineer Degree, and conducting a Due Diligence review.

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ISD Response: *ISD staff mistakenly held the modification to add monies, until the contract reassignment was completed as staff was under the impression that monies could not be added until vendor information is corrected. However, the staff did not realize that there are multiple vendors in the contract and modification for additional money should have been expedited. When the issue was brought to ISD's (Management) attention, immediate action was taken to add money under authority granted to ISD, which facilitated MDAD in resolving the payment matter with the vendor. ISD staff was verbally counselled by Management and these delays will not occur in the future. All modifications will be processed in a timely manner and not held for any reason.*

- Explain whether this expenditure has been budgeted for; (a) if so, provide the line item where this budget can be identified and provide the associated funding source(s) to pay for it; and (b) provide the financial index or account code for the expenditure and revenue.

Table 3

Has the expenditure been budgeted for?			
If yes:			If no:
Provide the budget line item where this expenditure can be identified.	Provide the funding source(s).	Provide the Financial index or account code.	Explain why this expenditure was not budgeted for, including how the expenditure will be addressed.
ACC # 724414	EA101 - Operational/Outside Contracts	AV1417 – 724414	N/A

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

Resolution No. R-828-19, adopted on 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>

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**Item No. 8F6
File No. 201991**

Researcher: MF Reviewer: PGE

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

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

Resolution 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-207-15, adopted January 28, 2015, approved award of Contract No. FB-00123 for purchase of A/C chillers, auxiliary equipment and water treatment services in the total amount not to exceed \$8,223,000 for MDAD.

<http://intra/gia/matter.asp?matter=150201&file=true&yearFolder=Y2015>

Resolution No. R-187-12, adopted 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 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>

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**Item No. 8F7
File No. 201676**

Researcher: VW Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$1,623,000.00 FOR A MODIFIED TOTAL CONTRACT AWARD OF \$2,400,000.00 FOR CONTRACT NO. FB-00628 FOR LANDFILL GAS MANAGEMENT SYSTEMS FOR THE DEPARTMENT OF SOLID WASTE MANAGEMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY EXTENSION OR CANCELLATION, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority in an amount not to exceed \$1,623,000 for *Contract No. FB-00628, Landfill Gas Management Systems*, for the Department of Solid Waste Management (DSWM), resulting in a modified contract value of \$2,400,000.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was heard at the Health Care and County Operations Committee meeting on October 16, 2020 and forwarded to the November 19, 2020 BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to grant additional expenditure authority for the operations, monitoring, and maintenance of the landfill gas collection system which is currently in the process of being upgraded. More specifically, the requested increased spending of \$1,623,000 is needed to expand DSWM's existing infrastructure by more than 50% to comply with time-sensitive permit requirements. Landfill gas collection systems are the systems put in place to deal with the excess gas that is naturally created during the decomposition of waste. Landfill gas generally contains about 50% methane and is either destroyed through combustion in a flare station or diverted to an on-site treatment facility for the conversion of the gas to energy. After filtering and compression, landfill gas can be used to power internal combustion engines, gas turbines, or microturbines to generate electricity.

Contract No. FB-00628, Landfill Gas Management Systems, was awarded on February 12, 2019 under the Mayor's delegated authority. The contract was awarded with an allocation of \$777,000 effective as of March 1, 2019 and set to expire on February 29, 2024. At the time that the contract was solicited in 2018, DSWM had not anticipated that the landfill gas management system would require upgrading. Due to significant upgrades to the landfill gas management infrastructure in the last two years, which includes the addition of approximately 30 landfill gas extraction wells and flare stations at both the North Dade and South Dade landfills, additional monitoring and maintenance is being requested for the new infrastructure.

The justification provided by DSWM for the requested increase is as follows: *The landfill management system upgrades will increase the current infrastructure by more than 50% and will add to the cost of operating and maintaining these systems. Additional needs include the maintenance of the landfill gas system for Cell 4 of the South Dade Landfill, and the East Cell of the North Dade Landfill. DSWM anticipates that the cost to operate and maintain the Gas Collection and Control System will be approximately \$480,000 per year and is thus requesting an additional allocation of \$1,623,000 over five years to cover these costs.*

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Researcher: VW Reviewer: PGE

The effective operation of the County's landfill gas management system is critical to ensuring that the County meets the requirements of its Title V Air Permits, mandatory greenhouse gas monitoring, and contractual obligations to supply landfill gas services as fuel for the production of electricity. Title V of the Clean Air Act of 1963 requires major sources of air pollutants such as waste incinerators to obtain an operating permit, to operate in compliance with that permit, and to certify at least annually their compliance with permit requirements. The upgrading of the County's landfill gas management system was done to ensure compliance with Title V of the Clean Air Act and the additional expenditure authority being requested at the Board is similarly being requested to ensure that the County can meet all federal regulations regarding air quality.

According to the pool's Blanket Purchase Order, DSWM's existing cumulative allocation is \$777,000 of which \$777,000 has been released (as of November 12, 2020), leaving a balance of zero. DSWM has exhausted its \$777,000 allocation roughly 3 months into the 60-month contract. The Purchase Order found in BTS shows a posted date of May 17, 2019 for an amount of \$ 777,000 yet this modification was slated for Board approval on October 20, 2020.

Table 1 below shows the initial contract award value, this item's requested value, the total modified contract value if this item is approved and an arrow representing the percentage increase to the original award value considering the requested additional funds.

Award Type	Award Value
Initial Contract Award	\$777,000
Requested Modification	\$1,623,000
Modified Contract Value	\$2,400,000  209%

Resolution No. R-391-17 requires the Administration to competitively solicit services rather than expanding the scope of services under an existing contract via a contract modification such as in the present case. Where competitively soliciting the expanded scope is not feasible, the mayor's contract modification memorandum shall set forth a justification for forgoing competition. Here, rather than competing the expanded scope of services, the item increases the contract value by over 200% to cover the cost of upgrading infrastructure not contemplated under the original scope, awarding the additional work to the existing vendor, SCS Field Services.

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File No. 201676

Researcher: VW Reviewer: PGE

Table 2 below details OCA's due diligence review of the awarded vendor.

Awarded Firms	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Stearns, Conrad & Schmidt, Consulting Engineers, Inc.	<p>Foreign Profit Corporation</p> <p>Active</p> <p>Principal Address: 3900 Kilroy Airport Way Suite 100 Long Beach, CA 90806</p> <p>Filed: December 21, 1987</p>	<p>Business address: 3900 Kilroy Airport Way Suite 100 Long Beach, CA 90806.</p> <p>Paid and Current</p>	<p>License Type: Engineers CE Course; Continuing Education Provider; Registry; Professional Geologist; Geology Business Information; Asbestos Financial Officer; Construction Business Information</p>	No relevant cases.

A November 12, 2020 search on the Business Management Workforce System for the contract's Commodity Code, 98846 – Landfill Services yielded one result: Blue Home Builders Corp., DBA BH Builders; Medley, Florida; SBE-G&S. Note that the fact there is a certified vendor under the commodity code for this procurement does not imply that the vendor is willing or capable of performing the required services.

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

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-391-17, adopted April 4, 2017, directs the County Mayor to conduct competitive selections whenever feasible instead of expanding the term or services under existing contracts and to provide a written justification of why a competitive process is not feasible when an expansion of contract terms or services is requested.

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**Item No. 8F7
File No. 201676**

Researcher: VW Reviewer: PGE

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

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>

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>

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**Item No. 8I2
File No. 201895**

Researcher: VW Reviewer: PGE

RESOLUTION RETROACTIVELY AUTHORIZING THE ACTION OF THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE IN EXECUTING AN AGREEMENT FOR SERVICES BETWEEN MIAMI DADE COLLEGE AND MIAMI-DADE COUNTY, BY AND THROUGH THE MIAMI-DADE POLICE DEPARTMENT'S PUBLIC SAFETY TRAINING INSTITUTE, FOR THE DISBURSEMENT OF REGION XIV FUNDING FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT'S CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND, IN AN AMOUNT NOT TO EXCEED \$263,631.00 FOR A TERM FROM AUGUST 31, 2020 TO JUNE 3, 2021

ISSUE/REQUESTED ACTION

Whether the Board should retroactively authorize the execution of an agreement for services between Miami-Dade College and Miami-Dade County, by and through the Miami-Dade Police Department's Public Safety Training Institute (MDPSTI), for the disbursement of Region XIV public safety institute training funding from the Florida Department of Law Enforcement (FDLE) Criminal Justice Standards and Training Trust Fund in an amount not to exceed \$263,631 for officer training(s) between August 31, 2020 and June 3, 2021.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Joe A. Martinez (District 11)

Department/Requester: Miami-Dade Police Department (MDPD)

This item was heard at the Public Safety and Rehabilitation Committee meeting on October 14, 2020 and forwarded to the November 19, 2020 BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to retroactively authorize the execution of an agreement for services entered into on August 31, 2020 between Miami-Dade College and the County in an amount not to exceed \$263,631 for officer training(s). The performance period per the agreement is from September 14, 2020 to June 30, 2021. Funding for the agreement will come from the FDLE Criminal Justice Standards and Training Commission Trust Fund corresponding to Region XIV. There is no fiscal impact to the County. The Miami-Dade College School of Justice is the agency designated by the Commission to receive and distribute the fund monies.

The FDLE's 19-member Criminal Justice Standards and Training Commission is tasked with establishing uniform minimum standards for the employment and training of full-time, part-time, and auxiliary law enforcement, and correctional and correctional probation officers as well as establishing and maintaining officer training programs, curricula requirements, and certification of training schools and training school instructors. The approved training centers for Region XIV are: the College of the Florida Keys, Institute for Public Safety, the Miami-Dade College, School of Justice, the Miami-Dade Public Safety Training Institute, and the Miami Police Training Center. Per the agreement, the Miami-Dade College School of Justice will distribute the fund monies from the FDLE to the MDPSTI. The MDPSTI is a centralized training center for both Miami-Dade Police Department (MDPD) and Miami-Dade Corrections and Rehabilitation Department (MDCR) located on a 35-acre campus in Doral, Florida.

The MDPSTI campus houses a tactical shoot-house, a challenging physical agility course, a computer lab, fully equipped classrooms, gymnasium and regulation basketball court, aquatic training center, fitness center, outdoor training spaces, conference room, and training library. The Institute provides all levels of departmental training, including: the police, corrections and public service aide academies, in-service training, civilian training, specialized

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**Item No. 8I2
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Researcher: VW Reviewer: PGE

and technical training, management, and executive level training. Detailed below is a list of Region XIV training courses offered at the MDPSTI in 2019:

- Social Media Research
- Tactical Life Saver
- Advanced Human Trafficking
- Introduction to General Investigations
- CMS - First Responder Instructor
- Investigation - Officer Involved Deadly Incidents
- Blue Courage
- Search Warrant Arrest Preparation
- Gaining the Edge
- Gangs & Security Threat Groups
- Basic Ballistic Shield
- Middle Management
- Criminal Law
- Social Media Research
- Sovereign Citizens
- Blue Courage
- Basic Ballistic Shield



A recent photo of the MDPSTI campus.

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File No. 201895**

Researcher: VW Reviewer: PGE

APPLICABLE LEGISLATION/POLICY

Florida Statutes Chapter 943, Section 25 (2)-(4) sets forth the the Criminal Justice Standards and Training Trust Fund and establishes, implements, supervises, and evaluates the expenditures of the Criminal Justice Standards and Training Trust Fund for approved advanced and specialized training program courses.

<https://www.flsenate.gov/Laws/Statutes/2012/943.25>

Florida Administrative Code Section 11B-18.003 and Section 18.0052 sets forth the operational definitions and budgets of the Criminal Justice Standards and Training Trust Fund.

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=11B-18>

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**Item No. 8K3
File No. 201964**

Researcher: JNF & CS Reviewer: PGE & EA

RESOLUTION APPROVING THE TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND ALLIANCE RE HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, FOR THE PREMISES LOCATED AT 777 BRICKELL AVENUE, SUITE NUMBER 300, MIAMI, FLORIDA, TO BE UTILIZED BY THE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT, WITH AN ANNUAL COST OF OPERATING THIS FACILITY OF APPROXIMATELY \$1,199,926.98; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS TO EFFECTUATE SAME AND EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF THE LEASE AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS OF ITS EXECUTION

ISSUE/REQUESTED ACTION

Whether the Board should authorize execution of a lease agreement between the County and Alliance RE Holdings, LLC for use of property located at 777 Brickell Avenue, Suite Number 300 as office space for the Public Housing and Community Development Department (PHCD) at a fixed annual rental rate of \$1,199,926.98 for a period of 10 years with an option to continue to lease the space at the same fixed rate for an additional five years.

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Eileen Higgins, District 5
Department/Requester: Public Housing and Community Development (PHCD)**

This item was forwarded to the BCC with a favorable recommendation by the Housing, Social Services & Economic Development Committee at its October 14, 2020 meeting.

ANALYSIS

The purpose of this item is to approve a lease agreement with Alliance RE Holdings, LLC to facilitate the relocation of PHCD's offices to less costly office space in furtherance of the department's efforts to reduce annual operating expenses. The proposed relocation from Overtown Transit Village (OTV) in District 3 to Brickell Office Plaza in District 5 is expected to yield cost savings in the amount of \$150,000 annually, according to the Mayoral Memorandum. The lease agreement is for 26,838 square feet of office space and 70 parking spaces, which will be made available for lease by PHCD employees at the negotiated rate of \$55 per month—the same rate currently paid by employees for parking spaces at the Overtown Transit Village garage.

The monthly base rent at Brickell Office Plaza will be \$99,993.92. Pursuant to the lease agreement, the annual rental rate of \$1,199,926.98 will be fixed for a period of 10 years with an option to continue to lease the space at the same rental rate for an additional five years.

The most recent agreement with the Internal Services Department (ISD) for rental of office space at OTV was for a five-year term beginning October 1, 2014 and terminating September 30, 2019. That agreement lists the annual rent for fiscal year 2014-2015 as \$1,359,150, with the stipulation that rent would be adjusted each year in accordance with the County Budget Manual. PHCD did not recall receiving an executed lease agreement for FY 2019-2020 and forward.

**BCC Meeting:
November 19, 2020
Research Notes**

**Item No. 8K3
File No. 201964**

Researcher: JNF & CS Reviewer: PGE & EA

Table 1 below represents the rent expense from FY 2014-2015 through FY 2020-2021, as reported by PHCD.

Table 1

Previous Lease with ISD for Overtown Transit Village Office Space	
Fiscal Year	Total Annual Rent
FY 2014-15	\$ 1,359,150.00
FY 2015-16	\$ 1,359,150.00
FY 2016-17	\$ 1,359,150.00
FY 2017-18	\$ 1,359,150.00
FY 2018-19	\$ 1,359,151.00
FY 2019-20	\$ 1,200,000.00
FY 2020-21 (Budget)	\$ 1,200,000.00
Total	\$ 9,195,751.00

Based on data from the last Fiscal Year (FY 2019-20) as noted above, the move to the Brickell location will generate an annual savings of \$73 in rent payments, representing a savings of \$1,095 for the 15-year period. However, in the event a new OTV tenant is not secured, the overall financial impact to Miami-Dade County will be a net loss of approximately \$18 million for the 15-year period since PHCD will be paying rent to an external entity instead of ISD.

Office space and cost per square feet were other components considered in OCA's analysis, as indicated in Table 2 below.

Table 2

Category	OTV (FY 2020-21)	Brickell Office (Lease Agreement)
Annual Rent	\$1,200,000	\$1,199,927
Approx. Square Feet	45,305	26,838
Annual Rent Per Square Foot	\$26.49	\$44.71

The OTV lease for FY 2020-2021 is \$26.49 per square foot. Based on the Brickell Office Plaza rental lease agreement, the annual rent of \$1,199,927 for 26,838 square feet represents a rate of \$44.71 per square foot. Per PHCD, comparable market rents in Downtown and the surrounding areas (Brickell and Overtown), range from \$25-\$30 per square foot.

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Research Notes**

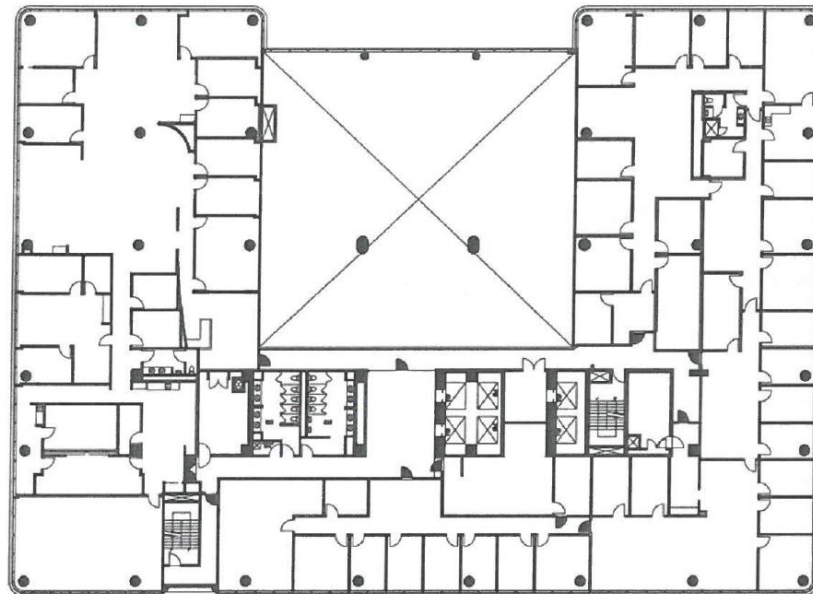
**Item No. 8K3
File No. 201964**

Researcher: JNF & CS Reviewer: PGE & EA

The graphics below depict Brickell Office Plaza, and the layout of the office space in the building to be leased by PHCD (Suite 300).



The Premises



**BCC Meeting:
November 19, 2020
Research Notes**

**Item No. 8K3
File No. 201964**

Researcher: JNF & CS Reviewer: PGE & EA

OCA's due diligence of lessor, Alliance RE Holdings, LLC, is detailed in Table 3 below.

Table 3

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Alliance RE Holdings, LLC	Florida Limited Liability Company Active Principal Address: 777 Brickell Avenue, Suite 805 Miami, FL 3313 Filed: December 18, 2013	Business Address: Municipalities Loc Commercial Lessors, FL 33888	No account on file.	No relevant cases.

DEPARTMENTAL INPUT

OCA posed the following questions to the Public Housing and Community Development. The department's responses are denoted below in italics. Some questions are pending response as of the date of publication.

- 1) What is the comparable market rent in downtown and the surrounding areas (Brickell and Overtown) for the amount of space needed for PHCD's offices?
PHCD Response:
*777 Brickell Building \$25.88 Sq Ft
AI Dupont Building \$27.45 Sq Ft
1 Biscayne Building \$30.10 Sq Ft*
- 2) What PHCD divisions will work from this new space? Will services be delivered to the community from this space?
PHCD Response: *All PHCD divisions currently in Overtown Transit Village. Services will not be delivered to the community from this space.*
- 3) Is the current office space at Overtown Transit Village of a comparable size, or does the new space include additional space that is required due to a change in the scope of work to be performed?
PHCD Response: *Yes, the current office space at Overtown Transit Village is of comparable size.*
- 4) Why is the lease for a term of 10 years as opposed to five years?
PHCD Response: *The lease is for a term of 10 years to have a fixed rate and lock in the savings, it also includes an early termination option.*

**BCC Meeting:
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**Item No. 8K3
File No. 201964**

Researcher: JNF & CS Reviewer: PGE & EA

- 5) How long has PHCD leased the Overtown Transit Village premises?
PHCD Response: *PHCD moved into Overtown Transit Village in August 2009.*
- 6) The current lease with ISD appears to have expired in September 2019. Is PHCD currently leasing the Overtown premises as a holdover tenant? If so, is there a cost penalty being assessed during the holdover period?
PHCD Response: *I would not consider PHCD as a holdover tenant, but rather a tenant with a year to year lease. There is no cost penalty being assessed.*
- 7) Given that the landlord signed the new lease on June 29, 2020, what accounts for the delay in executing the agreement?
PHCD Response: *This item was delayed due to COVID-19 priority agenda items.*
- 8) What is the estimated cost of:
- a. Capital improvements needed to facilitate the move, such as internet, telecommunication connections and any other alterations to the facilities;
PHCD Response: *The lease includes a \$1.1M allowance for the build-out. ITD is currently reviewing the floor plan for IT related expenses and will be providing an estimate.*
 - b. Moving cost; and
PHCD Response: *PHCD estimates this cost to be minimal, only electronic equipment and files will need to be moved.*
 - c. Additional ongoing operating costs such as maintenance, utilities, and security?
PHCD Response: *This is included with the lease.*
- 9) The premises in the proposed lease consists of 26,838 rentable sq. ft of office space at Brickell Office Plaza, which amounts to about 40% less than the 45,305 sq. ft. space presently leased at OTV. What is the impact of this change on daily operations?
PHCD Response: *No impact on daily operations, additionally the floor plan is efficient with minimal space occupied by the elevators and mechanical rooms.*
- 10) Please provide PHCD's actual rent expense for FY 2014-15 to FY 2019-20, as well as the amount budgeted for FY 2020-21.
PHCD Response:

Previous Lease with ISD for Overtown Transit Village Office Space	
Fiscal Year	Total Annual Rent
FY 2014-15	\$ 1,359,150.00
FY 2015-16	\$ 1,359,150.00
FY 2016-17	\$ 1,359,150.00
FY 2017-18	\$ 1,359,150.00

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**Item No. 8K3
File No. 201964**

Researcher: JNF & CS Reviewer: PGE & EA

Fiscal Year	Total Annual Rent
FY 2018-19	\$ 1,359,151.00
FY 2019-20	\$ 1,200,000.00
FY 2020-21 (Budget)	\$ 1,200,000.00
Total	\$ 9,195,751.00

- 11) Please provide the line item where the budget for the lease can be identified and provide the associated funding source(s) as well as its financial index or account code.

PHCD Response: *This expense is allocated across various administrative funding sources: HUD Central Office Cost Center, HUD Section 8 Programs, Infill Operations, HUD CDBG, HUD HOME, HUD ESG, SHIP, Surtax, County Owned Oversight.*

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APPLICABLE LEGISLATION/POLICY

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

[https://library.municode.com/fl/miami -
dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

**BCC Meeting:
November 19, 2020
Research Notes**

**Item No. 8N5
File No. 202093**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING AWARD OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND MARLIN ENGINEERING, INC. FOR PROFESSIONAL SERVICES FOR BRIDGE INSPECTION AND STRUCTURAL ANALYSIS, CONTRACT NO. CIP135-DTPW19-PSA, IN AN AMOUNT NOT TO EXCEED \$1,100,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$100,000.00; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the award and execution of a Professional Services Agreement (PSA) with Marlin Engineering, Inc., to provide Bridge Inspection and Structural Analysis (BIS) in an amount not to exceed \$1,100,000 inclusive of a \$100,000 contingency allowance for a three-year term with one, one-year option to renew for the Department of Transportation and Public Works (DTPW).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Department of Transportation and Public Works (DTPW)

This item was not heard at the Infrastructure and Capital Improvements Committee meeting of November 9, 2020 because it was canceled. However, the item was waived to the November 19, 2020 BCC meeting. This item was also heard at the Citizens Independence Transportation Trust Board meeting held on October 29, 2020 and was approved.

ANALYSIS

The purpose of this item is for the Board to approve a Professional Services Agreement for BIS to Marlin Engineering, Inc., for an amount not to exceed \$1,100,000 for a three-year term with one, one-year option to renew for a total cumulative term of four years for DTPW. The scope of the PSA is as follows:

- bridge inspection of elevated guideways and pedestrian bridges in compliance with federal, state, and local requirements,
- underwater bridge inspections as well as load ratings of all DTPW guideways,
- emergency and non-emergency structural analysis and design of repairs and retrofits, use of inspection drones and other applicable equipment and techniques such as infrared photometrics, 3-D Orthomosaic renderings and use of Artificial Intelligence,
- the Consultant shall be on-call 24 hours a day, seven days a week, 365 days a year and respond to the site within two hours to emergencies, and
- the Consultant shall also be available to work immediately after hurricanes and other weather related events that would necessitate the urgent performance of inspections and the production of infrastructure and structural damage assessment reports, including the development of emergency signed and sealed repair plans, specifications, cost estimates, Maintenance of Traffic plans, regulatory agency notification, and coordination with contractors for repair permits.

The contract's maximum value is \$1,100,000, which includes a contingency allowance amount of \$100,000 for unforeseen work. According to the mayoral memorandum, the funding source is an annual Federal Transit Administration (FTA) Section 5307 Formula Grant, most recently approved by the Board on May 19, 2020 through Resolution R-496-20. According to the FY 2020-21 adopted budget, there are multiple funding sources for this PSA as seen under Project #, 2000000326, which covers

**BCC Meeting:
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**Item No. 8N5
File No. 202093**

Researcher: IL Reviewer: PGE

providing preventive maintenance and completing various Metrobus, Metrorail and Metromover projects countywide. Illustration No. 1 below depicts the project's funding sources for FY 2020-21, including the dollar value per source, and total revenues.

Illustration No.1 Funding source and amount:

Funding Source	Amount
Federal Transit Administration Section 5307 Formula Grant	\$1,100,000.00

The prior contract for this service was executed on December 13, 2016 for a 3-year period and was scheduled to expire December 13, 2019. Resolution No. R-718-17 requires re-procurement of services within 18 months of the expiration date and this requirement was not met.

A Notice to Professional Consultants (NTPC) was advertised on December 11, 2019. Four proposals were received by the submittal deadline of January 23, 2020. The proposals complied with the required technical certifications and FTA requirements stipulated in the solicitation.

The Competitive Selection Committee (CSC) appointed by the County Mayor conducted the First-Tier meeting on April 28, 2020 to evaluate the proposals received. Local preference was not applied because the solicitation has federal provisions that prohibit the application of geographical preferences. Table 1 demonstrates the scoring and ranking for each firms that tendered their submittals:

Table – 1 First Tier Meeting Results

Firm Name	Adjusted Ordinal Score	Rank
Marlin Engineering Inc.	4	1
WSP USA, Inc.	5	2
Bolton Perez and Associates, Inc.	9	3
Lakes Engineering, Inc.	10	4

The CSC's professional judgement was that the proposals were deemed sufficient to determine the experience and qualifications of the firms and by a majority vote, the CSC decided to forego Second-Tier proceedings and recommended that negotiations be conducted with the highest ranked firm: Marlin Engineering, Inc. The average duration for an A&E procurement is from 8 months to one year. Below is a timeline capturing the major milestones of this procurement labeled illustration 2:

Illustration 2 depicts the timeline of the procurement:



This Project was not assigned a DBE goal. OCA performed a search of the technical certifications on the Business Management Workforce System on November 3, 2020. The number of SBE A&E firms found are listed in Table 2 below:

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File No. 202093**

Researcher: IL Reviewer: PGE

Table 2 – SBE Technical Certifications

Technical Certifications	Description	DBE A/E Firms
3.03 (Prime)	Highway Systems – Bridge Design	None
3.12 (Other)	Architecture	None
17.00 (Other)	General Civil Engineering	None

Pursuant to Resolution No. 1204-05, the County Mayor is required to evaluate in-house capabilities and expertise prior to contracting the services of outside consultants. In the present case, the department did not explore an in-house solution because this contract provides supplemental inspection services that our in-house inspectors are not qualified or certified to perform.

OCA conducted a due diligence analysis of the awarded firm and the awarded firms subconsultants and subcontractors on November 3, 2020 as seen in Table 3 below:

Table 3 – Due Diligence

Firm	Sunbiz	Tax Collector	License Type	West Law
Marlin Engineering, Inc. (Prime)	Florida for Profit Corporation Principal Address: 1700 N.W. 66 Ave Suite 106 Plantation, FL 33313 Date Filed: 08/21/1991	Two accounts Business address: 6840 N.W. 77 th Court Miami, FL 33166 Paid/Current	License Type: Construction Business Information Active No License Complaints	No Relevant Cases
Botas Engineering, Inc.	Florida for Profit Corporation Principal Address: 8935 N.W. 35 th Lane, Suite 202, Doral FL 33172 Date Filed: 08/18/1995	One account Business address: 8935 N.W. 35 th Lane, #202 Doral, FL 33172 Paid/Current	License Type: Registry Active No License Complaints	No Relevant Cases
TranSystems Corporation	Foreign for Profit Corporation Principal Address: 2400 E. Commercial Blvd. Suite 1000, Fort Lauderdale, FL 33308 Date Filed: 11/02/1995	One account Business address 6303 Blue Lagoon Dr 400, Miami, FL 33186 Paid/Current	License Type: Architect Business Information No License Complaints	No Relevant Cases
Volkert, Inc.	Foreign for Profit Corporation Principal Address:	One account Business address: 13205 N.W. 7 th Lane, Miami, FL 33182 Paid/Current	None	No Relevant Cases

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File No. 202093**

Researcher: IL Reviewer: PGE

	11 North Water Street, Suite 1800, Mobile, AL 36602			
	Date Filed: 12/15/1986			

Pursuant to Resolution No. R-421-16, a performance record verification was conducted by OCA in the Capital Improvements Information System (CIIS) on November 3, 2020. There are eight evaluations on record for Marlin Engineering, Inc., with an average rating of 3.5 out of 4.0.

ADDITIONAL INFORMATION:

A web search revealed that Marlin Engineering Inc. has been hired by other municipal governments in the region, such as the City of Doral, under Contract No. 0500 – Construction Contract executed on the December 5, 2016. The scope of work consisted of widening, resurfacing, and constructing a new portion of N.W. 92nd Avenue from N.W. 27th Street to N.W. 33rd Street.

[City of Doral Contract](#)

DEPARTMENTAL INPUT

OCA asked the following questions on November 9, 2020 and as of the print date of these notes the responses had not yet been received.

1. Is this a replacement contract?
DTPW Response – Yes, it is.
2. What is the interplay between this Contract and the work being under File No. 202091 and File No. 201665 (Metrorail Acoustical Barriers)?
DTPW Response – There is not relationship between the scope of work of this procurement and the scope of work of the Metrorail Acoustical Barrier Replacement - Phase 3 contracts.
3. Are there any other contracts that focus on Bridge Inspections?
DTPW Response – Related to the work performed by DTPW Division 39, there are no other contracts that focus on Bridge Inspection.
4. Could this service have been done in house?
DTPW Response – No, this contract provides supplemental inspection services that our in-house inspectors are not qualified or certified to perform.
5. What is the Grant value? How much of the grant is covering these services? Is it for \$1,000,000 from the FTA?
DTPW RESPONSE - The last grant agreement completed (FL-2020-032) for bridge inspection has \$380,000 available for 3rd Party Consultants. The total grant value is \$1M. It is an FTA grant. Future grant agreements will include additional funding for bridge inspection activities. In addition, see below table which contains all the index codes that have been used to fund the previous Professional Services Agreement (PSA) and will be used to fund the subject PSA when approved.

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**Item No. 8N5
File No. 202093**

Researcher: IL Reviewer: PGE

APPLICABLE LEGISLATION/POLICY

Chapter 335.074 of the Florida Statutes, governs the safety inspection of bridges.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0335/Sections/0335.074.html

Chapter 287 of the Florida Statutes, Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties, will govern how each agency shall publicly announce, in a uniform and consistent manner, each occasion when professional services must be purchased for a project the basic construction cost of which is estimated by the agency to exceed the threshold amount provided in s. 287.017 for CATEGORY FIVE or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, except in cases of valid public emergencies certified by the agency head. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration.

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

National Bridge Inventory Standards 29-124(f), establishes the national procedures for recording and coding guide for the structure inventory and appraisal of the Nation's Bridges.

<https://www.fhwa.dot.gov/bridge/mtguide.pdf>

U.S. Department of Transportation Federal Transit Administration (FTA) FTA C 4220.1F Circular provides contracting guidance for recipients of Federal assistance awarded by the Federal Transit Administration.

[FTA Circular Link](#)

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

Section 2-10.4 of the County Code provides the rules and regulations associated with the procurement of professional, architectural, engineering, landscape architectural, or land surveying and mapping services. Requires a public announcement, submission of qualifications, certification committee, competitive selection committee, and competitive negotiations.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Section 2-10.4(7) of the County Code provides, each contract for professional services shall contain a prohibition against contingent fees, as required by Chapter 287, Florida Statutes. For the breach or violation of this provision the County Commission may terminate the agreement without liability or, at its discretion, deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

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**Item No. 8N5
File No. 202093**

Researcher: IL Reviewer: PGE

Section 29-124(f) of the County Code Requires CITT review of contracts funded by the People's Transportation Plan or for contracts with a Transit allocation that exceeds \$1 million.

[29-124Transit Agreements](#)

Ordinance 14-79 (Sea Level Rise), adopted on September 3, 2014, amending Section 2-1 of the Code of Miami-Dade County, Florida, to require that in all agenda items related to planning, design, and construction of County infrastructure a statement be included that the impact of sea-level rise has been considered; providing severability, inclusion in the code, and an effective date.

<http://www.miamidade.gov/govaction/matter.asp?matter=141211&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. 1204-05, adopted October 18, 2005, directing the Mayor to evaluate in-house capabilities and expertise prior to contracting the services of outside consultants.

<http://intra/gia/matter.asp?matter=052890&file=true&yearFolder=Y2005>

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&yearFolder=Y2012>

Resolution No. R-496-20, adopted May 19, 2020, approving terms of and authorizing the county mayor or county mayor's designee to execute and file a grant application with the United States Department of Transportation, Federal Transit Administration in the amount of \$1,000,000.00 fiscal year 2020, section 5307 grant program flexible funding for the Metrorail and Metromover guideway bridge inspections.

<http://intra/gia/matter.asp?matter=200668&file=true&yearFolder=Y2020>

Administrative Order 3-39 effective June 23, 2003, establishes the standard procedures for user departments to implement, classify, track, monitor, and report capital construction projects.

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

Implementing Order 3-34 effective March 14, 2014, provides internal administrative processes for the creation of fair, impartial, object, and qualified selection committees for the evaluation of offers or proposals.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-34.pdf>

**BCC Meeting:
November 19, 2020
Research Notes**

**Item No. 9A1
File No. 201951**

Researcher: JNF Reviewer: PGE

RESOLUTION APPROVING AN AMENDED AND RESTATED INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF MIAMI BEACH, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize execution of an amended and restated Interlocal Agreement with the City of Miami Beach, wherein provisions are amended, primarily, to reflect the terms of the future relocation of the North Shore Library to another City facility.

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Sally A. Heyman, District 4
Department/Requester: Library Department**

This item was forwarded to the BCC with a favorable recommendation by the Parks, Recreation, and Cultural Affairs Committee at its October 16, 2020 meeting.

ANALYSIS

The primary purpose of this item is to amend the June 20, 1986 Interlocal Agreement between the County and the City of Miami Beach (City) to accommodate the relocation of the North Shore Library to a new City facility as part of the 72nd Street Community Complex Project, construction of which began on December 17, 2018 and is slated to be completed by September 30, 2023. Pursuant to the 1986 Interlocal Agreement, wherein the City transferred its library facilities to the County for it to operate, the County provides library services and pays for the operational and maintenance costs at three locations—Miami Beach Regional, South Shore, and North Shore. The Interlocal Agreement affords the City the right to relocate any City library facility, contingent on the County's approval, provided that the City pays for the costs of the relocation.

The North Shore Library will be relocated from 7501 Collins Avenue to 299 72nd Street in Miami Beach. The new 7,500 square foot library, part of a larger City General Obligation Bond multi-use project, will consist of the following minimum areas:

- Entrance Lobby/Guest Services (575 sq. ft.)
- Multipurpose Community Meeting Room/Study Room (950 sq. ft.)
- Young Adults and Children Room (1,445 sq. ft.)
- Main Reading Room/Library Collections (1,945 sq. ft.)
- Digital Media/Technology and Innovation Lab (1,445 sq. ft.)
- Staff Office, Lounge Area, Separate Mechanical, Data Room, Janitorial (1140 sq. ft.); and
- Restrooms as required by code.

In addition, the new library will have the opportunity to use an approximately 2,500 square foot community meeting room to be located at the roof level of the project, subject to scheduling availability in coordination with City's Parks and Recreation Department.

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Research Notes**

**Item No. 9A1
File No. 201951**

Researcher: JNF Reviewer: PGE

As the project approaches completion, the City is to provide the County with 180 days prior written notice to relocate to the new library, the cost of which will be borne by the City. The County is responsible for its pro rata common area maintenance costs of the new project facility as well as the approximate \$253,000 cost of furniture, fixtures and equipment that the County purchases for the new library. Building Better Communities General Obligation Bond funding designated for the existing North Shore Library will serve as the funding source for these costs. All other financial terms will remain the same, including the County's nominal \$1 per year lease payment to the City for the library facilities.

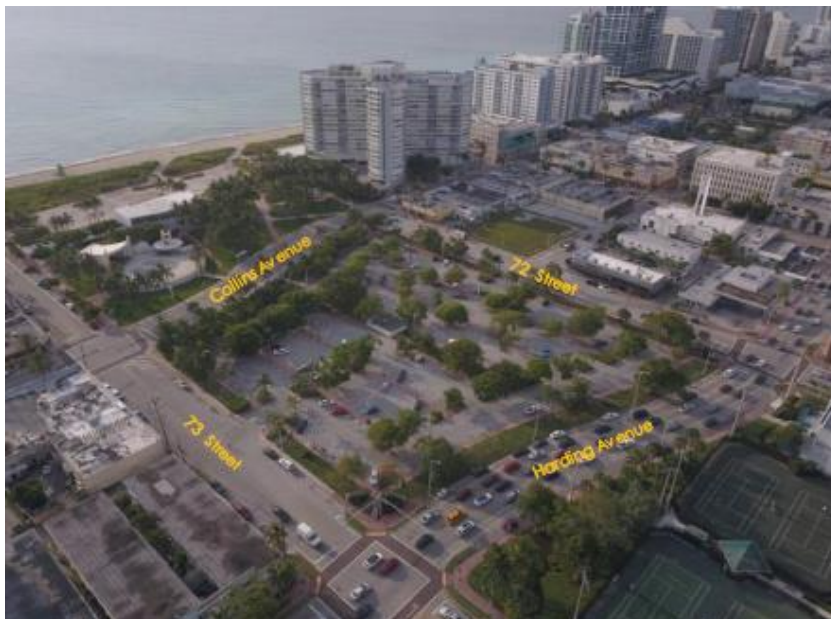
County approval of the amended Interlocal Agreement will permit the City to provide preliminary design and budget guidance and facilitate the City's Request for Proposals process for the project's design/builder. Other terms addressed in the amended Interlocal Agreement are as follows:

- Clarification of the terms related to the Miami-Beach Police Department's use of Conference Room 202A at the Miami Beach Regional Library as a police sub-station;
- Clarification related to the 65 parking spaces the City provides to County library staff working at the three library locations within the City; and
- Clarification of the terms in the event of the City's termination of the Interlocal Agreement—providing a more equitable arrangement for reimbursing the County for the value of unamortized permanent improvements completed by the County.

The amended Interlocal Agreement was approved by the City of Miami Beach at its September 16, 2020 Commission meeting.

Graphic 1 below depicts the location of the project site, currently a City-owned parking lot, located between 72 and 73 Streets, between Collins and Harding Avenues.

Graphic 1



**BCC Meeting:
November 19, 2020
Research Notes**

**Item No. 9A1
File No. 201951**

Researcher: JNF Reviewer: PGE

DEPARTMENTAL INPUT

OCA posed the following question to the Library Department. Its response is denoted below in italics.

- Regarding the estimated \$253,000 cost of furniture, fixtures and equipment that the County is to purchase for the new library, (1) please explain whether this expenditure has been budgeted for; (a) if so, provide the line item where this budget can be identified and provide the associated funding source(s); and (b) provide the financial index or account code.

Library Department Response: *The \$253K expenditure has been budgeted for as part of Project 906880, and can be found on page 195 of Volume 2 of the 2020-21 Proposed Budget (<https://www.miamidade.gov/budget/library/fy2020-21/proposed/library.pdf>) which was adopted by the Board in September. Please note that the expenditure is anticipated to happen in FY 2023-24 and the funding source is General Obligation Bond Financing. This project is budgeted in index code CPL266LB0460. If you look the index code up in FAMIS, please remember to choose "A" for all years in the "Balance" field, there you will see the entire project budget load of \$355K.*

APPLICABLE LEGISLATION/POLICY

Resolution No. R-82-06, adopted January 24, 2006, approved the first amendment to the Interlocal Agreement, defining responsibilities for the relocation of services to the then newly-constructed Miami Beach Regional Library and the new South Shore Library, provided for the possible inclusion of a police substation within the Miami Beach Regional Library, and clarified the definition of maintenance fees to include payment by the County of condominium fees at the South Shore Branch.

<http://intra/gia/matter.asp?matter=053421&file=true&yearFolder=Y2005>

City of Miami Beach Resolution No. 2020-31386, adopted September 16, 2020, approved an amended Interlocal Agreement related to the County's provision of library services with the City of Miami Beach.

<https://miamibeach.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=18846&MeetingID=773>

City of Miami Beach Resolution No. R-1003-86, adopted June 18, 1986, approved an Interlocal Agreement related to the County's provision of library services with the City of Miami Beach.

<https://docmgmt.miamibeachfl.gov/WebLink/DocView.aspx?id=17855&&cr=1>

**BCC Meeting:
November 19, 2020
Research Notes**

**Item No. 11A1
File No. 201888**

Researcher: CB Reviewer: PGE

RESOLUTION APPOINTING STU ARCHER TO SERVE AS A MEMBER OF THE BOARD OF COMMISSIONERS OF THE NARANJA LAKES COMMUNITY REDEVELOPMENT AGENCY

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava (District 8)

Department/Requester: None

There is no procedural history at this time.

ANALYSIS

OCA's background research on the nominee to the Board of Commissioners of the Naranja Lakes Community Redevelopment Agency – Stu Archer – yielded no adverse informational findings.

APPLICABLE LEGISLATION

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

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

**BCC Meeting:
November 19, 2020
Research Notes**

**Item No. 11A13
File No. 202269**

Researcher: CB Reviewer: PGE

RESOLUTION AUTHORIZING THE REAPPOINTMENT OF RABBI SOLOMON SCHIFF TO THE MIAMI-DADE COUNTY HOMELESS TRUST BOARD OF TRUSTEES; WAIVING BY A TWO-THIRDS VOTE OF ITS FULL MEMBERSHIP THE TERM LIMIT RESTRICTION OF SECTION 2-752(C) OF THE CODE OF MIAMI-DADE COUNTY

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss (District 9)
Department/Requester: None

There is no procedural history at this time.

ANALYSIS

OCA's background research on the nominee for reappointment to the Homeless Trust Board of Trustees – Rabbi Solomon Schiff – yielded no adverse informational findings.

APPLICABLE LEGISLATION

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

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

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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).