



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

BOARD OF COUNTY COMMISSIONERS MEETING

March 2, 2021

9:30 A.M.

Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor

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Research Notes**

**Item No. 7D
File No. 202416**

Researchers: JNF&VW / Reviewer: PGE

ORDINANCE RELATING TO PROCUREMENT OF IRON AND STEEL; CREATING SECTION 2-8.2.6.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING THE BUY AMERICAN IRON AND STEEL PRODUCTS PROCUREMENT PROGRAM; PROVIDING THAT SOLICITATIONS AND CONTRACTS FOR CERTAIN PUBLIC IMPROVEMENT PROJECTS MUST REQUIRE THE USE OF IRON AND STEEL PRODUCTS PRODUCED IN THE UNITED STATES; PROVIDING EXCEPTIONS; EXEMPTING CERTAIN PROJECTS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Prime Sponsor: Joe A. Martinez, District 11

Requester: None

BCC Action Date: 12/15/2020 – Adopted on first reading

Committee Action Date: 2/11/2021 - County Infrastructure, Operations, and Innovations Committee (CIOIC)

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural or administrative noncompliance. See the Additional Information section for historical and other background information on the item.

ADDITIONAL INFORMATION

The United States is the world's largest net importer of steel as of 2019 (2019 the latest year available with [data](#) on the world's largest steel importers). [Since March 2018, a 25% tariff on steel imports has been in effect](#) with the goal of protecting U.S. steel mills from foreign competition and creating economic advantages, such as boosting employment in the steel industry. While the tariffs did initially benefit domestic companies by limiting competition and boosting prices, the tariffs created higher costs for steel consumers, such as the U.S. auto industry, resulting in job losses in those sectors.

The price of steel in the United States is currently greater than that of China, the world's largest producer of steel. Globally, the COVID-19 pandemic has caused the overall demand for steel production to fall but has also caused a supply shortage as the pandemic is impacting workers and causing production disruptions, all likely affecting pricing trends in 2021. According to IHS Markit, world-renown business information provider, [steel prices will spike in the first quarter of 2021](#) but fall rapidly over the following months. All products are rising rapidly. Rapid construction and industrial recovery from COVID-19 lockdowns outpaced sluggish capacity restarts, so supply is temporarily tight. Mills have restarted in most regions, so shortages will not last and prices will retreat quickly over the second quarter.

Pricing for a typical steel product, such as hot rolled coil/band (HRC) in the United States, as compared to Europe and China, is detailed in the below table.

Benchmark Prices for Hot Rolled Coil/Band Steel Products – February 22, 2021

Country/Region	Price (\$/metric)
USA, East of the Mississippi	\$ 1,313
Mainland China	\$ 614
Western Europe	\$883
World Export Market	\$730

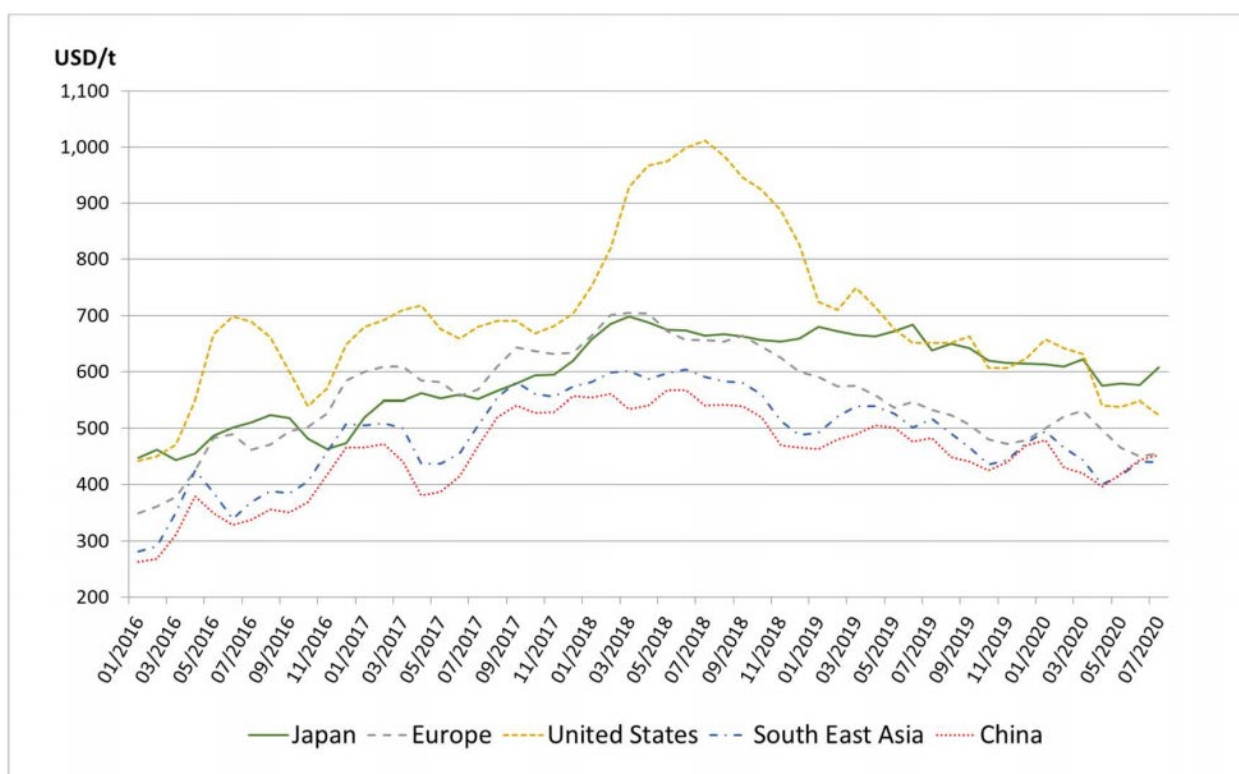
[Source: SteelBenchmarker](#)

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The chart below from the OECD Steel Market Development Report for 2020 Q4¹ shows the trends in world hot-rolled coil (HRC) prices from January 2016 to July 2020.

Figure 12. Steel price for flat products, by region



Note: Latest price: July 2020, with the exception of Russia (June 2020)

Source: Platts Steel Business Briefing.

[*Source: OECD Steel Market Development Report for 2020 Q4*](#)

The chart below details other jurisdictions that have implemented policies mandating iron and steel be purchased from American suppliers or be made in the United States.

Jurisdiction	Legislation and Effective Date	Legislative Summary
United States	Executive Order 13881- Maximizing Use of American-Made Goods,	For steel and iron manufactured products, the Executive Order does propose a significant change, increasing domestic content from 51% to 95% in order to qualify as a

¹ At the time the OECD Q4 Report was written the latest information on steel prices was as of July 2020.

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		Products, and Materials (Effective July 18, 2019)	“domestic end product.” The Executive Order also increases the “price penalty” against foreign end products from 6% to 20% (or from 12% to 30% for small business competition) which will reduce federal agency use of the “unreasonable cost” waiver and thereby increase procurement of domestic products.
New York State		New York Buy American Act (Effective December 15, 2017)	Enacts the "New York Buy American Act"; provides that all contracts over one million dollars in value and made and awarded by any department or agency of the state for the construction, reconstruction, alteration, repair, maintenance or improvement of any roads or bridges shall contain a provision that the iron, steel and concrete used or supplied in the performance of the contract or any subcontract thereto and permanently incorporated into such road or bridge, shall be produced or made in whole or substantial part in the United States, its territories or possessions; enacts provisions relating to a working group between NYS and Canada.
Texas		Senate Bill 1289 (Effective May 8, 2017)	Requires large state projects — such as buildings, roads and bridges — to purchase iron and steel from an American supplier if the cost does not exceed 20 percent more than the price of cheaper, foreign imports.
Pennsylvania		Steel Products Procurement Act (1978)	Products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated or otherwise similarly processed, or processed by a combination of two or more of such operations, from steel made in the United States by the open hearth, basic oxygen, electric furnace, Bessemer or other steel making process and shall include cast iron products and shall include machinery and equipment listed in United States Department of Commerce Standard Industrial Classification 25 (furniture and fixture), 35 (machinery, except electrical) and 37 (transportation equipment) and made of, fabricated from, or containing steel components. If a product contains both foreign and United States steel, such product shall be determined to be a United States steel product only if at least 75% of the cost of the articles, materials and supplies have been mined, produced or manufactured, as the case may be, in the United States. Transportation equipment shall be determined to be a

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		United States steel product if it complies with section 165 of Public Law 97-424 (96 Stat. 2136).
Maryland	House Bill 191 – Purchase of American Manufactured Goods (2013)	State procurement law to grant a preference for American manufactured goods in State contracting; requiring a public body to require that certain contractors and subcontractors use or supply American manufactured goods under certain procurements; providing for the application and construction of this Act; requiring a public body to give a certain notice; requiring the Board of Public Works to adopt certain regulations regarding the granting of a preference for the use of American manufactured goods; defining certain terms; and generally relating to the purchase of American manufactured goods.
New Jersey	NJ Buy American Act (Effective November 16, 2020)	Under the “New Jersey Buy American Act,” all state contracts over \$1 million in value for the construction, reconstruction, alteration, repair, maintenance, or improvement of any surface highway or bridge must contain a provision that any iron or steel products are made in whole or substantial part in the United States.

Pros of ‘Buy America Legislation’

Pros
Promotion of domestic infant industries – Newly created domestic industries may not have the economies of scale that more well-established industries in other countries may have. Such infant industries may need to be protected until they can attain a similar level of scale economy as their foreign competitors.
Reduction in unemployment rates in certain economic sectors – If consumers are required to purchase American made products for certain goods, then those sectors of the economy will experience increased demand and respond by employing more workers. However, other industries which depend on cheap foreign goods as input of production may suffer by being forced to purchase more expensive domestic alternatives so the overall effect on national unemployment levels is hard to predict .
Lower imports – A reliance on domestically made goods will lower imports and lead to a positive balance of trade, a trade surplus. However, a trade surplus is not ceteris paribus a positive phenomenon nor is a trade deficit ceteris paribus a negative phenomenon. Trade deficits are generally more problematic with fixed exchange rates. Under a fixed exchange rate regime devaluation of the currency is impossible, trade deficits are more likely to continue, and unemployment may increase. However, the United States does not employ a fixed exchange rate regime but rather a flexible exchange rate system.
National Defense – The national defense argument says that import barriers are necessary to ensure the capacity to produce crucial goods in a national emergency. The argument here is that by building up domestic industries and relying on domestic industries to produce essential goods, a country will be in a

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better position to respond to a national emergency by utilizing this built-up industrial surge capacity instead of relying on foreign countries.

Cons of ‘Buy America Legislation’

Cons
<p>Domestically produced goods are more expensive – Domestically produced goods will cost consumers more as they are generally higher in price due to higher costs of labor. The cost of labor in the United States is far higher than the cost of labor in developing countries such as China or India. <u>Furthermore, industries which use steel as an intermediate goods may pass on the higher costs of American made steel to consumers</u> in the form of higher prices for their products.</p>
<p>Risk of provoking a trade war – Generally speaking, protectionist measures such as <u>tariffs designed to protect domestic industries can possibly risk provoking a trade war</u> with the result that the goods subject to protectionist measures become more expensive regardless of whether they are produced at home or abroad. For example, if the United States were to impose tariffs on imported steel from China then China may retaliate by placing its own tariffs on imported American steel to which the United States will respond by further increasing tariffs on Chinese steel and so on and so on.</p>
<p>Reduces incentives to innovate – If domestic industries are protected through tariffs or preferential purchasing arrangements then <u>domestic industries will have a reduced incentive to innovate</u> relative to their foreign competitors as they are already at an economic advantage due to protective legislation. The need to compete on a level playing field without the advantages of protectionist legislation is a strong driver of innovation.</p>
<p>Reduction in product quality – Similar to the argument regarding innovation, protecting domestic industries from foreign competition through protectionist legislation or trade measures will also lead to a <u>disincentive to improve product quality</u>. If a domestic firm has a comparative advantage over a foreign firm through protectionist legislation, then the domestic firm has no incentive to produce a product of superior quality relative to the foreign firm.</p>

During the County Infrastructure, Operations, and Innovations Committee meeting which took place on February 11, 2021, Commissioners Higgins, Monestime, Gilbert, and Regalado voiced their support for the item but had reservations as to the potential fiscal impact the item would have on the cost of County procurement. Commissioner Monestime noted that the ‘Buy America’ policy would benefit local companies who have to compete with larger entities that operate with greater economies of scale. Chairwoman Regalado directed Ed Marquez, Chief Financial Officer of Miami-Dade County, to obtain more precise estimates of the fiscal impact the item would have on the cost of County procurement. Mr. Marquez noted that the fiscal impact would be difficult to quantify, but the information would be provided nonetheless. According to the fiscal impact statement included in the agenda item, the implementation of the ordinance will have a fiscal impact to Miami-Dade County as vendors will most likely pass any additional expense to the county by including any additional costs in newly established contracts impacted by the change.

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**Item No. 8A1
File No. 210104**

Researcher: JNF / Reviewer: PGE

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND TY LIN INTERNATIONAL FOR CONCOURSE E NEW PRE-CONDITIONED AIR CHILLER PLANT, CONTRACT NO. E19-MDAD-01 IN AN AMOUNT NOT TO EXCEED \$3,041,944.00 FOR A TERM OF FIVE YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN

Prime Sponsor: None

Requester: Aviation Department (MDAD)

Committee Action Date: 2/9/21 - Airports and Economic Development Committee (AEDC)

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural, or administrative noncompliance. See the Additional Information section for historical and other background information on the item.

FINANCIAL ANALYSIS

This Professional Service Agreement (PSA) in the amount of \$3,041,944 includes a base estimate of \$2,758,508, a 10% contingency allowance (\$275,850) and a \$7,586 IG fee.

On February 19, 2021, OCA requested the following financial and budget information from MDAD:

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	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.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
2000000094 - Miami International Airport - Concourse E Rehabilitation FY 2019-20 Adopted Budget and Multi-year Capital Plan, Volume 3, Page 129 Funding Year: FY	Future Aviation Financing	MDAD's financial system does not utilize County finance or account codes.			

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**Item No. 8A1
File No. 210104**

Researcher: JNF / Reviewer: PGE

2019-20 - FY 2022-23					
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ADDITIONAL INFORMATION

This PSA with T.Y. Lin International, a foreign profit corporation with a local address, is for replacement of the existing chiller plant that does not have the capacity to support Concourse E at Miami International Airport long term and is reaching the end of its useful life. The new Pre-Conditioned Air Chiller Plant will serve 18 gates as well as the new aircraft mix and passenger boarding bridge configurations that are anticipated. The PSA is for a term of five years.

A 30% (\$600,000) SBE-A&E Goal and .5% (\$10,000) SBE-G&S Goal applied to the solicitation, both of which were achieved at award.

Subconsultant/Subcontractor	Contract Measure
Alleguez Arhitecture, Inc.	5% (\$100,000)
Nifah and Partners Consulting Engineers, Inc.	5% (\$100,000)
SDM Consulting Engineers, Inc.	20% (\$400,000)
M.C.O. Construction & Services, Inc.	.5% (\$10,000)

T.Y. Lin International failed to meet the SBE-A&E Goal on a 2015 Seaport contract for civil infrastructure engineering services, *Contract No. E13-SEA-02*. SBD issued the violation to T.Y. Lin International for a \$122,159 SBE-A&E goal deficit on April 17, 2020, while the firm was in the evaluation and selection process for the present contract, *Contract No. E19-MDAD-01*. The violation resulted in a \$244,318 makeup requirement with a 20% penalty of \$24,432. Pursuant to SBD policy and [County Code Section 2-10.4.01](#), the firm must pay any unpaid penalties prior to any future award. T.Y. Lin International paid the penalty to the County on June 2, 2020, after the Competitive Selection Committee recommended the firm for award on April 29, 2020.

SBD approved two makeup plan requests from the firm, the second of which would be fulfilled through this contract award in the form of an additional 10% (\$200,000) to subconsultant SDM Consulting Engineers, Inc. The first makeup plan was in the amount of \$250,000. The firm proposed to fulfill this through a highway engineering services PSA, *Project No. E19-DTPW-12*, for which T.Y. Lin was ultimately not recommended for award. SBD reported that the remaining \$44,318 of the \$244,318 makeup requirement will be a condition of any future award.

In the past three years, T.Y. Lin International has been awarded five County Aviation Department contracts totaling \$15,547,537.

Contract No.	Project	Contract Amount
E16-MDAD-03	General Civil Engineering Services	\$5,513,750
EDO-AV-AA009A	E Satellite APM Bridge Certification	\$175,000
E16-MDAD-06	Flamingo and Dolphin Garages Repairs and Upgrades	\$5,447,787
E17-MDAD-05	Stormwater Pollution Prevention Plan	\$1,102,750
E18-MDAD-01	Fueling Systems Consulting Services at MIA & GAA	\$3,308,250
TOTAL		\$15,547,537

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File No. 210104**

Researcher: JNF / Reviewer: PGE

T.Y. Lin International has 12 evaluations in the Capital Improvements Information System, with an average 3.97 rating out of a possible 4.0.

The firm is the defendant in an ongoing wrongful death lawsuit (Case No. 2017-L-008009) filed on August 8, 2017 in Cook County Circuit Court, wherein T.Y. Lin International, who was contracted by the City of Chicago to provide construction management and consultant services to the City of Chicago's Department of Water management on various sewer improvement projects, was allegedly negligent in failing to provide protection, supervision and adequate instruction to its workers, resulting in decedent being buried alive while working in the trench dug of the firm's sewer improvement project. The case has been continued for active case management, with the next court action scheduled for March 22, 2021.

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Research Notes**

**Item No. 8C1
File No. 210002**

Researcher: CB / Reviewer: PGE

RESOLUTION APPROVING THE REAPPOINTMENT OF WILLIAM PERRY, III AND T. GENE PRESCOTT AND THE APPOINTMENT OF CITY OF MIAMI COMMISSIONER ALEX DIAZ DE LA PORTILLA AND WENDY KALLERGIS, A TOTAL OF FOUR MEMBERS, TO THE TOURIST DEVELOPMENT COUNCIL

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Requester: Department of Cultural Affairs (DoCA)

Committee Action Date: 2/9/21 – Airports and Economic Development Committee (AEDC)

RESEARCH FINDINGS

OCA completed the required background research regarding the reappointment of William Perry, III and T. Gene Prescott, and the appointment of City of Miami Commissioner Alex Diaz de La Portilla and Wendy Kallergis as members of the Tourist Development Council and found the following:

- *Mr. William Perry, III, Default Final Judgment for \$27,692.20 owed to Business Credit & Capital II, LLC, ordered on June 19, 2018 in the Miami-Dade County Circuit Court, Case No. 2016-011797-CA-01.*

Other than what has been noted above, OCA's background research did not yield any other adverse informational findings regarding the appointees.

ADDITIONAL INFORMATION

Bulleted below is the relevant legislation relating to the background research process:

- [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 or appointments by the BCC.

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Research Notes**

**Item No. 8F1
File No. 210389**

Researcher: TA / Reviewer: PGE

RESOLUTION AUTHORIZING THE CONVEYANCE OF A 15 YEAR SURFACE EASEMENT CONSISTING OF APPROXIMATELY 53,144 SQUARE FEET OF LAND FORMED BY AN 80-FOOT-WIDE BY 671-FOOT-WIDE STRIP OF LAND LOCATED ADJACENT TO AND EAST OF 16800 NW 57 AVENUE, UNINCORPORATED MIAMI-DADE COUNTY, TO THE ADJACENT PROPERTY OWNER, BULL MOTORS, LLC, PURSUANT TO SECTION 125.35(2), FLORIDA STATUTES, IN EXCHANGE FOR (A) THE RELEASE OF RESTRICTIONS ON COUNTY PROPERTY, AND (B) A TOTAL PAYMENT OF \$625,576.00 TO BE MADE THROUGH 15 ANNUAL INSTALLMENTS FOR THE PURPOSE OF ACCESS, PARKING AND DISPLAYING CARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE EASEMENT AND THE ACCEPTANCE OF THE RELEASE OF RESTRICTIONS, TO EXERCISE ALL RIGHTS CONFERRED THEREIN, AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

Prime Sponsor: Vice-Chairman Oliver G. Gilbert, III

Requester: Internal Services Department (ISD)

Committee Action Date: 2/9/21- PortMiami and Environmental Resilience Committee (PRC)

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural or administrative noncompliance. See the Additional Information section for historical and other background information on the item.

FINANCIAL ANALYSIS

This item results in a positive fiscal impact to the County in the form of payments by Bull Motors, LLC totaling \$625,576 over a period of 15 years. The item does not recommend or specify how these funds, that were not previously budgeted for, will be used.

According to the mayoral memo, the negotiation of the annual payments was based in part on appraisals of annual market rent (assuming no canal use restrictions) done in 2017 and 2019. Given that the real estate market has remained strong, even during the pandemic, a more current appraisal may have yielded a higher valuation.

ADDITIONAL INFORMATION

The Easement agreement was executed by Bull Motors, LLC on August 20, 2020, but this item was not scheduled for Committee consideration until February 2021.

In the original item, Exhibit D (Release of Restrictions) had not been signed by Bull Motors, LLC. Section 23 of the Easement agreement states (in part): "*Simultaneous with its execution of this Easement, Grantee...is executing a Release of Restriction in favor of the Grantor...in the form contained in Exhibit D...*" Per [Resolution No. R-130-06](#), proposed agenda items seeking approval of a contract or conveyance and authority to execute same shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-County parties. The item was amended after Committee consideration to include the executed Release of Restrictions.

This resolution delegates to the County Mayor or Mayor's designee the authority to exercise all rights in the agreement, including extending the Easement agreement beyond the initial 15 years. Section 13 of the Easement agreement provides that the easement may be extended for additional 10-year periods with the written consent of both parties and subject to a market valuation based on two appraisals prepared by State Certified General Real Estate Appraisers, with an increase of one and one-half (1.5) percent per annum.

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**Item No. 8F4
File No. 210115**

Researcher: JNF / Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY FOR THE ACCESSED, COMPETITIVELY AWARDED STATE OF WASHINGTON CONTRACT NO. 00212-2 WITH SENTINEL OFFENDER SERVICES, LLC FOR THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT IN THE AMOUNT OF \$1,318,000.00 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$10,109,666.00 FOR THE PURCHASE OF ELECTRONIC MONITORING OFFENDER SERVICES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY RENEWALS, EXTENSIONS OR CANCELLATION, PURSUANT TO SECTION 2-8-1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 2/11/21 - Community Safety and Security Committee (CSSC)

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural, or administrative noncompliance. See the Additional Information section for historical and other background information on the item.

FINANCIAL ANALYSIS

The cumulative value of this accessed contract is \$8,791,666, reflecting one 12-month proration approved on October 8, 2020 in the amount of \$1,122,333. With approval of the present request, the contract will have a modified cumulative allocation of \$10,109,666.

There are two user departments under this contract—Corrections and Rehabilitation and Juvenile Services. The Department of Corrections and Rehabilitation has exhausted its allocation of \$2,214,666 with 11 months remaining before contract expiration. The Department of Juvenile Services has \$28,000 remaining for the duration of the contract.

On February 19, 2021, OCA requested the following financial and budget information from ISD:

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**Item No. 8F4
File No. 210115**

Researcher: JNF / Reviewer: PGE

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	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.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
FY20-21 Adopted Operating Budget (Contractual Services)	General Fund	CRMONITORSV1	N/A	N/A	N/A

ADDITIONAL INFORMATION

This State of Washington contract, initially accessed in March 2014 via Resolution No. [R-212-14](#) for a term of 34 months, is for the purchase of electronic monitoring technologies to track offenders on monitored release. The awarded vendor, [Sentinel Offender Services, LLC](#), a nonlocal vendor without a local address, offers location monitoring, home monitoring, remote alcohol monitoring, radio frequency monitoring, and passive/active GPS tracking integrated into its offender management platform to facilitate the [Miami-Dade County Corrections Monitored Release Program's](#) monitoring of both pre-trial and sentenced offenders on house arrest as well as the electronic monitoring needs of the Juvenile Services Department. The 51% increase in offenders monitored daily (December 2020 compared to March 2020) necessitates this request for additional expenditure authority.

The allocation approved by the Board when this contract was initially accessed in 2014 was \$3,180,000 for a 34-month term. The State of Washington has executed four amendments, extending the contract with Sentinel Offender Services through December 31, 2021. The County's access of the contract has been extended in parallel under delegated authority, exercising a prorated allocation per year of up to \$1,122,353. Given that the allocation presently needed is greater than the amount permitted for a proration, the request is before the Board for approval.

The four contract amendments stipulated the following:

- First amendment, dated January 15, 2016, extended contract an additional three years effective January 1, 2017 through December 31, 2019.
- Second amendment, dated February 16, 2016, added a hybrid product, Back Trak, to Category 3 Tracking, Multi-Piece Electronic Monitoring.

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**Item No. 8F4
File No. 210115**

Researcher: JNF / Reviewer: PGE

- Third amendment, dated January 2, 2020, extended the contract with the vendor for an additional 12 months effective January 1, 2020 through December 31, 2020.
- Fourth amendment, dated April 6, 2020, extended the contract with the vendor for an additional 12 months effective January 1, 2021 through December 31, 2021 or until a new contract is in place.

Resolution No. R-718-17 directs the Administration to commence planning for reprocurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services. The contract was slated to expire on December 31, 2016 before being extended via subsequent contract amendments by the State of Washington to December 31, 2021. According to ISD, the State of Connecticut (SOC) is working with the National Association of State Procurement Officials (NASPO) on a replacement contract. Confirmation was received this month (February 2021) from the SOC that the new master agreement will be in place before December 2021. The County intends to utilize the new NASPO contract.

ISD reported that market research for this contract included a review of comparable contracts and entities that use electronic monitoring services. Research revealed the cooperative and volume buying available through Contract No. 00212 is widely used by several states and entities similar to the County. Approximately \$114,478 annually has been achieved in additional savings in comparison to the County's previously awarded *Contract No. RFP647-2(3)*.

A February 23, 2021 search on the Business Management Workforce System for the contract's commodity code, 46560 - Monitoring Systems, All Types, Hospital and Patient, yielded the following four certified Small Business Enterprise (SBE) firms:

- Advanced Care Medical Supplies Inc.
- Hillusa Corporation
- Medequip Repairs, Inc., dba Medequip Biomedical
- Potenza Services Inc, dba Potenza HRC

It is unknown whether these SBEs are capable of fulfilling the contract's requirements.

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Research Notes**

**Item No. 8F8
File No. 210058**

Researcher: TA / Reviewer: PGE

RESOLUTION WAIVING FORMAL COMPETITIVE BIDDING PROCESS REQUIREMENTS UNDER IMPLEMENTING ORDER 3-38 AND AUTHORIZING TWO YEAR EXTENSION OF INITIAL TERM OF CONTRACT WITH EXISTING TERMS AND CONDITIONS, AND ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$3,908,000.00, FOR A MODIFIED TOTAL CONTRACT AWARD OF \$13,562,000.00 FOR CONTRACTS NO. RFP-00294 A – GENERAL SEGMENT, B – AVIATION SEGMENT, C - WATER AND SEWER SEGMENT, AND D - TRANSIT SEGMENT FOR THE PURCHASE OF EXTERNAL INDEPENDENT AUDITING SERVICES FOR MULTIPLE DEPARTMENTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY EXTENSIONS OR CANCELLATIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 2/11/21 County Infrastructure, Operations and Innovations Committee (CIOIC)

RESEARCH FINDINGS

OCA’s review of the item found no substantive legislative, procedural or administrative noncompliance. See the Additional Information section for historical and other background information on the item.

FINANCIAL ANALYSIS

The fiscal impact for this contract modification is \$3,908,000 for a two-year period. The figures in the narrative of the mayoral memo (additional allocation in a cumulative amount of \$1,483,000, plus an annual allocation for additional services, in the cumulative amount of \$471,000) could not be reconciled with the figures in the table (additional allocation in a cumulative amount of \$3,908,000); there may be a scrivener’s error.

The current allocations were verified in the Bid Tracking System (BTS). As of February 23, 2021, the existing cumulative allocation is \$9,620,000, which is close to the \$9,654,000 cumulative allocation stated in the item. The detail is as follows:

Contract No.	Description	Start Date	End Date	Cumulative Allocation
RFP-00294A	General	6/29/2016	6/30/2019	\$2,940,000
RFP-00294A-1(2)	General	7/1/2019	6/30/2020	\$985,000
RFP-00294A-2(2)	General	7/1/2020	6/30/2021	\$990,000
-				\$4,915,000
RFP-00294B	Aviation	6/29/2016	6/30/2019	\$1,182,000
RFP-00294B-1(2)	Aviation	7/1/2019	6/30/2020	\$409,000
RFP-00294B-2(2)	Aviation	7/1/2020	6/30/2021	\$409,000
-				\$2,000,000

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F8
File No. 210058**

Researcher: TA / Reviewer: PGE

Contract No.	Description	Start Date	End Date	Cumulative Allocation
RFP-00294C	WASD	6/29/2016	6/30/2019	\$800,000
RFP-00294C-1(2)	WASD	7/1/2019	6/30/2020	\$275,000
RFP-00294C-2(2)	WASD	7/1/2020	6/30/2021	\$280,000
-				\$1,355,000
RFP-00294D	DTPW	6/29/2016	6/30/2019	\$800,000
RFP-00294D-1(2)	DTPW	7/1/2019	6/30/2020	\$275,000
RFP-00294D-2(2)	DTPW	7/1/2020	6/30/2021	\$275,000
				\$1,350,000

Based on historical allocations for these contracts, the two-year extension approximately equates to a cumulative allocation of \$3,878,000 (\$980,000 + \$409,000 + \$275,000 + \$275,000 per year). The spending authority for additional services is presumed to be part of that total, as the requested allocation is \$3,908,000. It should be noted that the departments have not fully utilized the funding available for each of these contracts. According to BTS, as of February 23, 2021, the July 1, 2019 to June 30, 2020 contracts had the remaining funds still available:

- General [RFP-00294A-1(2)]: \$175,000 of \$985,000
- Aviation [RFP-00294B-1(2)]: \$99,100 of \$409,000
- WASD [RFP-00294C-1(2)]: \$100,000 of \$275,000
- DTPW [RFP-00294D-1(2)]: \$275,000 of \$275,000

On February 19, 2021, OCA requested the following financial and budget information from ISD:

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	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.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
DTPW Operating	MT4800100	SO: 21030	N/A	N/A	N/A

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F8
File No. 210058**

Researcher: TA / Reviewer: PGE

Operating Expense, WASD Budget Book Narrative page 66. - Other Operating	WASD Proprietary	721010	N/A	3-YR Annual Avg \$165,000, FY20 \$54,238	\$225,000
Outside Contracts Page 134 (Aviation)	\$375,000- Revenue Fund	AV0402-721010	N/A	N/A	N/A
Contractual Services (21) (Finance)	General Fund	GGENDES / 21010	N/A	\$815,000	\$815,000

ADDITIONAL INFORMATION

At the February 11, 2021 County Infrastructure Operations and Innovations Committee, the item was forwarded with a favorable recommendation to the Board. The vote was 4-2; Commissioners Monestime and Sosa voted No due to opposition to bid waivers.

On June 19, 2018, the County awarded the contract for Enterprise Resource Planning (ERP) Solution implementation, integration, and related services to Accenture, LLC, at an estimated cost up to \$48,283,000 for the term of the agreement via [Resolution No. R-642-18](#). To date, \$34,499,636 has been expended under that contract. The initial targeted ERP implementation date was October 1, 2020, but the current go live date is April 2021. To ensure continuity of services and not require new auditors to learn the County's financial system, the proposed two-year extension will bring the current External Auditing Services contract to June 30, 2023.

On January 20, 2016, the County's Audit Committee was established via [Resolution No. R-87-16](#), pursuant to the Auditor selection procedures in [Section 218.391 of the Florida Statutes](#) (which were last updated in 2019, contrary to the mayoral memo stating that the Auditor selection procedures were recently changed). At that time, the Committee composition was as follows:

- Beth Goldsmith (Non-Voting Chairperson), Internal Services Department, Procurement
- Cathy Jackson, Audit Management Services, Director
- Blanca Padron, Finance Department, Deputy Director
- Robert Villar, Transit Department, Assistant Director
- Frances Morris, Water and Sewer Department, Chief Financial Officer
- Charles Anderson, Office of the Commission Auditor, Commission Auditor
- Sergio San Miguel, Aviation Department, Controller

A Small Business Enterprise (SBE) goal of 30% was set for Aviation, Transit and WASD segments as approved by the Board via Resolution Nos. [R-555-16](#), [R-553-16](#) and [R-554-16](#), respectively. The subcontractors under each of these contracts are as follows:

Aviation: 30% SBE Services goal

SBE subcontractor - Caballero Fierman Llerena & Garcia, LLP (30%)

Non-SBE subcontractor - Cherry Bekaert LLP

BCC Meeting: March 2, 2021 Research Notes	
Item No. 8F8 File No. 210058	Researcher: TA / Reviewer: PGE
<p> <u>Transit:</u> 30% SBE Services goal SBE subcontractors - Caballero Fierman Llerena & Garcia, LLP (10%) and Sanson, Kline, Jacomino & Tandoc, LLP (20%) Non-SBE subcontractors - Crowe Horwath LLP and The Sharpton Group, P.A. </p> <p> <u>WASD:</u> 30% SBE Services goal SBE subcontractor - Caballero Fierman Llerena & Garcia, LLP (30%) Non-SBE subcontractor - Marcum LLP </p>	

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F9
File No. 210087**

Researcher: JNF / Reviewer: PGE

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01592 FOR GROUPS A - AVAYA PRODUCTS AND SERVICES, B - EXTREME PRODUCTS AND SERVICES, C - CIENA PRODUCTS AND SERVICES, D - ARUBA PRODUCTS AND SERVICES, AND E - CRADLEPOINT PRODUCTS AND SERVICES IN A TOTAL AMOUNT UP TO \$18,983,505.00 FOR THE PURCHASE OF VOICE/DATA COMMUNICATIONS PRODUCTS AND SERVICES FOR THE INFORMATION TECHNOLOGY DEPARTMENT FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING FOR GROUPS A - AVAYA PRODUCTS AND SERVICES, B - EXTREME PRODUCTS AND SERVICES, C - CIENA PRODUCTS AND SERVICES, D - ARUBA PRODUCTS AND SERVICES, AND E - CRADLEPOINT PRODUCTS AND SERVICES, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 2/11/21 - County Infrastructure Operations & Innovations Committee (CIOIC)

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural, or administrative noncompliance. See the Additional Information section for historical and other background information on the item.

FINANCIAL ANALYSIS

This item establishing a prequalification pool has a fiscal impact of \$18,983,505 for a five-year term—an 11% increase from the \$17,114,132 cumulative value of the current pool for data communications products and services, *43220000-WSCA-14-ACS*, that this pool intends to replace. The current contract and the replacement pool will run concurrently until additional vendors are added to the replacement pool to ensure all County voice/data service needs can be fulfilled.

On February 19, 2021, OCA requested the following financial and budget information from ISD:

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F9
File No. 210087**

Researcher: JNF / Reviewer: PGE

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	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.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
Annual Support Maintenance - Aruba, HP FY20/21 thru FY24/25 Page 244 Page 244 Page 244 Page 244 Page 244 Page 244	Aviation Proprietary General Fund Customer Revenue Customer Revenue Customer Revenue Funding Model Customer Revenue Customer Revenue	Division (AV2201) Index (710723) 5310180000 Other Communication Charges 31018 FRECOMMUNOPS CPR313ETEDGE ET42265637 ET42265637 ET44NETWKSUP CPR313ETEDGE ET44NETWKSUP	N/A	N/A	N/A

ADDITIONAL INFORMATION

This proposed pool, *RTQ-01592, Voice/Data Communications Products and Services*, replaces the County's access of a [National Association of State Procurement Professionals ValuePoint Cooperative](#) contract for similar products and services. The current contract was accessed on August 20, 2015 for a term of 45 months, with an original expiration date of May 31, 2019. The \$17,114,132 cumulative allocation of the current contract reflects one \$250,000 proration approved on May 21, 2020, which extended the contract 12 months, as well as the following modifications.

Modification	Approval Date	Approval Authority	Amount
1	9/28/2015	Delegated Authority	\$495,000
2	7/06/2016	BCC Resolution No. R-623-16	\$8,209,000
3	2/12/2019	Delegated Authority	\$1,839,243
4	11/19/2019	BCC Resolution No. R-1218-19	\$5,220,889
5	1/08/2021	Delegated Authority	\$600,000
TOTAL			\$16,364,132

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F9
File No. 210087**

Researcher: JNF / Reviewer: PGE

In approving the contract's fourth modification and first 12-month extension on November 19, 2019 via Resolution No. [R-1218-19](#), the Board directed the Administration to issue a competitive process within the next six months to determine the state of competition and whether or not there is better pricing for these services. In accordance with this directive, the solicitation for the replacement pool was posted on May 14, 2020.

Resolution No. [R-718-17](#) directs the Administration to commence planning for reprocurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services, inclusive of option to renew periods. Given this contract's original expiration date of May 31, 2019, the Administration should have commenced planning for reprocurement of this contract no later than November 30, 2017.

There were 18 awarded vendors in the current pool. Three of the four vendors being recommended for inclusion in the replacement pool are incumbent vendors. Two of the four prequalifying vendors (50%) have local addresses, which is lower than the 75% local vendor threshold prescribed by Resolution No. [R-477-18](#). A February 23, 2021 search on the Business Management Workforce System for the pool's Commodity Codes, NIGP 20554 - Microcomputers, Handheld, Laptop, and Notebook, Environmentally Certified Products, and NIGP 92045 – Software Maintenance and Support Services, yielded the following 10 certified local Small Business Enterprise (SBE) firms, none of which are prequalified vendors under the replacement pool:

- A. L. Jackson & Company P.A.
- Amiritech Group LLC
- Compu Design Usa Inc, dba Dade Institute of Technology
- Computer Based Associates, Inc.
- Globalxnet Technologies, LLC
- Insinet Group LLC
- Laser Products, Inc.
- Meridian Partners, LLC
- Network & Communication Services, Inc.
- Speedyittech, LLC, dba 360techgroup
- Teckpert, LLC, dba Teckpert

It is unknown whether these SBEs can deliver the specialized products and services required by the solicitation.

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F10
File No. 210088**

Researcher: JNF / Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$12,265,000.00 FOR A MODIFIED TOTAL CONTRACT AWARD OF \$119,778,000.00 FOR CONTRACT NO. BW9808-0/22 FOR THE PURCHASE OF SECURITY GUARD SERVICES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY EXTENSIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 2/9/21 - Transportation, Mobility and Planning Committee (TMPC)

RESEARCH FINDINGS

The Department of Transportation and Public Works (DTPW) has exhausted its \$107,512,926 allocation six years and five months into this eight-year contract for security guard services. The \$12,265,000 additional allocation (11% contract increase) would only sustain DTPW's security needs until September 2021, a year prior to the contract's expiration on September 30, 2022. It is unclear why this request for additional expenditure authority, which would be the contract's first modification, does not include the department's needs until contract expiration. This question was posed to ISD on February 22, 2021 and as of the date of publication is pending response.

ADDITIONAL INFORMATION

This request for additional expenditure authority for the purchase of security guard services for DTPW would modify a \$107,512,926 contract (Contract No. BW9808-0/22) awarded to 50 State Security Services in 2014 via Resolution No. [R-755-14](#). U.S. Security Associates, Inc. [acquired 50 State Security Services in 2016](#). Subsequently in 2018, Allied Universal [acquired U.S. Security Associates, Inc.](#)

In the Mayoral Memorandum, the Administration cites the cost of a nightly security detail at Lehman Center/Palmetto Yard to protect the new Metrorail train cars against vandalism as one of the causes of the department exhausting its allocation under the contract prematurely. In April 2020, an [item](#) to award *Contract No. IRP278-DTPW19-CT* for the installation of a new decorative, high security perimeter fence and gates intended to better prevent unauthorized access to the facility was ultimately withdrawn due to the Board's concerns that the \$5,302,525 contract was being funded with People's Transportation Plan Bond Program funds.

The County sued U.S. Security Associates, Inc. (Case No. 12-13930 CA 09) in 2012 for breach of contract, breach of the implied dealing of good faith and fair dealing, and unjust enrichment in an effort to collect past due User Access Program and Inspector General fees, which the County inadvertently failed to deduct when paying invoices under *Contract No. 437, Security Guard Services for Special Taxing Districts*. The Board approved a \$40,000 settlement agreement with the vendor on May 6, 2014 via Resolution No. [R-418-14](#).

Resolution No. [R-718-17](#) directs the Administration to commence planning for reprocurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services. Given this contract's expiration date of September 30, 2022, the Administration should commence planning for reprocurement of this contract no later than March 30, 2021.

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F11
File No. 210095**

Researcher: MF / Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-01229 TO DE LEON AND DE LEON, P.A. FOR THE PURCHASE OF PRIVATE ATTORNEY SERVICES FOR THE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$2,000,000.00 OVER THE INITIAL THREE-YEAR TERM AND TWO-YEAR OPTION TO RENEW TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 2/11/21 – Public Housing and Community Services Committee (PHCSC)

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural, or administrative noncompliance. See the Additional Information section for historical and other background information on the item.

FINANCIAL ANALYSIS

On February 19, 2021, OCA requested the following financial and budget information from ISD:

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	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.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
Other Operating Page 121	Public Housing Subsidy	GLs 413008, 419029, 419031 (PHCD Only)	N/A	\$139,686.35	\$375,000.00

ADDITIONAL INFORMATION

The replacement solicitation was advertised on June 9, 2020. The proposal due date was July 1, 2020. The awardee signed the contract on October 26, 2020. The slated date for the BCC to consider this award is March 2, 2021.

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F11
File No. 210095**

Researcher: MF / Reviewer: PGE

The current contract had an original expiration date of December 30, 2020. However, the contract was extended administratively for six months through March 31, 2021. To promote timely award of replacement contracts and avoid the need for administration extensions, Resolution No. [R-718-17](#) directs the Administration to commence planning for reprocurement no later than 18 months prior to the expiration of contracts for the purchase of goods and services. Moreover, Resolution No. [R-515-19](#) directs the Mayor to seek approval for award of successor contracts or extensions 60 days prior to contract expiration. Here, the Commission is receiving the item for consideration less than 30 days prior to expiration of the current contract.

According to the Bid Tracking System (BTS), as of February 25, 2021, the current contract (*RFP-00042-3(3)*), awarded to incumbent firm DeLeon & DeLeon PA – the recommended firm under this item – had a Blanket Purchase Order balance of \$200,000. From a review of BTS, it is unclear whether that balance is projected for expenditure prior to the contract's March 31, 2021 expiration date.

Table 1 below shows the comparative analysis between the current contract and the replacement contract under this item. As shown, the annual allocation under the current contract is equivalent to the annual allocation of the replacement contract.

Current Contract No. RFP-00042	Term	Value	Annual Allocation
	Initial Term Sept. 15, 2014 – Sept. 30, 2017	\$1,200,000	\$400,000
	OTR 1 Oct. 1, 2017 – Sept. 30, 2018	\$400,000	\$400,000
	OTR 2 Oct. 1, 2018 – Sept. 30, 2019	\$400,000	\$400,000
	OTR 3 Oct. 1, 2019 – March 31, 2021	\$600,000	\$400,000
Totals:	6 years, 6 months	\$2,600,000	\$400,000
Replacement Contract No. RFP-01229	Term	Value	Annual Allocation
	Initial Term* April 1, 2021 – March 31, 2024	\$1,200,000	\$400,000
	OTR 1* April 1, 2024 – March 31, 2025	\$400,000	\$400,000
	OTR 2* April 2025 – March 31, 2026	\$400,000	\$400,000
Totals:	5 years	\$2,000,000	\$400,000

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F11
File No. 210095**

Researcher: MF / Reviewer: PGE

Annual Allocation Difference



**Estimated dates*

OCA conducted due diligence on the recommended incumbent legal firm, DeLeon & DeLeon, PA. According to the Florida Bar website, Mr. Neil Anthony DeLeon and Mr. Kirk Dennison DeLeon are both practicing attorneys at DeLeon & DeLeon, PA and are members in good standing. [Mr. Neil DeLeon](#) was admitted to the Bar in 1992 and has had no disciplinary actions in the past 10 years. [Mr. Kirk DeLeon](#) was admitted to the Bar in 1993 and has had no disciplinary actions in the past 10 years.

OCA contacted and sent an inquiry to the Department of Public Housing and Community Development (PHCD) on February 9, 2021 pertaining to how the current local and federal eviction moratorium impact the need for the solicited services including the contract value under this item. According to the department's response, dated February 10, 2021, the moratoriums have not impacted its need for legal counsel and support on tenant issues and lease violations. Additionally, the department has a need for continued legal support and guidance services to meet the rules set forth by the CDC and HUD moratoriums. Subsequently, on February 11, 2021, OCA requested for PHCD to provide a list of those eviction actions that the law firm under this item has been assigned to handle, which was provided on February 12, 2021.

Table 2 below shows there are 56 active eviction cases as of February 11, 2021; the table shows the eviction actions chronologically by date starting with the most recent, as well as their dispositions spanning the period from September 2016 through January 2021. A legend key to the eviction types is provided below the table.

Date	Eviction Type	Number of Evictions for the month
January 2021	Recert/Utilities	1
December 2020	Criminal Activity/Recert	3
November 2020	Recert	3
October 2020	Recert/Squatter/Abandoned Unit	8
September 2020	Rent/Fail to Vacate/Criminal Activity/Recert	7
August 2020	Recert	1
June 2020	Recert	1
May 2020	Unauthorized Boarder	1
April 2020	Sub-lease/Criminal Activity/Rent	5
March 2020	Rent	1
February 2020	Rent/Utilities	2
January 2020	Criminal Activity	2
November 2019	Criminal Activity	1
October 2019	Criminal Activity/Rent/Unauthorized Boarders	3
September 2019	Rent	2
August 2019	Rent	1
May 2019	Criminal Activity	1
April 2019	Criminal Activity/Rent	2

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F11
File No. 210095**

Researcher: MF / Reviewer: PGE

March 2019	Behavior/Poor Housekeeping	1
February 2019	Criminal Activity	1
October 2018	Conduct/Behavior/Rent	2
September 2018	Rent/Unauthorized Boarders	2
January 2018	Criminal Activity	1
June 2017	Rent	1
April 2017	Drug-related Activity	1
September 2016	Poor Housekeeping/ Criminal Activity-Family Member	2
TOTAL: 56 cases		

Eviction Type Key:

- **Rent:** Resident is under eviction for failure to pay monthly rent. Note that families pay 30% of the family's adjusted income for rent or a minimum rent of \$50 whichever is higher monthly.
- **Recert:** Resident is under eviction for failure to comply with recertification to re-determine rent, dwelling size and eligibility to continue occupancy. HUD requires residents to undergo at least one annual recertification.
- **Criminal Activity:** Resident is under eviction for drug-related criminal activity, including illegal possession, manufacture, sale, distribution, use and/or possession with intent to manufacture, sell, distribute, or use a controlled substance; violent criminal activity shall include any illegal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, nontrivial bodily injury or property damage; and non-violent criminal activity shall include any non-violent criminal activity that threatens the health, safety or right of peaceful enjoyment by other residents or employees.
- **Misc. Cases (Other):** Resident is under eviction for subleasing unit, failing to maintain utilities connected (resident receives assistance with utility payment), and for maintaining unit in poor housekeeping. PHCD is requesting possession of the unit since the resident abandoned the unit or live-in aide (illegally living in unit as only occupant) refuses to relinquish unit.
- **Unauthorized Borders:** Resident under eviction for allowing a person to stay in the dwelling unit but is not listed on the Lease or approved by PHCD to stay in the unit more than 14 days.

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F12
File No. 210096**

Researcher: VW / Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-01032 TO CAÑAS TENNIS ACADEMY, LLC FOR THE PROVISION OF TENNIS CENTER MANAGEMENT, OPERATIONS AND MAINTENANCE AT TAMiami, TROPICAL AND IVES ESTATES PARKS FOR A 10-YEAR TERM FOR THE MIAMI-DADE PARKS, RECREATION AND OPEN SPACES DEPARTMENT, WITH PROJECTED REVENUE IN THE AMOUNT OF \$1,508,040.00 TO THE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38.

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 2/11/2021 - Recreation and Culture Committee (RCC)

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural or administrative noncompliance. See the Additional Information section for historical and other background information on the item.

FINANCIAL ANALYSIS

There is a positive fiscal impact to the County resulting from this contract (No. RFP-01032) of \$1,508,040 for a 10-year term. Under the contract the awarded firm would agree as payment for the privilege of operating the tennis centers in Tamiami, Tropical, and Ives Estates Parks, to issue monthly payments to the County during the 10-year term of \$5,600 for Tropical Park, \$3,400 for Ives Estates Park, and \$3,567 for Tamiami Park. According to the contract, rental payments will temporarily decrease to the following amounts if the tennis facilities are negatively impacted by COVID-19 or any other infectious diseases: \$2,800 for Tropical Park, \$1,020 for Ives Estates Park, and \$1,783.50 for Tamiami Park. The reduced rental payments will cease when any implemented park restrictions are lifted, when consistency in park hours is reached, or the monthly guaranteed fee has been reached for each facility.

ADDITIONAL INFORMATION

According to the Parks, Recreation and Open Services Department (PROS), the current services are being delivered via expired permit agreements based on month-to-month extensions. This solicitation was advertised on January 3, 2019. Proposals were due on February 20, 2019. The item is slated for Board approval on March 2, 2021, over two years from the proposal submission date.

The table below shows a breakdown of the current entities providing the requested services by tennis center. Under the permit agreements, a total of \$274,050 in cumulative revenue has been generated according to a review of the Bid Tracking System.

Tennis Center Name	Entity Providing Service	Entity Type	Contract Expiration Status	Revenue Received
Ives Estate Tennis Center	Gustavo Roque	For-profit	Contract expired in 2017, currently operating on a	\$750.00 per month plus 5% of monthly receipts

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F12
File No. 210096**

Researcher: VW / Reviewer: PGE

			month to month basis.	
Tropical Park Tennis Center	Barbosa Tennis, Inc.	For-profit	Contract expired in 2018, currently operating on a month to month basis.	\$2,750 per month and 5% of monthly receipts on first \$5,000 and 10% on monthly receipts greater than \$5,000.01
Tamiami Park Tennis Center	Friends of Miami, Inc.	Non-profit	Contract expired in 2018, currently operating on a month to month basis.	\$550.00 per month

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F13
File No. 202217**

Researcher: MF / Reviewer: PGE

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01452 IN A TOTAL AMOUNT UP TO \$2,525,000.00 FOR THE PURCHASE OF FIRE HYDRANTS AND ASSOCIATED PARTS FOR THE MIAMI-DADE AVIATION DEPARTMENT AND THE MIAMI-DADE WATER AND SEWER DEPARTMENT FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 2/11/21 - County Infrastructure Operations & Innovations Committee (CIOIC)

RESEARCH FINDINGS

OCA conducted due diligence pertaining to the four recommended vendors for *Prequalification Pool No. RTQ-01452*: Corcel Corp.; Core & Main, LP; Ferguson US Holdings, Inc. dba Ferguson Enterprises, LLC; and Fortiline Inc. dba Fortiline Waterworks. The results yielded an adverse finding regarding vendor Core & Main, LP.

1. Recommended vendor Core & Main, LP is a defendant in a class-action, civil rights employment lawsuit. According to records, the complaint was filed September 3, 2020 (Case No. 5:20-CV-01821 – *Ishmael Perez v. Core and Main LP*) in the U.S. District Court, Central District of California (Riverside). The plaintiffs are seeking more than \$5,000,000 in damages. Per the complaint, there are more than 100 plaintiffs named in the lawsuit alleging that the defendant had failed to pay timely wages, failed to provide accurate itemized wage statements, failed to provide with adequate off duty meal periods and rest period compensation and wrongfully terminated the employment of plaintiff and other class members in violation of the Labor Code. According to the suit, the plaintiffs' also allege the following: defendant willfully failed to pay overtime wages owed; defendant had and continue to have a company-wide policy and/or practice of understaffing their worksites, while assigning heavy workloads, resulting in a failure to provide plaintiff and class members with adequate meal period coverage; defendants pressured plaintiff to clock out and continue working through meal periods two to three times per week; defendants maintained and implemented a company-wide policy of requiring all employees to travel to a medical facility on their own time and using their own personal vehicles to undergo mandatory physical examinations and/or drug testing. Based on the case docket, there is a hearing on the Motion for Class Certification set for June 21, 2021.

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F13
File No. 202217**

Researcher: MF / Reviewer: PGE

FINANCIAL ANALYSIS

On February 19, 2021, OCA requested the following financial and budget information from ISD:

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	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.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
N/A	Proprietary Funds EA11	AV 724436	N/A	N/A	N/A
Capital	WASD Propriety Utilized to install, rehabilitate, and safeguard Fire Hydrants	W017322 & W017403	Budgeted	\$1,017,321	\$2,500,000

ADDITIONAL INFORMATION

The solicitation was advertised on March 5, 2020. Submittals were due on March 20, 2020. The item is slated for Board approval on March 2, 2021. The current pool expires on March 31, 2021. Resolution No. [R-515-19](#) directs the Mayor to seek approval for award of successor contracts or extensions 60 days prior to contract expiration. Here, the Commission is receiving the item for consideration less than 30 days prior to expiration of the current pool.


The Table below depicts the annual allocation, contract terms, and difference in values for current *Prequalification Pool No. RFQ-00722* and replacement *Prequalification Pool No. RTQ-01452*. As shown, the annual allocation of the replacement pool is \$180,000 more expensive or 55% higher than the current pool.

Prequalification Pool	Term	Value	Annual Allocation
RFQ-00722 (Current)	April 1, 2018 – March 31, 2021	\$975,000	\$325,000
Totals:	3 years	\$975,000	\$325,000
Prequalification Pool RTQ-01452	April 1, 2021 – March 31, 2026	\$2,525,000	\$505,000

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F13
File No. 202217**

Researcher: MF / Reviewer: PGE

	(Replacement)				
	Totals:	5 years	\$2,525,000	\$505,000	
	<div>Annual Allocation Difference \$180,000 </div>				

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F15
File No. 202461**

Researcher: TA / Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$182,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00184 FOR GROUP A WINDOW TREATMENTS AND GROUP B WINDOW FILMING FOR PURCHASE OF WINDOW TREATMENTS, WINDOW FILMING AND RELATED ITEMS FOR MULTIPLE DEPARTMENTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING FOR GROUP A AND GROUP B, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 2/11/21- County Infrastructure, Operations and Innovations Committee (CIOIC)

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural or administrative noncompliance. See the Additional Information section for historical and other background information on the item.

FINANCIAL ANALYSIS

The fiscal impact for this contract modification is \$182,000; no General Funds will be utilized.

The original pre-qualification pool was established under delegated authority on October 1, 2015 for six years with a value of \$788,000. Additional contract modifications were approved administratively in 2016, 2018, and 2019, bringing the current cumulative value to \$915,000. With the pool expiring in seven months, there remains \$57,821 in cumulative spending authority, including a \$15,000 allocation to Community Action and Human Services which has never been utilized. The specific departments requesting additional spending authority have largely depleted their allocation: Internal Services Department has \$10,607, Library Department never had an allocation, and the Water and Sewer Department has \$118 left. The additional needs for these departments appear to not have been anticipated when the contract was originally established.

On February 19, 2021, OCA requested the following financial and budget information from ISD:

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	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.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
43510	Library Taxing District	LBSSMAINT	N/A	N/A	N/A
WASD Proprietary	S049791	Budgeted	\$60,225	\$50,000	

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F15
File No. 202461**

Researcher: TA / Reviewer: PGE

General Fund (ISD)	ID06RENOVATE FUMD - RENOVATION SERVICES ID06327906 LIGHTSPEED COMPLEX ID06327906 LIGHTSPEED COMPLEX ID06RENOVATE FUMD - RENOVATION SERVICES	N/A	\$13,100	\$50,000	N/A
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ADDITIONAL INFORMATION

As the current pre-qualification pool expires on September 30, 2021, a solicitation for the replacement pre-qualification pool is currently being processed to establish a new prequalification pool that includes installation services, which were not included in the current contract. According to the Bid Tracking System (BTS), the solicitation process for the replacement contract was initiated between February to May 2020, which is within the required 180 days time frame for re-procurement to commence as required by [Resolution No. R-717-18](#). While the bids were opened in June 2020, there were delays in obtaining documentation from vendors and ensuring a sufficient number of vendors were included in the pool. The award of the new contract is anticipated to be before the Board for approval in April 2021.

A Small Business Enterprise (SBE) set aside applies when there are three or more certified SBE firms in the pool and no federal funds are being utilized; however, there are currently only two SBE firms (Commercial Interior Contractors Corp. and Cube Care Co.) in the pool. According to the Business Management Workforce System (BMWS), as of February 23, 2021, there are currently four certified SBE firms for the required NIGP Commodity Code 91011 *Drapery Installation and Repair*. Thus, unless additional SBE firms are qualified to be added to the pool, the SBE firms would only receive a Bid Preference.

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F17
File No. 202544**

Researcher: TA / Reviewer: PGE

RESOLUTION AUTHORIZING A DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING AN EMERGENCY PURCHASE FOR THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$554,000.00 FOR LAUNDRY SERVICES, EMERGENCY CONTRACT NO. E-10022-0/20 FOR A ONE-YEAR AND ELEVEN MONTH TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 2/11/21 - Community Safety and Security Committee (CIOIC)

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural or administrative noncompliance.

The following was noted:

1. This emergency contract ratification should have come to the Board within 120 days of the emergency being declared or the reason for the delay must be set forth in the ratification item as required by Board resolution. (See the Additional Information section.)

FINANCIAL ANALYSIS

The fiscal impact for this emergency contract ratification is \$554,000 for one year and 11 months. The allocation of approximately \$24,087/month is comparable to the department's historical allocation under the previous contract (\$25,111/month). The forecasted needs for these services can vary due to fluctuations in the inmate population; thus, this is one reason for modifications to the contract allocation being made over time.

The previous contract was awarded and modified as follows:

- January 2014: Contract No. 8443-0/19 *Laundry Services* was established under the Mayor's delegated authority in the amount of \$932,400, for a six-year period, with an expiration of April 30, 2020 for the Department of Corrections and Rehabilitation (MDCR).
- June 19, 2014: Modification of \$31,000 was approved administratively.
- January 27, 2017: Modification of \$217,000 was approved administratively.
- September 6, 2014 and May 2, 2017: The contract was further modified by the Board via [Resolution No. R-806-14](#) by \$122,600 and [R-500-17](#) by \$658,000, bringing the cumulative modification to \$1,961,000 (including \$153,000 for the Juvenile Services Department).

It should be noted that while MDCR had an allocation of \$1,808,000, it only expended \$1,416,659, leaving \$391,341 of spending authority under the previous contract. While the current item does not disclose when exactly the vendor ceased to fulfill its contractual obligations, an emergency was declared by MDCR in June 2019. Therefore, there should have been less than a year of allocation remaining (equating to approximately \$251,110 for a 10-month period). According to the Bid Tracking System (BTS), as of February 24, 2021, the remaining spending authority under the current emergency contract is \$74,000.

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F17
File No. 202544**

Researcher: TA / Reviewer: PGE

On February 19, 2021, OCA requested the following financial and budget information from ISD:

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	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.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
22430	General Fund	CRLAUNDRY4	N/A	N/A	N/A

ADDITIONAL INFORMATION

MDCR does not have the capacity to address its laundry requirements and has been contracting externally for the past 14 years. Per the mayoral memo, services under the previous Contract No. 8443-0/19 were impacted by the closing of a vendor's laundry processing plant, necessitating the establishment of an emergency contract on June 5, 2019 to provide for continuity of laundry services. According to BTS, an emergency contract was originally established in the amount of \$250,000 on April 3, 2019 with Global One Sourcing, LLC, within the Mayor's delegated authority pursuant to [Section 2-8.1 of the Code](#) and [Implementing Order 3-38](#). However, due to Global One Sourcing, LLC not being able to provide the required services, the contract was terminated, and another emergency was declared on June 5, 2019, which awarded the contract to Cy's Linen Services, Inc., in the amount of \$250,000 for a one year period.

A total of three vendors were awarded under the previous contract: AlSCO, Inc., Cy's Linen Services, Inc., Logical Linen & Laundry Solutions, Inc. It is not clear what the reasons were for their inability to continue performing the required services under the competitive contract that did not expire until April 2020, resulting in the need for an emergency contract to be established in April 2019. In particular, Cy's Linen Services was a vendor under the competitive contract but was then awarded the emergency contract in June 2019.

As the competitive solicitation for the replacement contract in November 2019 failed to result in a recommendation to award to a responsive, responsible bidder (a rejection of all bids item is also on this agenda as [Legistar No. 210016](#)) after a prolonged bid evaluation period (in part, due to the inability to conduct site visits during the peak period of the COVID-19 pandemic), the ratification of the emergency contract award includes an extension of the term by 11 months with an additional \$304,000 allocation. The emergency contract will then be in place until May 4, 2021 to allow a competitive solicitation to be established. Per [Resolution No. R-454-13](#), the ratification of this emergency contract should have been brought to the Board within 120 days of such emergency; in the event that the Mayor is unable to bring the ratification to the Board within the time frame, the Mayor shall explain in writing the reason for the delay in bringing the ratification item to the Board. Thus, since the emergency contract modification occurred in June 2020, the ratification should have been considered by the Board no later than October 2020. The solicitation for the replacement contract (FB-01694) is currently under evaluation. To be in compliance with [Resolution No. R-](#)

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F17
File No. 202544**

Researcher: TA / Reviewer: PGE

[515-19](#), which directed the Mayor to seek approval for award of successor contracts or extensions 60 days prior to contract expiration, the award recommendation should be before the Board in March 2021.

No Small Business Enterprise (SBE) measures were set for this contract due to it being an emergency. The previous contract included a SBE bid preference. According to the Business Management Workforce System (BMWS), there is currently no certified SBE firm associated with the required NIGP Commodity Code 95405 *Laundry and Linen Service*.

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F18
File No. 202556**

Researcher: MF / Reviewer: PGE

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01528 IN A TOTAL AMOUNT UP TO \$5,634,000.00 FOR THE PURCHASE OF VERITAS SOFTWARE LICENSE AND MAINTENANCE SERVICES FOR THE INFORMATION TECHNOLOGY DEPARTMENT FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 2/11/21 - County Infrastructure Operations & Innovations Committee (CIOIC)

RESEARCH FINDINGS

OCA conducted due diligence pertaining to the five recommended vendors for *Prequalification Pool RTQ-01528*: Carahsoft Technology Corporation; GEN3i, Inc.; Insight Public Sector, Inc.; Quasius Investment Corporation dba GCA; and SHI International Corporation. The results yielded an adverse finding against vendor Carahsoft Technology Corporation.

1. Recommended vendor Carahsoft Technology Corp. is a defendant in a class-action Fair Labor Standards Act lawsuit. According to records, the complaint was filed February 4, 2020 (Case No. 8:20-CV-00305 – *Sherlene Wegner v. Carahsoft Technology Corp.*) in the U.S. District Court of Maryland (Greenbelt). The plaintiff alleges on behalf of herself and other current and former employees of the defendant that the defendant failed to pay overtime wages for all hours worked in excess of 40 hours for any given workweek and is seeking liquidated damages, costs and attorneys' fees. According to the suit, the plaintiff alleges the following: the defendant failed to accurately record, report and/or preserve records of hours worked and failed to make, keep and preserve records to each of its employees sufficient to determine their regular rate of pay, overtime rate of pay hours worked and other conditions and practice of employment. Per the case's docket, the last action was December 1, 2020 at which there was an unopposed motion by the plaintiff to approve the case as a class-action suit.

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F18
File No. 202556**

Researcher: MF / Reviewer: PGE

FINANCIAL ANALYSIS

On February 19, 2021, OCA requested the following financial and budget information from ISD:

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	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.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
Page 244 Strategic Area: Enterprise Data Center Page 245	BACKUP-CR DOMAIN -FM for \$274,350 and CR for \$24,577 Capital	ET26BACKUP- 24520 ET27DOMAIN- 24510 CPE313ETCLDI- 95021	N/A	POET2000007 310,000.00 POET2000376 19,197.29 POET2000569 209,670.57 POET2001490 274,350.00 POET2001918 100,803.88 POET2002374 35,602.50 TOTAL: \$949,624	\$250,000.00 ET26BACKUP- 24520 \$110,000.00 ET26BACKUP- 24521 \$400,000.00 CPE313ETCLDI- 95021 \$274,350.00 ET27DOMAIN- 24511 \$36,000.00 TBD TOTAL: \$1,070,350


ADDITIONAL INFORMATION

The Table below shows the comparative analysis between the current pool and the replacement pool under this item, as shown in the Bid Tracking System (BTS). The analysis shows the replacement contract is higher than the current contract by \$380,142.60 annually, or a 51% increase. As of February 26, 2021, BTS shows a balance of \$202,748 on the current pool's Blanket Purchase Order.

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F18
File No. 202556**

Researcher: MF / Reviewer: PGE

Prequalification Pool	Term	Value	Annual Allocation
No. 9499-3/20-3 (Current)	Initial Term Nov. 1, 2011 – Oct. 31, 2014	\$1,775,800	\$591,933.33
	OTR 1 Nov. 1, 2014 – Oct. 31, 2016	\$1,419,866.66	\$709,933.33
	OTR 2 Nov. 1, 2016 – Oct. 31, 2018	\$1,740,535	\$870,267.50
	OTR 3 Nov. 1, 2018 – April 30, 2021	\$2,155,668.76	\$862,267
Totals:	9 years, 6 months	\$7,091,870.42	\$746,512
Prequalification Pool	Term	Value	Annual Allocation
RTQ-01528 (Replacement)	Initial Term May 1, 2021 – June 1, 2026	\$5,633,273*	\$1,126,654.60
Totals:	5 years	\$5,633,273	\$1,126,654.60
Annual Allocation Difference			\$380,142.60 

**Value as shown in BTS*

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F19
File No. 202557**

Researcher: VW / Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01523 TO SOURCE TECHNOLOGIES, LLC. FOR THE PURCHASE OF 50% LIQUID HYDROGEN PEROXIDE SOLUTION FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT WITH AN AMOUNT NOT TO EXCEED \$7,992,000.00, FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD TO SOURCE TECHNOLOGIES, LLC., ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 2/11/2021 - County Infrastructure, Operations, and Innovations (CIOIC)

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural or administrative noncompliance.

The following was noted:

1. This contract was not placed on the agenda for Board approval at least 60 days prior to the expiration of the current contract as required by Board resolution. (See the Additional Information section.)

FINANCIAL ANALYSIS

The fiscal impact for this contract award is \$7,992,000 for a five-year term. The existing contract, FB-00260, was established with a value of \$7,350,000 and pro-rated administratively by \$367,500, resulting in a cumulative modified contract amount of \$7,717,500 for a five-year and three-month term from February 1, 2016 to April 30, 2021. The proposed allocation breaks down to \$133,200/month with an estimated usage of 8,000,000 pounds, compared to \$122,500/month with an estimated usage of 8,400,000 pounds under the current contract. According to the Bid Tracking System (BTS), the allocation under the existing contract has been completely depleted.

OCA verified that the precise increase in the price per pound (lb) is from \$0.18/lb to \$0.1998/lb. Given that the estimated quantity is 8,000,000 pounds, the award value would have been \$7,200,000 for a five year period under the current pricing of \$0.18, compared to \$7,992,000 under the new pricing. The incumbent firm, U.S. Peroxide, LLC. dba USP Technologies, also submitted a bid for the new contract, but was not recommended because its bid was \$0.203/lb.

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F19
File No. 202557**

Researcher: VW / Reviewer: PGE

FINANCIAL ANALYSIS

On February 19, 2021, OCA requested the following financial and budget information from ISD:

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	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.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
Operating Expense, WASD Budget Book Narrative page 66. - Other Operating	WASD Proprietary Utilized for wastewater treatment processing	Account 749021	N/A	\$1,614,774.78	\$1,702,000.00

ADDITIONAL INFORMATION

Per [Resolution No. R-515-19](#), the Mayor must seek approval for award of successor contracts or extensions 60 days prior to contract expiration. As the current contract expires on April 30, 2021, this item should have been scheduled for Board approval in February 2021. Unless this item is waived to the February 17, 2021 Board agenda, it will not comply with this requirement.

Pursuant to [Resolution No. R-140-15](#), prior to re-procurement, a full review of the scope of services must be conducted to ensure the replacement contract reflects the County's current needs, including requiring the department to consult with the Small Business Development Division regarding solicitation and contract language. The item does not specify that the required consultation occurred for this solicitation.

A Small Business Enterprise (SBE) Bid Preference applied, but no certified SBE firms submitted a bid. OCA conducted a search for the required NIGP Commodity Code 96895 (Wastewater Treatment Plant, Operations, and Testing) in the Business Management Workforce System (BMWS) on February 10, 2021 and identified one certified Small Business Enterprise firm with this code: RJR Construction, Inc.

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F20
File No. 202542**

Researcher: JNF / Reviewer: PGE

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01605 IN A TOTAL AMOUNT UP TO \$8,502,000.00 FOR THE PURCHASE OF EMERGENCY CLEANUP SERVICES FOR MULTIPLE DEPARTMENTS FOR A THREE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 2/11/21 – County Infrastructure Operations & Innovations Committee (CIOIC)

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural, or administrative noncompliance. See the Additional Information section for historical and other background information on the item.

FINANCIAL ANALYSIS

This item establishing a prequalification pool has a fiscal impact of \$8,502,000 for a three-year term—a 1600% increase from the \$500,000 cumulative value of the current pool for emergency cleanup services, *ITB-16-042-CV*, that this item intends to replace. The table below shows the departmental allocation and funding source for the replacement pool as compared to the current pool. There are 14 new user departments under the replacement pool. Internal Services remains a user department with an allocation increase of 584%.

Department	Funding Source for Replacement Pool	Departmental Allocation under Replacement Pool, <i>RTQ-01605</i>	Departmental Allocation under Current Pool, <i>ITB-16-042-CV</i>
Animal Services	General Fund	\$60,000	
Aviation	Proprietary Funds/Federal Funds	\$300,000	
Community Action and Human Services	General Fund	\$39,000	
Corrections and Rehabilitation	General Fund	\$210,000	
Cultural Affairs	Proprietary Funds	\$60,000	
Fire Rescue	Fire District	\$210,000	
Homeless Trust	Food and Beverage Tax	\$1,440,000	
Internal Services	General Funds	\$3,420,000	\$500,000
Library System	Library District	\$168,000	
Parks, Recreation, and Open Spaces	General Fund	\$75,000	
Police	General Fund	\$60,000	
PortMiami	Proprietary Funds	\$60,000	

**BCC Meeting:
March 2, 2021
Research Notes**

**Item No. 8F20
File No. 202542**

Researcher: JNF / Reviewer: PGE

Public Housing and Community Development	Federal Funds	\$120,000	
Solid Waste Management	General Fund/Proprietary Funds	\$180,000	
Transportation and Public Works	DTPW Operating	\$2,100,000	
TOTAL		\$8,502,000	\$500,000

The departments will be able to seek reimbursements for these expenditures from the Federal Emergency Management Agency where applicable.

On February 19, 2021, OCA requested the following financial and budget information from ISD:

If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	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.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
Contractual Services Page 121 (Public Housing & Community Development)	Public Housing Subsidy	GL 443024 (PHCD Only)	N/A	\$163,691.09	\$40,000.00
N/A (Fire Rescue)	FIRE RESCUE SPECIAL REVENUE	FRECOVID19	Expenditures not budgeted for as COVID 19 could not have been predicted	\$419,518.67	\$164,014.12
N/A (Corrections & Rehabilitation)	General Fund	MDCR does not have a specific line item from the Budget Book for this expense. Given the scope of this contract most of the expenses ought to be federally funded. However, any emergency that is	N/A	N/A	N/A

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File No. 202542**

Researcher: JNF / Reviewer: PGE

		declared and the department needs to pay for will come from the index code CRCENTRLCOST, or if project specific, CRBLDGMGMT			
The Seaport department ("Port") has a maintenance budget for outside services. However, it is not provided for in the Budget Book.	Seaport, Proprietary	SP420MAINT2 Subobject 22430	N/A	The Department's housekeeping staff is utilized for all cleaning services, including COVID sanitation. The Port did not have any expenditures during FY 19-20 for emergency cleaning services.	The Seaport Department does not have projected expenditures for this Contract at this time. However, as previously stated, the Port has budgeted for outside services within its maintenance budget. This contract will only be utilized to obtain emergency clean up services when Port housekeeping staff is unavailable or extreme situations.
N/A Parks, Recreation & Open Spaces	N/A	N/A	This contract is used to address cleanup after unanticipated loss events such as flooding, fire, smoke and wind damage.	\$0	Unable to project catastrophic events.

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22430 (Solid Waste Management)	Proprietary & General Funds	Garbage - SWEC03BGAOP0; SWEC03AGAOP0; SWEC058GAOP0 (\$45,000 BUDGET FY2021 S/O 22430) SW459776 TRASH - SWEC0BWRESS0; SWEC0BWRESN0 (\$20,000– BUDGET FY2021 S/O 22430) MAINTENANCE – SWED0MANTAD0; SWEC0MANTAD0 (\$12,200– BUDGET FY2021 S/O 22430) MOSQUITO - SW459776 (\$10,000– BUDGET FY2021 S/O 22430)	COVID EXPENSES are not included in Budget for FY20-21 but will be included in the projection.	\$54,463.50	\$60,000.00
N/A (Animal Services)	N/A	N/A	AD has budgeted for cleaning of infectious disease as part of normal operations due to the sheltering of pets at our facilities. We are requesting allocation due to emergencies under this contract.	\$60,000.00	\$60,000.00
AV1435 (MDAD)	Operating Budget EA101	724480	Budget was already approved, however Finance was informed and committed to fund \$50,000 per month from Contingency funds	\$235,847.21	\$103,944.59 as of 2/19/21 Estimate \$300,000 by 9/30/21

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DTPW Operating	Various	SO: 22341 or 22430	COVID Expenses are unbudgeted and being charged to a special index code.	N/A	N/A
N/A (ISD - FIMD)	General Fund	ID0602 - Physical Plant ID06327460 STEPHEN P. CLARK CENTER ID06327502 CALEB CENTER ID06327904 OVERTOWN TRANSIT VILLAGE 1 ID06COVID19 CORONAVIRUS EXPENSES ID06327528 METRO JUSTICE BUILDING ID06327906 LIGHTSPEED COMPLEX	N/A	\$97,082.56	\$570,000.00
N/A (ISD - FIMD)	Federal Funds	ID06COVID19 CORONAVIRUS EXPENSES	These purchases are related to COVID-19 decontamination efforts, which were not budgeted.	\$770,900.00	\$1,080,000.00
22341 (Library)	Library Taxing District	LBSSMAINT	N/A	N/A	N/A

ADDITIONAL INFORMATION

This proposed pool, *RTQ-1605, Emergency Cleanup Services*, replaces the County's access of a Miami-Dade County Public Schools contract for similar services. The replacement pool is broader in scope and includes decontamination services to prevent the spread of airborne pathogens and viruses, such as the SARS-CoV-2 Coronavirus. The current contract was accessed on March 19, 2018 for a two-year term with three, one-year options to renew. The \$500,000 cumulative allocation of the current contract reflects an original contract amount of \$250,000, one modification of \$60,000 approved on November 16, 2018, and one proration in the amount of \$190,000 approved on September 13,

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2019, which extended the contract 12 months until September 7, 2020. Another proration for time extension was approved under delegated authority on March 12, 2020, extending the contract until September 4, 2021.

Resolution No. [R-718-17](#) directs the Administration to commence planning for reprourement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services, inclusive of option to renew periods. Given this contract's original expiration date of September 4, 2020, the Administration should have commenced planning for reprourement of this contract no later than March 4, 2019.

The two awarded vendors in the current pool, Just in Time Water Mitigation, LLC and Super Restoration Service Co., LLC, are incumbent vendors, and the following four vendors are certified SBEs: Able Business Services, Inc.; Carpet Savers, Inc., dba Dry Out Restorations; Integrity Janitorial Service Corp.; and Maintenance Services 360. Eleven (65%) of the prequalified vendors being recommended for inclusion of the pool have local addresses, which is lower than the 75% local vendor threshold prescribed by Resolution No. [R-477-18](#). A February 24, 2021 search on the Business Management Workforce System for the pool's Commodity Code, NIGP 910 - Building Maintenance, Installation and Repair Services, yielded 157 certified local Small Business Enterprise firms.

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**Item No. 8N1
File No. 202091**

Researcher: TA / Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONSTRUCTION CONTRACT FOR THE METRORAIL ACOUSTICAL BARRIER REPLACEMENT PHASE 3 (PART 2 OF 2) PROJECT, TO HALLEY ENGINEERING CONTRACTORS, INC. IN THE AMOUNT OF \$35,212,080.00 (INCLUSIVE OF A CONTINGENCY ALLOWANCE ACCOUNT OF \$3,189,280.00), FOR A TERM OF 610 DAYS; AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR THIS PROJECT WHICH WAS ADDED TO THE FIVE-YEAR IMPLEMENTATION PLAN ON MARCH 6, 2018; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

Prime Sponsor: Commissioner Eileen Higgins

Requester: Department of Transportation and Public Works (DTPW)

Committee Action Date: 2/9/21 - Transportation, Mobility and Planning Committee (TMPC)

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural or administrative noncompliance. See the Additional Information section for historical and other background information on the item.

FINANCIAL ANALYSIS

The fiscal impact for this construction contract award is \$35,212,080, which includes a contingency allowance amount of \$3,189,280 for any unforeseen work and a dedicated allowance amount of \$130,000 for structural damage repairs. This project is funded as part of the FY20-21 Adopted Budget and Multi-Year Capital Plan. The funding source is People's Transportation Plan (PTP) Bond Program Funds.

ADDITIONAL INFORMATION

The construction contract was signed by Halley Engineering Contractors, Inc. (Halley) on September 14, 2020, but the item was not scheduled for Committee consideration until February 2021. This item was originally scheduled to be considered at the Transportation and Finance Committee meeting of November 10, 2020, but that meeting was cancelled. This item was heard at the Citizens Independent Transportation Trust (CITT) Board meeting on October 29, 2020 and was approved.

As the barriers being replaced include ones associated with various system incidents in the last few years, installing new barriers expeditiously would improve public safety. There were two separate incidents in July 2018 and April 2019 in which an acoustical barrier failed. The July 2018 incident resulted in damage to a rail vehicle and system delays. In response to the April 2019 incident, DTPW solicited emergency construction services through the County's Emergency Response Team pool under the Miscellaneous Construction Contracts (MCC) program to remove all concrete hollow core Type B acoustical panels attached to the drip line of the Miami Metrorail Guideway from the abutment AB-556-NS, which is south of the Brickell area to Span 900, which is west of the Earlington Heights Station. According to DTPW, the removal of the acoustical barriers was completed in December 2019.

The Miami Herald published an [article](#) on June 5, 2019 that highlighted how the County was rushing to fix the acoustical barriers due to the potential of falling barriers that could result in the injury of pedestrians. The article also underscored how the County had been warned in 2012 and although some acoustical barriers were removed, they were not all removed and posed a danger.

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Researcher: TA / Reviewer: PGE

The mayoral memo states that Halley has not been awarded any County contracts within the last three years, per the Firm History Report provided by the Division of Small Business Development (SBD). However, the SBD report was generated on September 10, 2020 and an updated report was not obtained when the item was placed on the agenda. As of February 23, 2021, Halley has been awarded one contract with the County as a prime: Contract No. CIP168-DTPW19-CT1 Metrorail Acoustical Barrier Replacement Phase 3 (Part 1 of 2) valued at \$30,525,860 awarded by the Board via [Resolution No. R-1005-20](#) on October 6, 2020.

This contract award recommendation is one of separate construction contracts related to acoustical barrier removal and replacement along the Metrorail system, including:

Contract Number	Contract Title	Contract Value	Start Date	End Date	Prime Contractor
380773	Acoustical Barrier Replacement - Phase 1 (Resolution R-150-19)	\$2,819,465.62	10/24/2018	12/20/2019	Maytin Engineering Corp.
394585-A	Acoustical Barrier Replacement - Phase 2 – Removal (Resolution No. R-604-19)	\$2,107,000.00	6/6/2019	12/11/2019	Gomez Construction Company
394585-B	Acoustical Barrier Replacement - Phase 2 – Removal (Resolution No. R-605-19)	\$2,448,000.00	6/6/2019	1/20/2020	Ebsary Foundation Company
CIP168-DTPW19-CT1	M.Rail Acoustical Barrier Replacement P3 (Part 1 of 2) (Resolution No. R-1005-20)	\$30,525,860.00	11/16/2020	5/20/2022	Halley Engineering Contractors Inc.

As indicated above, Halley was awarded the *Phase 3 (Part 1 of 2)* of this contract, utilizing the same subcontractor as it has identified for this new contract. The subcontractor, Maytin Engineering Corp. (Maytin), was also awarded as the Prime on another acoustical barrier replacement contract. It is not clear why the removal and installation services were not issued as a consolidated contract for the complete project, rather than in phases, especially given that the same contractors appear capable of doing the work and the first contract was awarded only three months ago. The mayoral memo also emphasized the benefits of having the same contractor doing the work to ensure continuity and avoid conflicts between contractors during removal and installation. In addition, there is often cost savings and efficiencies associated with consolidating contracts with similar scopes of work.

According to the Capital Improvements Information System (CIIS), the Notice to Proceed for *Phase 3 (Part 1 of 2)* contract was issued by the Department of Public Works on December 3, 2020. Thus, not enough time has elapsed for an interim evaluation to be done for Halley. Per the Business Management Workforce System (BMWS), Maytin has been awarded at least two County construction contracts since 2018 (valued at \$2,819,466 and \$9,975), but no Contractor Evaluations appear in the CIIS. [Administrative Order No. 3-42](#) requires departments to evaluate firm performance on construction and architectural and engineering contracts, with a minimum of one project evaluation at the end of each project.

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File No. 202091**

Researcher: TA / Reviewer: PGE

OCA reviewed the experience documents submitted by Halley Engineering Contractors, Inc., and found that on the project referenced as SR 997 (Krome Ave) MP 5.121 to MP 8.151, a project for FDOT, the contractor was cited for payroll violations and similar non-compliance, but all issues were corrected and addressed satisfactorily and in compliance with contract requirements. On February 23, 2021, OCA conducted a search on the Occupational Safety and Health Administration (OSHA) website for violations, and none were found.

No Small Business Enterprise (SBE) goals were set for this contract due to insufficient SBE availability; however, Halley's subcontractors are certified SBEs. According to BMWS, as of February 23, 2021:

- Maytin is a certified SBE Construction firm with two open construction contracts.
- Eastern Rail Corp. is a certified SBE Goods & Services (G&S) firm that is currently a vendor under two existing G&S pools.

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**Item No. 8N4
File No. 202560**

Researcher: MF / Reviewer: PGE

RESOLUTION APPROVING AWARD OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND 305 CONSULTING ENGINEERS, LLC FOR CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS' INFRASTRUCTURE RENEWAL PROJECTS, CONTRACT NO. CIP193-DTPW18-CEI (1), IN AN AMOUNT NOT TO EXCEED \$5,500,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$500,000.00; AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR THE INFRASTRUCTURE RENEWAL PLAN AND THE METRORAIL ACOUSTICAL BARRIER REPLACEMENT PROJECTS WHICH WERE ADDED TO THE FIVE-YEAR IMPLEMENTATION PLAN ON MARCH 7, 2017 AND MARCH 6, 2018; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

Prime Sponsor: None

Requester: Transportation and Public Works Department (DTPW)

Committee Action Date: 2/9/21 – Transportation, Mobility and Planning Committee (TMPC)

RESEARCH FINDINGS

OCA's due diligence review of the recommended contractor and sub-contractors yielded the following:

1. Recommended sub-consultant, A & P Consulting Transportation Engineers Corp., was sued in 2018 as part of the firm's involvement in the FIU bridge collapse for which the company was a co-defendant with more than 25 other firms. In a July 10, 2019 news article, The Miami Herald reported that A & P Consulting Transportation Engineers Corp. was one of six companies that had reached settlement agreements with the families of the six people who died and the eight injured in the March 15, 2018 incident.

<https://www.miamiherald.com/news/local/article232520567.html>

ADDITIONAL INFORMATION

OCA conducted a search of the recommended consultant and five sub-consultants in the Capital Improvements Information System on February 5, 2021 and found the following: Prime contractor 305 Consulting Engineers, LLC, Inc. has one evaluation on record with a score of 3.8 out of a maximum total of 4.0. Records also indicate that all five sub-consultants recommended for award have previously conducted business with the County. Sub-consultant A & P Consulting Transportation Engineers Corp. has 36 evaluations on record with an average score of 3.8. Sub-consultant Atkins North America, Inc. has 37 evaluations on record with an average score of 3.9. Sub-consultant Manuel G. Vera and Associates, Inc. has 3 evaluations on record with an average score of 3.1. Sub-consultant PMA Consultants, LLC has 3 evaluations on record with an average score of 3.6. Sub-consultant Professional Service Industries, Inc. has 88 evaluations on record with an average score of 3.8.

Resolution No. [R-828-19](#) establishes a policy for disclosure of past and present discrimination lawsuits in solicitation submissions. The Administration is directed to require that any respondent being considered for a competitive or non-competitive award disclose any lawsuit filed against it that contain allegations of discrimination and the disposition of such lawsuits for a period of 10 years prior to the date of the solicitation or non-competitive award recommendation.

As it pertains to additional legal actions, recommended sub-consultants Atkins North America, Inc. and Professional Service Industries, Inc. were found to be defendants in separate legal cases involving terminated employees. A lawsuit was filed January 29, 2021 against Atkins North America, Inc. in Los Angeles County Superior Court, alleging wrongful

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File No. 202560**

Researcher: MF / Reviewer: PGE

termination (Case No. 21ZSTCV03605). The complaint alleges the company violated the Labor Code by wrongfully terminating an employee and discriminating against him based on age. According to the latest information on the case, there is a case management conference scheduled for April 30, 2021. A lawsuit was filed June 12, 2020 against Professional Service Industries, Inc. in Orange County, California, Superior Court, alleging wrongful termination of an employee based on age discrimination (Case No. 30-2020-01148197-CU-WT-CJC). According to the latest information on the case, there is a mandatory conference scheduled for December 2022 and a jury trial scheduled for January 2023.

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**Item No. 8N6
File No. 202558**

Researcher: VW / Reviewer: PGE

RESOLUTION APPROVING AWARD OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND ATKINS NORTH AMERICA, INC. FOR CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES FOR THE METROMOVER COMPREHENSIVE WAYSIDE SYSTEM OVERHAUL, CONTRACT NO. IRP249-DTPW18-CEI, IN AN AMOUNT NOT TO EXCEED \$7,380,604.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$670,964.00; AUTHORIZING THE USE OF \$5,028,604.00 IN PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR THIS PROJECT WHICH WAS ADDED TO THE FIVE-YEAR IMPLEMENTATION PLAN ON MARCH 6, 2018; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

Prime Sponsor: None

Requester: Department of Transportation and Public Works (DTPW)

Committee Action Date: 2/9/2021 - Transportation, Mobility and Planning Committee (TMPC)

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural or administrative noncompliance. See the Additional Information section for historical and other background information on the item.

FINANCIAL ANALYSIS

The fiscal impact for this professional services agreement (PSA) is \$7,380,604 which includes a contingency allowance amount of \$670,964. This project is funded as part of the FY20-21 Adopted Budget and Multi-Year Capital Plan. The funding source is People's Transportation Plan (PTP) Bond Program Funds.

ADDITIONAL INFORMATION

The item was forwarded to the BCC with a favorable recommendation at the TMPC meeting with a vote of 7 to 1. Commissioner Martinez voted against the item, expressing concern that the County is utilizing taxpayer money to pay a consultant to oversee and inspect work that the County was paying a contractor to do.

[Resolution No. R-1204-05](#) directs the County Mayor to evaluate in-house capabilities and expertise prior to contracting the services of outside consultants. The mayoral memo does not indicate why in the department's assessment the required professional services cannot be performed in-house.

The PSA will be used to facilitate replacement or refurbishment of major Metromover subsystems that have not been replaced or refurbished in over 34 years and have reached the end of their design life. These subsystems include the Automatic Train Control System, Data Transmission System with Supervisory Control and Data Acquisition, several Power Distribution System elements (e.g., low voltage breakers, protective relays, ground switches, etc.), guideway switch equipment and Central Control Facility equipment. The project is part of the larger Metromover Comprehensive Wayside Overhaul project that is part of the Five-Year Implementation Plan of the People's Transportation Plan covering fiscal years 2020-2025. The current estimated People's Transportation Plan cost for this project is \$90,964,000.¹

¹ Five-Year Implementation Plan of the People's Transportation Plan *Eighth Annual Update Covering Fiscal Years 2020-2025*, pg. 86; <https://www.miamidade.gov/citt/library/five-year-plan/2020/five-year-plan.pdf>

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File No. 202558**

Researcher: VW / Reviewer: PGE

No Small Business Enterprise (SBE) goals were set for the overall professional services agreement, but the project has been assigned an 18 percent DBE race-conscious goal. According to the PSA, Atkins North America Inc. has identified the following sub-consultants for the project:

- 305 Consulting Engineers, LLC
- MCO Construction & Services, Inc.
- HNTB Corporation
- PMA Consultants LLC

According to BMWS, as of February 24, 2021, of the four subcontractors identified for the project two are certified SBE firms:

- 305 Consulting Engineers, LLC
- MCO Construction & Services, Inc.

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**Item No. 8N7
File No. 202093**

Researcher: MF / 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

Prime Sponsor: None

Requester: Transportation and Public Works Department (DTPW)

Committee Action Date: None

RESEARCH FINDINGS

OCA conducted due diligence on recommended consultant, Marlin Engineering, Inc., as well as the three sub-consultants on this PSA: Botas Engineering, Inc.; TranSystems Corporation; and Volkert, Inc. OCA's review of the item found no substantive legislative, procedural, or administrative noncompliance. See the Additional Information section for historical and other background information on the item.

ADDITIONAL INFORMATION

The prior PSA for these services was executed on December 13, 2016 and expired on April 7, 2020. Resolution No. [R-1204-05](#) directs the County Mayor to evaluate in-house capabilities and expertise prior to contracting the services of outside consultants. DTPW confirmed that this PSA provides supplemental inspection services that its in-house inspectors are not qualified or certified to perform.

Pursuant to Resolution No. [R-421-16](#), OCA conducted a performance record verification in the Capital Improvements Information System (CIIS) on February 23, 2021. There are eight evaluations on record for Marlin Engineering, Inc., with an average rating of 3.5 out of 4.0. Two of the three sub-consultants are also listed in CIIS: Botas Engineering has nine evaluations listed with an average rating of 3.5; and TranSystems Corporation has four evaluations with an average rating of 3.9. There are no evaluations for Volkert, Inc.

The funding source for this PSA is through an annual federal grant from the Federal Transit Administration (FTA). According to the FTA, the [Urbanized Area Formula Grants – 5307](#) provide for federal resources to be available to urbanized areas and to governors for transit capital and operating assistance in urbanized areas and for transportation-related planning. An urbanized area is an incorporated area with a population of 50,000 or more that is designated as such by the U.S. Department of Commerce. As of July 1, 2019, Miami-Dade County's [U.S. Census population](#) stood at 2,716,940.

An Internet search of recommended prime consultant firm Marlin Engineering Inc. revealed the company has been hired by other local governments, such as the City of Doral, under Contract No. 0500 – Construction Contract executed December 5, 2016. The scope of work consisted of widening, resurfacing, and constructing a new portion of NW 92nd Avenue from NW 27th Street to NW 33rd Street. [City of Doral Contract](#) Web searches pertaining to the recommended sub-contractors yielded the following information:

- TranSystems Corporation – according to a [South Carolina publication](#), the company was a defendant in an April 2018 lawsuit filed by a contractor alleging TranSystems entered into an agreement with Horry County

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Researcher: MF / Reviewer: PGE

Government (in South Carolina) to work on the southern extension of S.C. 31 and to process project submissions as well as conduct inspection and quality testing based on DOT guidelines. The plaintiff contractor, Flatiron, blamed TranSystems for delaying the approval of Flatiron's submissions and prolonging the contractor's work.

The item was previously placed on the Board's November 19, 2020 agenda wherein it was deferred to no date certain at the request of Commissioner Higgins.

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**Item No. 15C1
File No. 210304**

Researcher: CB / Reviewer: PGE

APPOINTMENT OF MR. FELIPE ANGULO TO THE MIAMI-DADE MILLENNIAL TASK FORCE

Prime Sponsor: None
Requester: Clerk of the Board (COB)
Committee Action Date: None.

RESEARCH FINDINGS

OCA completed the required background research regarding the appointment of Felipe Angulo as an at-large member of the Miami-Dade Millennial Task Force. The research yielded no adverse informational findings.

ADDITIONAL INFORMATION

Bulleted below is the relevant legislation relating to the background research process:

- [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 or appointments by the BCC.

CONTRIBUTORS

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

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

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