



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

**PUBLIC HOUSING AND COMMUNITY SERVICES
COMMITTEE**

June 10, 2021

9:00 A.M.

Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor

Office of the Commission Auditor (OCA)
111 N.W. First Street, Suite 1030
Miami, FL 33128
(305) 375-2524

TABLE OF CONTENTS

DEPARTMENTAL ITEM

INTERNAL SERVICES

3B (211162): Approving Emergency Purchase for the Purchase of Summer Food Service Program.....3

**PHCSC Meeting:
June 10, 2021
Research Notes**

**Item No. 3B
File No. 211162**

Research: MF / Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$3,000,000.00 FOR A MODIFIED CONTRACT AMOUNT OF \$7,679,000.00 FOR CONTRACT NO. FB-00794 FOR THE PURCHASE OF SUMMER FOOD SERVICE PROGRAM FOR THE MIAMI-DADE COMMUNITY ACTION AND HUMAN SERVICES DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF CONTRACT NO. FB-00794, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

Prime Sponsor(s): None
Requester: Internal Services Department
Committee Action Date: N/A

RESEARCH FINDINGS


OCA's review of the item yielded the following research findings:

1. There is an open/pending commercial evictions case pertaining to the awarded vendor: *Milan Airport Center Ltd. v. Nutrispa, Inc.*, Case No. 2020-012894-CC-05, filed June 10, 2020 in the 11th Judicial Circuit of Miami-Dade County. Refer to Additional Information section.

FINANCIAL ANALYSIS

This contract was originally established on May 1, 2018 pursuant to Resolution No. [R-328-18](#), awarding Nutrispa, Inc. this summer food service delivery contract in an amount of \$4,679,000 for a term of five years. The contract is slated to expire on April 30, 2023. OCA reviewed the Bid Tracking System on June 9, 2021 to assess spending under the contract. Table 1 below shows the contract's status as it relates to the initial allocation, released amount and remaining balance. Additionally, the table depicts the additional expenditure request under this item and the total modified cumulative allocation with the percentage increase.

Table 1

| Contract No. FB-00794 | |
|---|---|
| Initial Allocation Amount | \$4,679,000 |
| Released Amount | \$3,790,323.73 |
| Balance | \$888,676.27 |
| Additional Expenditure Request | \$3,000,000 |
| Cumulative Allocation Amount | \$7,679,000 |
| Percent difference between initial allocation and cumulative allocation | 64%  |

**PHCSC Meeting:
June 10, 2021
Research Notes**

**Item No. 3B
File No. 211162**

Research: MF / Reviewer: PGE

ADDITIONAL INFORMATION

The justification for the additional expenditure is based on information provided by the Community Action and Human Services Department, which projects that the \$3,000,000 increase to the contract is necessary based on spend history and needed due to the ramifications of COVID-19 on program administration. As a result of the pandemic, there has been an increase in demand for the program in the number of meals provided for breakfast and lunch plus snacks. According to the mayoral memo, the USDA has provided funding for the additional expenditure under this item through September 30, 2021; however, the memo does not specify the amount.

OCA's review of the item examined the vendor's corporate registration on the website of the Florida Department of State Division of Corporations, litigation history on a legal search engine, licensure and complaint information on the Florida Department of Business & Professional Regulation (DPBR), as well as guidelines governing the delivery of the summer food services program and found the following:

1. As mentioned, the vendor has an open/pending commercial evictions case, for which OCA has inquired with ISD on the status of the case and how this may impact the vendor's ability to deliver the contracted food services.
2. The vendor was a defendant in a civil lawsuit filed last year regarding a breach of contract. The complaint (*Penske Truck Leasing Co. Limited Partnership v. Nutrispa Inc.*) was filed August 11, 2020 in the 11th Judicial Circuit of Miami-Dade County (Case No. 2020-017116-CA-01). The suit alleged that the defendant owed the plaintiff \$37,210.58 plus interest and costs. According to the docket proceedings, there was a mediator's report filed on May 25, 2021, indicating that an agreement was reached. Details of said agreement were not available.
3. According to the state's DPBR, the vendor has had some inspection complaint issues in the past few years (Refer to Table 2 below for details).
4. Pursuant to Resolution No. [R-328-18](#), the BCC during the meeting engaged in conversation about potential non-nutritious lunches served in summer school by this food service program. In response, a representative from the Community Action and Human Services Department stated he was unaware of such issues and that there was a nutritionist on staff to address said issues. During discussion it was requested that the Housing and Social Services Committee be provided with some sample menus of lunches that were served to the students in the program as a way to ensure that the food was tasty and nutritious.
5. The mayor's memo cited a different vendor address from what was seen in Sunbiz. The address listed for awarded vendor Nutrispa, Inc. has a scrivener's error in the mayoral memo. The address cited in the memo is 6406 NW 72 Ave.; the State of Florida Division of Corporations (and other records) list the vendor's address as 5406 NW 72 Ave.

**PHCSC Meeting:
June 10, 2021
Research Notes**

**Item No. 3B
File No. 211162**

Research: MF / Reviewer: PGE

Table 2 below depicts a synopsis of the vendor's inspection history in descending order – noting the inspection where issues were found – as recorded by the state's [DPBR website](#). According to records, the vendor's license expires October 1, 2021.

Table 2

| Nutrispa Inc. | |
|----------------------|---|
| Date | Observations |
| 12/17/2019 | Cooked/heated potentially hazardous (time/temperature control for safety) food not cooled from 135 degrees Fahrenheit to 41 degrees Fahrenheit within 6 hours. Potentially hazardous (time/temperature control for safety) food cooked/heated yesterday or on a previous day not cooled from 135 degrees Fahrenheit to 41 degrees Fahrenheit within 6 hours; No paper towels of mechanical hand drying device; Ceiling soiled with accumulated food debris; Floor area covered with standing water; No hand-washing sign at sink; Re-use of single-service articles; Water leaking from pipe/faucet handle. |
| 10/7/2019 | Live small flying insects in kitchen and food preparation area (four live flies were seen above food preparation area); Cooked/heated potentially hazardous (time/temperature control for safety) food not cooled from 135 degrees Fahrenheit to 41 degrees Fahrenheit within 6 hours; Shell eggs held in a unit maintaining an ambient temperature of greater than 45 degrees Fahrenheit; Roach activity present with live roaches found. |
| 8/15/2018 | Potentially hazardous (time/temperature control for safety) food cold held at greater than 41 degrees Fahrenheit. black bean salad (75°F - Cold Holding) stored on dry storage shelf; Potentially hazardous (time/temperature control for safety) food cold held at greater than 41 degrees Fahrenheit. Observed 4 aluminum pans of sweet potato and black beans at 62-65F. |
| 8/14/2018 | Potentially hazardous (time/temperature control for safety) food cold held at greater than 41 degrees Fahrenheit. On shelf in storage area on van: black bean and sweet potato mixture 71/73°. Stop sale issued. |
| 6/13/2018 | Stop sale issued on potentially hazardous time/temperature control for safety due to temperature |

**PHCSC Meeting:
June 10, 2021
Research Notes**

**Item No. 3B
File No. 211162**

Research: MF / Reviewer: PGE

| | |
|--|---|
| | abuse (milk 60 degrees F in refrigerator truck parked outside); Accumulation of black/green mold-like substance in the interior of the ice machine; Encrusted material on can opener blade. |
|--|---|

OCA contacted ISD on June 9, 2021 for the department to address the following inquiry. As of publication of this research note, no response had been provided.

1. A clarification on the vendor's business address, which is listed differently in the mayor's memo from what is shown in Sunbiz.
2. An explanation on how the vendor's two legal cases (the pending evictions and the civil lawsuit) will impact the vendor's ability to deliver these services to program participants.
3. An explanation on the vendor's various violations listed in the state's DBPR as noted in Table 2 of this research note.
4. A description of the County's efforts to gauge or ensure that the vendor is following federal guidelines for the delivery of these food services; specifically, as it relates to nutrition diversity concerns that were raised by the BCC when the contract was originally approved in 2018 via Resolution No. [R-328-18](#).

CONTRIBUTORS

Phillip G. Edwards, Esq., Research Manager

Mireidy Fernandez, Ph.D., Research Analyst

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).