



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

BOARD OF COUNTY COMMISSIONERS MEETING

July 8, 2021

9:30 A.M.

Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor

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Research Notes**

**Item No. 3A2
File No. 211637**

Research: CB / Reviewer: PGE

RESOLUTION APPROVING THE CITY OF MIAMI SPRINGS CODESIGNATION OF A PORTION OF PARK STREET BETWEEN WESTWARD DRIVE AND HIBISCUS DRIVE AS “MIAMI SPRINGS WOMAN’S CLUB WAY”

Prime Sponsor: Commissioner Rebeca Sosa, District 6
Requester: None
Committee Action Date: N/A

RESEARCH FINDINGS

OCA completed the required background check on “Miami Springs Woman’s Club Way” and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Miami Springs Woman’s Club Way.” In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 211637.

FINANCIAL ANALYSIS

N/A

ADDITIONAL INFORMATION

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

- [Ordinance No. 13-29](#), adopted on April 2, 2013, requires OCA to conduct background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads and prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered.
- [Ordinance No. 18-79](#), adopted on July 24, 2018, relates to any item codesignating any Miami-Dade County road, facility, or property, or approving any state or municipal road codesignation, and requires that OCA prepare a report detailing: (1) whether the subject road, facility, or property has been the subject of any prior codesignation and, if so, the location or the end points of each; and (2) whether there are any other roads, facilities, or properties located in Miami-Dade County that already bear the same name as the proposed new codesignation and, if so, the location or end points of each.

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Research Notes**

**Item No. 5A
File No. 211611**

Research: CB / Reviewer: PGE

RESOLUTION CODESIGNATING THAT PORTION OF GRAND AVENUE FROM LINCOLN DRIVE TO JEFFERSON STREET AS “CHERYL E. JOHNSON WAY”; URGING THE CITY OF CORAL GABLES TO JOIN IN THIS CODESIGNATION

Prime Sponsor: Commissioner Raquel A. Regalado, District 7
Requester: None
Committee Action Date: N/A

RESEARCH FINDINGS

OCA completed the required background research on “Dr. Cheryl E. Johnson” and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Dr. Cheryl E. Johnson.” Pursuant to Ordinance No. 19-11, OCA verified that “Dr. Cheryl E. Johnson” is deceased. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 211611.

FINANCIAL ANALYSIS

N/A

ADDITIONAL INFORMATION

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

- [Ordinance No. 13-29](#), adopted on April 2, 2013, requires OCA to conduct background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads and prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered.
- [Ordinance No. 18-79](#), adopted on July 24, 2018, relates to any item codesignating any Miami-Dade County road, facility, or property, or approving any state or municipal road codesignation, and requires that OCA prepare a report detailing: (1) whether the subject road, facility, or property has been the subject of any prior codesignation and, if so, the location or the end points of each; and (2) whether there are any other roads, facilities, or properties located in Miami-Dade County that already bear the same name as the proposed new codesignation and, if so, the location or end points of each.
- [Ordinance No. 19-11](#), adopted on February 5, 2019, relates to codesignation items, requiring OCA’s report to indicate whether the person to be honored is living or deceased.

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Research Notes**

**Item No. 5B
File No. 211635**

Research: CB / Reviewer: PGE

RESOLUTION CODESIGNATING THAT PORTION OF SW 37TH AVENUE (DOUGLAS ROAD) FROM GRAND AVENUE TO CHARLES TERRACE AS “VERNON HAWTHORNE CLARK, SR. WAY”; URGING THE CITY OF MIAMI TO JOIN IN THIS CODESIGNATION.

Prime Sponsor: Commissioner Raquel A. Regalado, District 7
Requester: None
Committee Action Date: N/A

RESEARCH FINDINGS

OCA completed the required background research on “Vernon Hawthorne Clark, Sr.” and noted that there is publicly available information on the Miami-Dade County Clerk of the Courts website revealing that Mr. Clark, Sr. has a Judgment After Default issued on May 18, 2007 in the amount of \$11,625.16 that is owed to CITIFINANCIAL Services, Inc. No record of satisfaction of the debt was found. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Vernon Hawthorne Clark, Sr.” Pursuant to Ordinance No. 19-11, OCA verified that “Vernon Hawthorne Clark, Sr.” is deceased. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 211635.

FINANCIAL ANALYSIS

N/A

ADDITIONAL INFORMATION

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

- [Ordinance No. 13-29](#), adopted on April 2, 2013, requires OCA to conduct background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads and prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered.
- [Ordinance No. 18-79](#), adopted on July 24, 2018, relates to any item codesignating any Miami-Dade County road, facility, or property, or approving any state or municipal road codesignation, and requires that OCA prepare a report detailing: (1) whether the subject road, facility, or property has been the subject of any prior codesignation and, if so, the location or the end points of each; and (2) whether there are any other roads, facilities, or properties located in Miami-Dade County that already bear the same name as the proposed new codesignation and, if so, the location or end points of each.
- [Ordinance No. 19-11](#), adopted on February 5, 2019, relates to codesignation items, requiring OCA’s report to indicate whether the person to be honored is living or deceased.

**BCC Meeting:
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Research Notes**

**Item No. 7C
File No. 211656**

Research: TA & VW / Reviewer: PGE

ORDINANCE RELATING TO COUNTY'S ANNUAL BUDGET; AMENDING SECTIONS 2-1796, 2-1799, AND 17-132.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); REQUIRING COUNTY MAYOR TO PLACE QUARTERLY BUDGET REPORTS ON AN AGENDA OF THE BOARD, AND TO PREPARE AND PRESENT A MID-YEAR BUDGET AMENDMENT BETWEEN APRIL 1 AND MAY 31 OF EACH FISCAL YEAR; PROVIDING FOR CREATION OF COUNTYWIDE AND UNINCORPORATED MUNICIPAL SERVICE AREA REVENUE SHORTFALL RESERVE FUNDS AND FOR ALLOCATION OF UNALLOCATED COUNTYWIDE AND UNINCORPORATED MUNICIPAL SERVICE AREA GENERAL FUND CARRYOVER FUNDS TO COUNTYWIDE AND UNINCORPORATED MUNICIPAL SERVICE AREA REVENUE SHORTFALL RESERVE FUNDS UNDER CERTAIN CIRCUMSTANCES AND OTHERWISE TO CERTAIN FUNDS AND PURPOSES; AMENDING SECTION 2-1 OF THE CODE RELATING TO THE BOARD'S RULES OF PROCEDURE TO MAKE REVISIONS TO CONFORM TO PROCESS AND TIMEFRAMES IN SECTION 2-1795 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 210992]

Prime Sponsor: Senator René Garcia, District 13

Requester: None

Board Action Date: 6/10/21 County Infrastructure Operations & Innovations Committee

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

At the June 10, 2021 CIOIC meeting, the item was amended by the sponsor to remove the proffered changes to the following sections of the County Code¹:

- [Section 2-1799 Reserve Funds](#): Would have created a Revenue Shortfall Reserve to be utilized to address anticipated revenue reductions or anticipated demands on County operations with the assumption that there is no increase to the countywide and unincorporated municipal service area (UMSA) millage rates and no cuts in service levels.
- [Section 17-132.1 Revolving Loan Fund](#): Would have added language that provides for the allocation of the countywide and UMSA revenue shortfall reserve funds, if any, or otherwise allocating 50% of unallocated carryover funding to the Affordable Housing Trust Fund.

In summary, as amended, this ordinance would formalize two requirements: quarterly budget reports that are placed on the Board's agenda² and mid-year budget amendments each year for the Board's approval. In addition, the Mayor or Mayor's Designee would be required to submit Change Memorandums to the Board earlier. These changes are reflected in the following sections of the County Code:

¹ As of June 23, 2021, the amended Committee version of the item was not yet available in the Legislative Information System (Legistar).

² At the June 10, 2021 CIOIC meeting, Commissioner Eileen Higgins requested that quarterly budget reports be distributed via email as soon as they are available.

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Research: TA & VW / Reviewer: PGE

[Section 2-1796 Managerial Performance and Accountability](#): Requires the Mayor or Mayor's Designee to provide quarterly budget reports to be placed on the Board's agendas; adds a requirement for the Mayor or Mayor's designee to prepare and present a mid-year budget amendment to the Board not earlier than April 1 and not later than May 31 of every year.

- The Mayor is already required to provide written quarterly budget reports to the Board. This ordinance requires that they also be placed on the next available Board agenda for review, rather than only the Committee of jurisdiction.
- Pursuant to [Section 2-1796\(c\)](#), the Board must approve the reallocation of line-item appropriations for expenditures in excess of ten percent of that fund's total appropriation to the department and reallocation of line-item appropriations from personnel services to other line items. Further, the Mayor or Mayor's designee has the authority to make intradepartmental budget amendments that reallocate appropriations amongst a department's line-item appropriations in each fund, provided that such reallocations do not cumulatively exceed ten percent of that fund's total appropriations to the department, and further provided that that fund's total appropriations to the department may not be changed.
- A mid-year amendment requirement promotes transparency and timeliness of budget status information by increasing the frequency of budget amendments presented to the Board during the fiscal year. According to the County Attorney's Office, the Code implies that there is a "mid-year budget amendment", but there is not an explicit requirement (emphasis added):

[Section 2-1799\(e\)](#): "...Unexpended district or mayor discretionary reserves and commission district and mayor's office budgets shall be reflected as designated reserves at the end of the fiscal year in which the funds were unexpended and added to budget respective district or mayor discretionary reserve or commission district or mayor's office budget as part of the mid-year budget amendment in the following fiscal year."

OCA also identified references to the mid-year budget amendment in [Code Section 2-1 Rules of Procedure for the County Commission](#), which provides for separate votes and motions for mid-year and end-of-year budget amendments, in addition to a recent [resolution](#) directing the Mayor to prepare a mid-year or end-of-year budget amendment for unanticipated revenues related to the Marlins settlement. This ordinance would thus formalize the presentation of at least one mid-year budget amendment for any necessary revisions to the then-current fiscal year's budget.

It should be noted that, according to the Legislative Information System (Legistar), prior to the [FY20-21 mid-year amendment](#) recently adopted by the Board on June 2, 2021, the last time the Board voted on a mid-year budget amendment was on June 30, 2015 for Fiscal Year 2014-2015 via [Ordinance No. 15-49](#).

[Section 2-1 Rules of Procedure](#): Adds language to be consistent with budget reports being presented to the full Board, rather than just the Committee of jurisdiction; Increases the time frame by which the Mayor shall distribute the Changes Memorandums.

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Research: TA & VW / Reviewer: PGE

- The Mayor will be required to distribute the First and Second Changes Memorandums to each member of the Board and post a copy thereof on the County's website at least two days earlier than is currently required. This will allow the Board and the public more time prior to the budget hearings to review additional information or changes to the proposed budget.

On June 9, 2021, OCA asked the Office of Management & Budget (OMB) regarding the County's carryover balance. OMB responded that the current fund balance value is a pending number since Fiscal Year 2019-2020 (FY19-20) has not been officially closed in the financial system of record (FAMIS). The projected value used for the FY 19-20 end of year item approved by the Board in February 2021 was \$59.934 million, which was calculated by using the month 14 Trial Fund balance plus the total revenue collected, and subtracting the total expenditures for that fund. After allocating the unallocated portions to the Affordable Housing Trust Fund, the remaining unallocated carryover is appropriated as part of the next fiscal year budget development process. OMB is still working on developing the budget including appropriating the remaining carryover balance for use in next year's budget.

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Research Notes**

**Item No. 8A1
File No. 211326**

**Research: VW / Reviewer: PGE
Financial: DJ&ES / Reviewer: PC**

RESOLUTION APPROVING CONTRACT FOR SALE AND PURCHASE BY MIAMI-DADE COUNTY FOR THE ACQUISITION OF APPROXIMATELY 85,822 SQUARE FEET OF OFFICE AND WAREHOUSE SPACE ON A 120,000 SQUARE FOOT LOT LOCATED WEST OF MIAMI INTERNATIONAL AIRPORT FROM 1777 MILAM, LLC, AS SELLER, FOR A PURCHASE PRICE OF \$11,850,000.00; APPROVING ASSUMPTION OF LEASE AGREEMENT FROM MILAM, LLC TO MIAMI-DADE COUNTY, AS LANDLORD AND COMPACSTONE USA, INC., AS CURRENT TENANT FOR LEASE OF 27,800 SQUARE FEET OF THE 85,822 SQUARE FEET OF OFFICE AND WAREHOUSE SPACE, FOR THE REMAINING THREE YEARS OF A FIVE-YEAR TERM AT A CURRENT MONTHLY RENTAL RATE OF \$19,344.17; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SALE AND PURCHASE CONTRACT, TO EXERCISE ALL PROVISIONS CONTAINED THEREIN, TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE THIS TRANSACTION AND TO ACCEPT CONVEYANCE OF THE PROPERTY BY WARRANTY DEED; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE LEASE AGREEMENT AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN, INCLUDING TERMINATION; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD THE WARRANTY DEED IN THE PUBLIC RECORDS AND PROVIDE SAID DEED TO THE CLERK OF THE BOARD; DIRECTING THE CLERK OF THE BOARD TO ATTACH AND PERMANENTLY STORE THE WARRANTY DEED WITH THIS RESOLUTION; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF THE AGREEMENTS TO THE PROPERTY APPRAISER WITHIN 30 DAYS OF THEIR EXECUTION

Prime Sponsor: Chairman Jose "Pepe" Diaz

Requester: Aviation Department (MDAD)

Committee Action Date: 6/9/21 - 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

The Table 1 below depicts the information provided by MDAD pertaining to the financial aspects of the subject item.

Table 1

Has the expenditure or revenue (as applicable) been budgeted for? YES					
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/revenues in FY19-20.	Provide the projected expenditures/revenues in FY20-21.

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**Item No. 8A1
File No. 211326**

**Research: VW / Reviewer: PGE
Financial: DJ&ES / Reviewer: PC**

Volume 3, Page 141, Project #2000001340	Aviation Revenue Bonds	EA502	It was Budgeted		\$11,850,000
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The Table 2 below provides an estimated five-year summary of cash inflows and outflows under the assumed, if approved by the Board, and prospective lease agreements with the total projected net cash flow of \$2.2M.

Table 2

Category	Year 1	Year 2	Year 3	Year 4	Year 5
<i>Rent, 27,800 square feet</i>	\$ 232,130	\$ 243,737	\$ 255,923	\$ 268,720	\$ 282,156
<i>Rent, 15,000 square feet</i>	\$ 165,000	\$ 173,250	\$ 181,913	\$ 191,008	\$ 200,559
<i>Rent, 43,000 square feet</i>	\$ 473,000	\$ 496,650	\$ 521,483	\$ 547,557	\$ 574,934
Sub-Total, Cash Inflow	\$ 870,130	\$ 913,637	\$ 959,318	\$ 1,007,284	\$ 1,057,649
<i>Debt Service</i>	\$ (516,842)	\$ (516,842)	\$ (516,842)	\$ (516,842)	\$ (516,842)
Sub-Total, Cash Outflow	\$ (516,842)	\$ (516,842)	\$ (516,842)	\$ (516,842)	\$ (516,842)
Net Cash Flow	\$ 353,288	\$ 396,795	\$ 442,477	\$ 490,443	\$ 540,807

Notes:

“Total Cash Inflow” includes the anticipated rent collected for 27,800 square feet, 15,000 square feet, and 43,000 square feet of the office and warehouse spaces.

“Rent, 27,800 square feet” includes three years of the actual rent revenue to be collected under the assumed, if approved by the Board, Lease Agreement with Compacstone USA Inc., equating to \$232,130.04 a year with 5% annual increase and the projected rent revenue for the remaining two years with the same percent of the yearly increase.

“Rent, 15,000 square feet” and “Rent, 43,000 square feet” includes the rent revenue estimated based on the MDAD expertise and rental rates determined from the two appraisers’ reports, equating to \$165,000 and \$437,000 a year respectively, with the projected 5% annual increase.

“Total Cash Outflow” includes a debt service payback, which equates to \$516,842 per year, as provided by MDAD. No other cash outflows are considered: current and prospective tenants of the office and warehouse spaces are assumed to be responsible for utilities, taxes, repair expenditures, if any. Roof repair is not included in this analysis.

ADDITIONAL INFORMATION

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

On November 19, 2020 the Board approved a similar item, [Resolution No. R-1177-20](#), whereby the County purchased 61,546 square feet of office and warehouse space on 99,760 square feet of land located west of Miami International Airport from Casa Mar Investments, Inc., as seller, for a purchase price of \$10,200,000.00 and leased out 22,000 square feet of the 61,546 square feet of office and warehouse space, for a term of five years at a monthly rental rate of \$12,833 to Transway Airfreight Cargo, Inc.

In accordance with Section 2-10.4.2(a) of the County Code, the Miami-Dade Aviation Department (MDAD) had the property appraised by two state-certified appraisers on separate occasions, resulting in the property being appraised at \$11,760,000 and

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**Item No. 8A1
File No. 211326**

**Research: VW / Reviewer: PGE
Financial: DJ&ES / Reviewer: PC**

\$12,000,000, respectively, making for an average appraisal price of \$11,880,000. However, according to the Miami-Dade Property Appraiser's website the assessed value of the property for 2020 is \$5,736,610, or 51.6% less than the \$11,850,000 purchase price. According to the Property Appraiser's website the difference between the market value and assessed value of the property is \$688,786. The Mayoral Memorandum noted that industrial property available for sale west of MIA is a rarity and thus the purchase price is significantly higher than the property's assessed value listed on the Property Appraiser's website.

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Research Notes**

**Item No. 8C1
File No. 211282**

Researcher: TA / Reviewer: PGE

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1(B) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT TO APPROVE AN OPERATING AND MANAGEMENT AGREEMENT WITH ROXY THEATRE GROUP, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR THE MANAGEMENT AND OPERATION OF THE WESTCHESTER CULTURAL ARTS CENTER LOCATED AT 7930 SW 40TH STREET; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH AGREEMENT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

Prime Sponsor: None

Requester: Department of Cultural Affairs (CUA)

Committee Action Date: 6/10/21 – 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

This agreement provides for the Roxy Theatre Group, Inc. (Roxy) to operate and manage the Westchester Cultural Arts Center, a County-owned facility, with a proposed County annual operating subsidy of \$380,000 in Fiscal Year (FY) 2021-2022. Any County operating subsidies will be subject to annual appropriation by the BCC. On June 18, 2021, OCA requested more detail on the revenue source for the proposed subsidy but did not get a response from the Office of Management & Budget in time for publishing.

When the construction of the facility was awarded via [Resolution No. R-196-20](#), the mayoral memo indicated that the County's operating subsidy was estimated to be \$430,000. Upon being asked to clarify the \$50,000 discrepancy, CUA advised that it worked with Roxy to update the projections for the overhead costs and determined that \$380,000 was a current and accurate estimate. When OCA asked CUA what might happen if the operating subsidy were lower or did not materialize and whether the Roxy would be able to independently sustain the facility, CUA responded that the Roxy would do everything it could to manage with a lower subsidy, but the funding is essential to making the facility serve the public as intended. CUA advised that Roxy has operated in a number of facilities, including at an adapted multiplex movie theater complex and at FIU, which have been inexpensive from an overhead perspective so that the firm can focus its fundraising on supporting affordable public programs for families and kids. Thus, the County subsidy was intended to cover the overhead expenses, allowing Roxy to continue to dedicate the funds that it raises to public programming.

For FY20-21, Roxy competed successfully for a \$125,000 Youth Arts Miami grant from CUA for its arts education programs. CUA anticipates that based on Roxy's outstanding track record, the firm will continue to compete successfully each year for grant support from the CUA for arts education programs (subject to the annual budget process).

CUA confirmed that there are currently a number of non-profits operating County-owned facilities (which typically cover facility overhead costs, such as utilities, maintenance, insurance, security, etc.), which are as follows:

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**Item No. 8C1
File No. 211282**

Researcher: TA / Reviewer: PGE

Nonprofit Operator	County-Owned Facility	Agreement	FY 20-21 County Annual Subsidy (subject to annual budget allocations by the BCC)	Pre-Pandemic Overall Budget	Percent Subsidy
Arsht Center Trust	Adrienne Arsht Center for the Performing Arts	Operating and Management Agreement (approved by BCC in 2018 – three 25-year terms)	\$7.650 million (+ Omni Tax Increment District funding that varies each year)	\$41.5 million	18%
Historical Association of Southern Florida	History Miami	Operating and Management Agreement (renewal by BCC pending – proposed three 25-year terms)	\$2.2 million	\$5.8 million	38%
Fantasy Theatre Factory	Sandrell Rivers Theatre	Operating and Management Agreement (approved by BCC in 2016 – three 30-year terms)	\$430,000	\$1 million	43%
Vizcaya Museum and Gardens Trust	Vizcaya Museum and Gardens	Operating and Management Agreement (approved by BCC in 2017 – three 20-year terms)	\$2.5 million	\$12.4 million	20%
Roxy Theatre Group (proposed)	Westchester Cultural Arts Center	Operating and Management Agreement (pending approval by BCC – three 30-year terms)	\$380,000 (subject to appropriation by the BCC for FY21-22)	\$750,000 (estimated)	51%

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**Item No. 8C1
File No. 211282**

Researcher: TA / Reviewer: PGE

ADDITIONAL INFORMATION

This item requires a waiver of formal bid procedures because a competitive process was not utilized to award othis operating and management agreement. According to CUA, Roxy Theatre Group was selected due to its years of experience of delivering outstanding arts and educational programs in the western part of the County. OCA also confirmed with CUA that the Department has kept the cultural community regularly informed about the development of the Westchester Cultural Arts Center and had not received any other expressions of interest in managing the facility.

CUA also noted the County's track record of matching nonprofit cultural organizations that have the expertise and experience for these facility management opportunities without a competitive process (such as for the Adrienne Arsht Center, Vizcaya Museum and Gardens, History Miami, and the Sandrell Rivers Theatre, all of which have been approved for waiver of competitive bidding by the BCC).

According to the IRS, Roxy's [2019 Tax Return](#) reflects a negative asset balance of \$175,558. There was also a recent court judgment against Roxy from a landlord for \$23,097.35 based on a 2017 complaint (*Marlin Business Bank vs. Roxy Theatre Group Inc (The)*, Local case Number 2021-008570-CC-05). The case is closed, but it is not clear if the balance was paid off.

The [inauguration event](#) for the Westchester Cultural Art Center took place on Jun 25, 2021 and can be viewed [on the Miami-Dade Minute](#).

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8F3
File No. 211162**

**Research: MF / Reviewer: PGE
Financial: CS / Reviewer: PC**

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: None

Requester: Internal Services Department

Committee Action Date: 6/10/21 – Public Housing and Community Services

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].
2. According to the State of Florida's Department of Business and Professional Regulation, the vendor has had several inspection complaint issues in the past few years during the contract's term. [Refer to Additional Information section].
3. The vendor's cumulative contract payments by the County since fiscal year 2018-19 (and as of March 31, 2021) exceed \$10 million. [Refer to Financial Analysis section].

FINANCIAL ANALYSIS

Nutrispa, Inc. is the vendor contracted to provide services for the Summer Food Service Program. Per OCA's financial analysis, as of March 31, 2021, Nutrispa, Inc. has been paid \$2.3 million since fiscal year 2018-19. In addition to this contract, the vendor has been paid from two additional contracts with Miami Dade County due to COVID-19 related meal services. The COVID-19 related meal service payments total \$8.5 million as of March 31, 2021. One contract is with CAHSD and the other is with the Fire Department. Payments to Nutrispa, Inc. for the three contracts as of March 31, 2021 total \$10.8 million since fiscal year 2018-19. Table 1 below depicts the total payments since FY 2018-19.

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8F3
File No. 211162**

**Research: MF / Reviewer: PGE
Financial: CS / Reviewer: PC**

Table 1

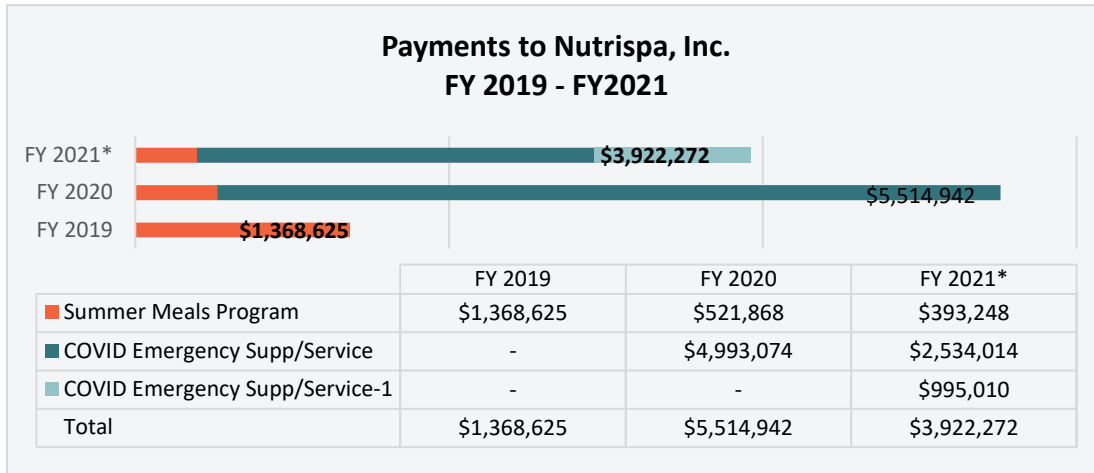


Table 1 Source: Miami-Dade County Vendor Payment Inquiry Application System
Office of the Commission Auditor
*Payments as of March 31, 2021

Table 2 below shows the information provided by ISD on June 25, 2021 pertaining to the financial aspects of the subject item as it relates to the County's budget.

Table 2

Has the expenditure 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/revenues in FY19-20.	Provide the projected expenditures/revenues in FY20-21.
Volume 3/pg.105- Under the Head Start Section/ on the line for Summer Meals.	Federal-USDA Food Program	COSM17	N/A	\$1,783,464	\$1,617,000


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This contract (*No. FB-00794*) 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 July 1, 2021 to assess spending under the contract. Table 3 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 3

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% 

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 previously mentioned, the vendor has an open/pending commercial evictions case for non-payment of rent. As of May 31, 2021, the case is pending; records indicate there has been no docket activity since October 9, 2020. According to the vendor's lease agreement with Milam Airport Center, Ltd., the lease was for a monthly amount of \$10,801.31 plus an additional \$3,544.45 for a three-year term with one, three-year option to renew, spanning March 1, 2019 through February 28, 2022.
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, there was a mediator's report

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- filed on May 25, 2021, indicating that an agreement was reached. Details of said agreement were not available; however, ISD provided additional information as shown below.
3. According to the state's DPBR, the vendor has had some inspection complaint issues in the past few years.
 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.

Table 4 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 4

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.

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**Research: MF / Reviewer: PGE
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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 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 the requestor Department on June 9, 2021 and again on June 17, 2021 for ISD to address the following inquiry, to which the Department replied on July 1, 2021.

1. A clarification on the vendor's business address, which is listed differently in the mayor's memo from what is shown in Sunbiz. The Department conceded the issue was a typographical error and confirmed the correct address as listed on Sunbiz.
2. An explanation on how the vendor's two legal cases (the pending evictions for non-payment of rent and the civil lawsuit) will impact the vendor's ability to deliver these services to program participants. According to the Department, the vendor currently meets its contract obligations and these cases should not impact the vendor's ability to deliver services. Per the vendor, the eviction case resulted from the increased business activities at the leased location. As a result, the vendor has come to an agreement with the landlord where parties acknowledged that the vendor's business is too big for the current location, and the vendor needs to relocate by summer of 2022. Per OCA's review, this response does not address the nonpayment of rent issue – which is the reason for the eviction. Regarding the Penske Truck Leasing Co. case, the requestor Department states this case is ongoing, although the vendor informed the Department that the company had participated in a mediation and negotiated the penalty amount from the original \$37,210 to \$10,000, which has been paid. The Department also stated the vendor advised that the genesis of the Penske case was a result of the business having to close for two months, resulting in layoffs that included the vendor's bookkeeper. According to the vendor, once the company reopened, personnel discovered discrepancies in Penske's charges, which then ended in litigation.
3. An explanation on the vendor's various violations listed in the state's DBPR as noted in Table 4 of this research note. According to ISD, these violations were taken into consideration, and notes that according to DPBR, the vendor has met inspection standards since December 2019. Additionally, the Community Action and Human Services Department performs annual inspections on the vendor and monitors DBPR's website monthly for any violations. In the event there are violations, a correction is required, and in some

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cases the corrections are required immediately, depending on the severity. Per ISD, during the CAHSD's annual inspections, no violations were found that warranted a correction.

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.

According to ISD, per the U.S. Department of Agriculture (USDA) regulations, CAHSD, as the sponsor, is required to monitor each participating site. This monitoring is conducted weekly by lead supervisors.

Such monitoring involves the following:

- the sites' capacity in ensuring meal services are rendered to the children as per regulations;
 - ensuring that every child is served a complete meal at proper temperatures in a clean environment;
 - ensure that meals are received from the vendor as per the menu with all the components; and
 - ensure that meals are received from the vendor in a wholesome manner and at right temperature;
- If food arrives at the site that does not meet program regulations (i.e. missing items, incorrect temperature, food not wholesome), then the meals are returned to the vendor for replacement.

According to ISD, CAHSD's summer food service program menus are nutritionally balanced offering a variety of foods designed by registered dietitians and following USDA regulations. The menus take into consideration the diversity of the community and the likelihood of children accepting the food choices and enjoying the meal, while still maintaining the nutritional quality. CAHSD conducts an annual satisfaction survey of participating sites regarding the children's feedback on the quality of food and staff's observation of food acceptance and minimal plate waste. CAHSD has maintained over 90% satisfaction rate for the past 6 years for the quality of food and acceptance of food by the children. Menus for 2021 are attached as Exhibit A of this research.

EXHIBIT A



Miami Dade Community Action & Human Services Department Summer Food Service Program Hot Menu- 2021

CYCLE 1 2021- CAHSD	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
BREAKFAST: Milk Skim	White Milk 1% (8fl.oz)	White Milk 1% (8fl.oz)	White Milk 1% (8fl.oz)	White Milk 1% (8fl.oz)	White Milk 1% (8fl.oz)
Meat/Meat Alternative			American Yellow Cheese Slice ½ oz. Turkey Ham ½ oz		
Vegetable/Fruit	Fresh Orange (1/2 cup)	100% Grape Juice (1/2 cup or 4 oz.)	100% Berry Juice Blend (1/2 cup or 4 oz.)	Fresh Banana (1/2 cup)	Diced Peaches (1/2 cup)
Grain/Fruit	Whole Wheat Bread w/Jelly (0.9 oz./25 g)	Cinnamon Raisin Bread w/Butter (1 oz./25 g)	Bagel (0.9 oz./25 g)	Enriched Cold Cereal (1 cup)	Strawberry Muffin (1.8 oz.)
LUNCH/ SUPPER: Milk	Chocolate Milk Skim (8fl.oz)	Chocolate Milk Skim (8fl.oz)	Chocolate Milk Skim (8fl.oz)	Chocolate Milk Skim (8fl.oz)	Chocolate Milk Skim (8fl.oz)
Meat/Meat Alternative	Macaroni & Cheese (6 oz) HOT	(F) 3 oz. BBQ Chicken HOT	Meatloaf w/Ground Turkey 3 oz HOT	Salisbury Steak 3 oz HOT	Delivered WG Crust Cheese Pizza- 1 slice (2 M/M) HOT
1st Vegetable/Fruit	Broccoli Florets (1/2 cup) HOT	Carrots (1/2 cup) HOT	Corn (1/2 cp) HOT	Mashed Potatoes (1/2 cup) HOT	Corn (1/2 cup) HOT
2nd Vegetable/Fruit	Applesauce cup (1/2 cup)	Fruit Cup (4oz)	Indiv. Juice (4oz)	Fruit cup (1/2 cup)	Indiv. Juice (4oz)
Grain/Bread	WG Elbow Pasta HOT	Brown Rice (1/2 cup) HOT	Bread Roll (1.2 oz)	Bread Roll (1.2oz)	Whole Grain Pizza Crust 2.5 serv. (2.25 oz./63 g.) HOT
Other/Condiments				Gravy (2 oz)	
SNACK: Milk				White Milk 1% (8fl.oz)	
Vegetable/Fruit	100% Fruit Juice Blend (3/4 cup or 6 oz.)	Fresh Apple (3/4 cup)	100% Orange Juice (3/4 cup or 6 oz.)		100% Fruit Juice Blend (3/4 cup or 6 oz.)
Grain/Bread	Banana Bread (2 oz./50 g)	Crème Filled Cookie (1.3 oz./25 g.)	Fruit Muffin (1.8 oz.)	Oatmeal Cookie (1 oz./28 g)	Goldfish Snack Crackers (0.9 oz./25 g)

*This institution is an equal opportunity provider

Menu Done By: Rani Panchanathan, RDN. LDN., Date: 6/8/2021

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8F4
File No. 211316**

**Research: MF / Reviewer: PGE
Financial: JL / Reviewer: PC**

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01722 IN A TOTAL AMOUNT UP TO \$4,905,000.00 FOR THE PURCHASE OF FRESH PRODUCE FOR MULTIPLE DEPARTMENTS 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

Committee Action Date: 6/8/21 – Health, Emergency Management & Intergovernmental Affairs

RESEARCH FINDINGS

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

1. The current prequalification pool, *No. 6296-0/16*, under this item is valued at \$4,895,000 and expires August 31, 2021. This replacement pool is before the BCC on July 8, 2021 – less than 60 days prior to the pool's expiration. Pursuant to Resolution No. [R-718-17](#), re-procurement planning shall commence no later than 18 months prior to the expiration of contracts. The mayoral memo is silent about the reasons for the delay. Additionally, this contract does not comply with Resolution No. [R-515-19](#), which requires the administration to seek approval for award of successor contracts or extensions 60 days prior to contract expiration. [Refer to Additional Information section].

FINANCIAL ANALYSIS

Table 1 below shows a summary of the blanket purchase order found in the Bid Tracking System pertaining to current prequalification pool *No. 6296-0/16*, which expires August 31, 2021, for the user departments, allocation amounts, released amounts and balances, as well as the totals, as of July 2, 2021 when OCA last reviewed the file.

Table 1

Prequalification Pool No. 6296-0/16			
Department	Allocation Amount	Released Amount	Balance
Community Action & Human Services	\$726,000	\$4,114.78	\$721,885.22
Corrections	\$6,601,000	\$5,871,629.60	\$729,370.40
Fire Rescue	\$46,000	\$32,852.94	\$13,147.06
Public Housing	\$450,000	\$340,000	\$110,000
Parks and Recreation	\$1,670,000	\$1,376,519.16	\$293,480.84
Totals	\$9,493,000	\$7,625,116.48	\$1,867,883.52

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**Item No. 8F4
File No. 211316**

**Research: MF / Reviewer: PGE
Financial: JL / Reviewer: PC**

Table 2 below depicts the information provided by ISD on June 25, 2021 pertaining to the financial aspects of the subject item as it relates to the County's budget.

Table 2

Has the expenditure 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 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/revenues in FY19-20.	Provide the projected expenditures/revenues in FY20-21.
PROS PARKS, RECREATION AND OPEN SPACES, Operations and Zoo Miami, (Fund GF 040, Various Subfunds), Total Operating Expenditures, FY 2020-21 Self Supporting Ordinances, page 14	User Fees and General Fund Subsidy	PREMET558017 - ZOO MIAMI KITCHEN	N/A	Expenditures of \$82,339.07	Expenditures of \$130,000
PHCD The revenues related to this	Federal Funds	N/A	N/A	\$334,000	\$465,000

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Research Notes**

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File No. 211316**

**Research: MF / Reviewer: PGE
Financial: JL / Reviewer: PC**

resolution is from Public Housing Subsidy The expenses related to this resolution are in Other Operating. Budget Book Page 121					
CR - N/A	General Fund – G1001 General Fund Operations	5492200000	N/A	\$593,814.96	\$778,525.18
CAHSD	Response Pending as of Date of Publication				

ADDITIONAL INFORMATION

According to the Bid Tracking System, the vendors under this prequalification pool are incumbent vendors. While the prior pool had six prequalified vendors, the one under this item has two.

OCA consulted the State of Florida's Department of Agriculture and Consumer Services website and the Department of Business and Professional Regulation website pertaining to the two recommended incumbent vendors under this pool: Excellent Fruit & Produce, Inc. and Freedom Fresh, LLC. According to Department of Agriculture records, vendor Freedom Fresh, LLC has [three state inspections](#) on file from 2019, 2020 and 2021 to which the vendor has met inspection requirements. Pertaining vendor Excellent Fruit & Produce, Inc, there were no records found in either DBPR or the Department of Agriculture websites.

OCA contacted the requested Department on June 22, 2021 pertaining the following inquiries; the Department replied on July 1, 2021.

1. The expenditure designation of the balance under the current pool and whether it all be expended by the pool's expiration of August 31, 2021: – According to the Department, the designation of the balance under No. 6296-0/16 contains General, Federal, Fire District, and Proprietary Funds. It is anticipated that the remaining funds will not be expended by the expiration date of the current pool. Both CAHSD and the Fire Department (MDFR) do not utilize the pool as often as the other departments; CAHSD has approximately 75% of its allocation remaining, while MDRF has 21% of its allocation remaining, although MDRF no longer issues Spot Market Quotes.
2. An explanation on the reasons for the delay in this reprourement: – The Department's explanation is that the licensing issues surfaced during the review of submittals. As a result, several vendors were unable to obtain their Citrus Fruit Dealer's licenses or be renewed by the State of Florida. The State delayed the issuance of said

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July 8, 2021
Research Notes**

**Item No. 8F4
File No. 211316**

**Research: MF / Reviewer: PGE
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licenses during the pandemic, thereby making it difficult for the County to establish the pool in a timely manner. After several conversations between County staff and the State of Florida, the licenses were issued to the vendors on April 28, 2021, allowing staff to route the recommendation to establish a prequalification Pool to the next available Committee.

3. A clarification on the number of prequalified vendors under the current pool and whether the licensing requirement referenced in the award item is a current requirement for pool participation: – According to the Department, under current Pool No. 6296-0/16, there are six prequalified vendors. The licensing requirements for the replacement pool are the same as required under the current pool.
4. A list of the facilities covered under this pool is provided below. The Department provided the list below pertaining to the Departments and respective facilities that will benefit under this pool:
 - Corrections: Metro West – 13850 N.W. 41st St.; Pre-Trial Detention Center, 1321 N.W. 13th St.; and Turner Guilford Knight Center – 7100 N.W. 41st St.
 - Parks and Recreation: Zoo Miami, 1 Zoo Blvd.; 12400 SW 152 St., Building A
 - Housing: Helen Sawyer Assisted Living Facility, 1150 NW 11 St.
 - Community Action & Human Services: Information not available
5. Whether there is an interplay between this request and the County's other food services pools and contracts such as the senior meal program: – Per ISD, the items procured under this pool are used in conjunction with the County's other food service pools (groceries and meat, poultry, dairy, and frozen foods) to build meals to serve to each department's respective clientele. Other food service contracts/pools satisfy particular department needs, such as catering services, or specific dietary needs, such as low sodium meals or kosher certified meals under the Elderly Services Meal Program and Kosher Meals contracts.

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8F6
File No. 211252**

Research: MF / Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01556 FOR THE PURCHASE OF HVAC CHILLERS, EQUIPMENT AND WATER TREATMENT FULL SERVICE CONTRACT FOR THE MIAMI-DADE AVIATION DEPARTMENT WITH AN AMOUNT NOT TO EXCEED \$8,245,000.00, FOR A SIX-YEAR TERM, CONSISTING OF \$5,114,560.00 TO JOHNSON CONTROLS, INC. FOR SITES 10, 11, 12, 13, 15, 25 AND 28, \$2,018,510.00 TO RGEN ENTERPRISES LLC DBA COOL WATER AIR CONDITIONING FOR SITES 1, 2, 4, 7, 8, 14, 16, 17, 18, 19, 20, 22, 23, 24 AND 27, \$389,160.00 TO SOUTHEASTERN CHILLER OF MIAMI DBA SOUTHEASTERN CHILLER SERVICES FOR SITES 9 AND 21, AND \$722,770.00 TO SUPA AIR AND HEAT, INC. FOR SITES 3, 5, 6, AND 26; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD TO JOHNSON CONTROLS, INC., RGEN ENTERPRISES LLC DBA COOL WATER AIR CONDITIONING, SOUTHEASTERN CHILLER OF MIAMI DBA SOUTHEASTERN CHILLER SERVICES, AND SUPA AIR AND HEAT, INC., ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND 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

Committee Action Date: 6/9/21 – Airports and Economic Development

RESEARCH FINDINGS

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

- The recommended vendor, Johnson Controls, Inc. (JCI), has several adverse due diligence findings, including past performance issues, relevant litigation, and recent safety violations. [Refer to Additional Information section.]
- There is no specific explanation as to the operational rationale for the reduction in scope between this recommended award and the current contract, including any changes in required licenses, and how such changes benefit service delivery and contract administration. [Refer to Additional Information section].

FINANCIAL ANALYSIS

Table 1 below depicts the information provided by ISD pertaining to the financial aspects of the subject item as it relates to the County's budget. According to the background information on this item, proprietary funds will be used to finance these purchases.

Table 1

Has the expenditure been budgeted for?					
If yes:			If no:	If Applicable	
Provide the budget line item where this expenditure or revenue can be identified. Include the	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	Provide the actual expenditures/revenues in FY19-20.	Provide the projected expenditures/revenues in FY20-21.

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**Item No. 8F6
File No. 211252**

Research: MF / Reviewer: PGE

Budget Book Page number, if applicable.			the revenue will be utilized for.		
Outside Contractual Service, Page 207	Proprietary Revenue	724414	N/A	\$1,379,758.28	\$1,470,000.00

Pursuant to Resolution No. [R-207-15](#), the Board approved current *Contract No. FB-00123* on March 3, 2015 for a total amount of \$8,223,000 for a six-year term from April 1, 2015 through September 30, 2021. According to the Bid Tracking System (BTS), since that approval, the contract has undergone several administrative modifications and one BCC approval. Table 2 below shows the contract's status as it relates to allocation, released amount and the balance as shown in BTS' Blanket Purchase Order (BPO) section (as of OCA's review on July 2, 2021), as well as the four internal modifications, a BCC approval in 2020, and two administrative extensions in 2021 – all with a cumulative total of \$3,125,458.26.

Table 2

Current Contract No. FB-00123		
Allocation Amount	Released Amount	Balance
\$10,911,979.17*	\$8,903,555.19	\$2,008,423.98
Modifications	Date	Amount
Procurement Modification	June 5, 2020	\$250,000
Procurement Modification	June 8, 2020	\$250,000
Mayor's Delegated Authority	July 22, 2020	\$1,144,600
BCC Additional Expenditure Approval via Resolution No. R-1189-20	November 19, 2020	\$607,900
Administrative Extension of 3 months	February 16, 2021	\$436,479.13
Administrative Extension of 3 months	April 30, 2021	\$436,479.13
Total Modifications Amount: \$3,125,458.26		

*As depicted on BPO of BTS

The replacement contract (*No. FB-01556-HVAC Chillers/Equipment & Water Treatment Services*) in the amount of \$8,245,000 designates the following allocations to the recommended vendors:

- Johnson Controls, Inc. - \$5,114,560
- RGEN Enterprises LLC DBA Cool Water Air Conditioning - \$2,018,510

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8F6
File No. 211252**

Research: MF / Reviewer: PGE

- Southeastern Chiller of Miami - \$389,160
- Supa Air and Heat, Inc. - \$722,770

ADDITIONAL INFORMATION

According to the background information in the Bid Tracking System, recommended vendor Johnson Controls, Inc. (JCI) had three adverse findings; below is a summary of each, as well as the response from JCI.:

- *The company reached a \$341,000 settlement agreement pertaining to False Training Certifications:* The company voluntarily disclosed to the New York State Attorney General a potential misrepresentation made by an employee concerning certain training certifications after the issue was discovered. Johnson Controls terminated the employee promptly when the conduct was discovered. Johnson Controls entered into an Assurance of Discontinuance Agreement with the Attorney General, which provides for annual monitoring to prevent recurrence of a similar issue.
- *Johnson Controls jointly with Manpower Group paid \$40,000 in a settlement agreement regarding an Equal Employment Opportunity Commission sex discrimination/retaliation suit:* In November 2020, Johnson Controls resolved a lawsuit filed by a former temporary worker alleging sex discrimination and retaliation. Johnson Controls denies the allegations set forth in the complaint, stating that the company does not tolerate discrimination or retaliation of any type. As part of the settlement, Johnson Controls agreed to provide additional training for those who conduct investigations into allegations of harassment and discrimination.
- *The company settled for \$14.4 million pertaining to U.S. regulatory charges that employees bribed Chinese shipbuilders and shipyard, including some owned by the Chinese government, to win business and enrich themselves:* The settlement between Johnson and the U.S. Securities and Exchange Commission (SEC) was reached in July 2016, to resolve an investigation into improper payments made by employees of Johnson Controls' marine business in China. As part of the settlement, Johnson Controls entered into a cease-and-desist order with the SEC, paid the monetary penalty, and agreed to report on improvements to the company's compliance program.

OCA conducted a search on the Occupational Safety and Health Administration (OSHA) website, which yielded several violations pertaining to recommended vendor Johnson Controls, Inc. Said violations are enumerated below.

- **Johnson Controls, Inc.** – 1) the Wichita, Kansas location was fined a total of \$13,654 pertaining serious and 'other' violations on November 24, 2020; an informal settlement was reached in April and May of 2021 and the [case](#) remains open. 2) the Corpus Christi, Texas location was fined a total of \$8,583 concerning serious violations on November 21, 2019; an informal settlement was reached on April 26, 2020 and the [case](#) is closed. 3) the Kernersville, NC location was fined a total of \$21,000 concerning serious violations on August 14, 2019; an informal settlement was reached on February 12, 2020 and the [case](#) is closed. 4) the Rancho Cordova, California location was fined a total of \$8,000 pertaining serious violations on June 21, 2019; a settlement was reached November 27, 2019 and the [case](#) is closed. 5) the Norman, Oklahoma location had two separate OSHA cases in 2019: it was fined a total of \$22,460 pertaining serious and 'other' violations on April 10, 2019; a settlement was reached July 17, 2019 and the [case](#) is closed; a separate fine totaling \$34,098 pertaining serious violations was issued March 19, 2019, of which a settlement was reached on August 23, 2019; the [case](#) is closed.

**BCC Meeting:
July 8, 2021
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**Item No. 8F6
File No. 211252**

Research: MF / Reviewer: PGE

BTS also indicates that this vendor has had non-performance issues for previous contracts¹:

- One incident related to Bid #6046-2/12-1 on November 7, 2011: The contract, which expired in December 2012, was for “A/C Chillers & Related Equipment Maintenance & Repair Services”, which appears similar in scope to the subject contract. According to BTS, on August 31, 2012, “all pending issues pertaining to the VNP (vendor’s non-performance) have been resolved”. However, there is no detail provided in BTS as to what the performance issues were. OCA inquired of ISD Procurement about the adverse findings for this firm, but this issue was not addressed in their response.
- Three incidents of non-compliance with insurance requirements on December 20, 2007: Three one-time purchases (E8525-AV, E8526-AV and E8574) were for chiller repairs at Miami International Airport (MIA).

JCI was a responsible party in a [People Mover incident](#) at MIA approximately 13 years ago. On November 28, 2008, a three-car automated people mover train operating on a fixed guideway at MIA failed to stop at the passenger platform and struck a wall at the end of the guideway. As a result of the accident, a technician and five passengers on the train were injured. In November 2011, the [National Transportation Safety Board](#) determined that the probable cause of the accident was the installation by JCI and determined that the following factors contributed to the accident:

- The failure of Johnson Controls Inc. to provide its maintenance technicians with specific procedures regarding the potential disabling of vital train control systems during passenger operations;
- Ineffective safety oversight by the Miami-Dade Aviation Department;
- Lack of adequate safety oversight of such systems by the State of Florida; and
- Lack of authority by the U.S. Department of Transportation to provide adequate safety oversight of such systems.

On September 20, 2011, the Board approved a settlement agreement with JCI to resolve outstanding litigation for mutual releases of all claims related to this incident and a payment to the County over \$4,000,000 via [Resolution No. R-743-11](#).

According to the market research conducted for this contract, the requestor Department sent an email blast to approximately 250 vendors registered to offer the products and services applicable to the needs of the Miami-Dade Aviation Department (MDAD). Because the type of services and products needed for MDAD are trade specific, the Department utilized the following commodity codes in the solicitation:

¹Pursuant to [Resolution No. R-421-16](#) and [Implementing Order 3-42](#), contractor evaluations are required for construction and professional services (architectural, engineering, land surveying, etc.) through Small Business Development’s Capital Improvements Information System (CIIS). No centralized or formal rating system or evaluation process exists for monitoring vendor performance on Goods and Services contracts.

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Research: MF / Reviewer: PGE

- 031-13 – Chillers, Heat Exchangers and Receivers
- 031-17 Coils, Chilled or Heated Water, and Direct Expansion
- 120-32 Chiller, Water, Large Flow Capacity

The market research also yielded contracts nationwide comparable in scope and services to the needs of MDAD; listed below are the solicitations/contracts from some of those entities.

- Broward County – Bid # P1162217B1 Chiller Maintenance
- Susquehanna Area Regional Airport Authority – ITB No. 2017-010 Chiller Maintenance
- Brown County – RFQ No. 2276 Chiller Maintenance Services at Airport
- Fort Worth Housing Solutions, Fort Worth, Texas – IFB No. 2017-211 Full-Service Chiller Maintenance Service
- Miami-Dade County Public Schools – Bid No. ITB-18-040-MJ Chiller Service Contract
- City and County of San Francisco, California – RFB No. 50154 San Francisco International Airport Chiller Maintenance

OCA contacted the requestor Department pertaining the following items on June 24, 2021; the Department replied July 1, 2021 and the answers are shown below.

1. Specify the number of sites RGEN Enterprises services under the current contract and explain the kind of review conducted to provide assurance that the vendor has the capacity to deliver the contracted services – Per ISD, under the current contract RGEN Enterprises is servicing four (4) sites. A responsibility review was conducted by ISD and MDAD including a responsibility review meeting in April 2021, which determined which vendors would serve the specific sites under this contract.
2. Provide a delineation of the adverse findings for vendor Johnson Controls to cross-check with the findings above – the Department summarized the same adverse findings as listed above in this research note.
3. Explain efforts considered to consolidated countywide needs for these services into a single long-term contract or pool – According to ISD, a comparison of the requirements, scope of work, and complexity of equipment (size, number of chillers and related equipment) to determine whether to consolidate the contracts. However, due to the specific requirements unique to Aviation Department, such as Special Security Badging and background checks, special training to drive on Airside Operations Area and higher insurance requirements, staff determined that it was better to maintain a separate contract for MDAD. The recommended award for MDAD has nearly the same number of chillers (70 chillers) as the multiple County department chillers contract, which has 74 chillers. However, MDAD's contract has a number of much larger chiller units, not found at any other County facility. In addition, some Groups only require water treatment, where the scope for MDAD is a full-service contract for all sites and inclusive of all equipment. According to ISD, the management of such a larger and complex contract would have been a monumental task. Per the requestor Department, staff also looked at RTQ-00299 - HVAC and Controls. The request under this item is a Request to Qualify (RTQ) – pool contract and the specific requirements would have to be quoted as needed. Per ISD, this would not be practical for the on-going full-service maintenance needs of MDAD. This RTQ contract was structured by groups to easily identify the prospective bidders under specific HVAC field services. The groups are as follows:

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- Group A: Repair, replace, supply, install and/or rent HVAC Equipment and Controls.
 - Group B: Testing, Adjusting and Balancing (TAB) HVAC equipment
 - Group C: A/C Duct Cleaning & Sanitizing
 - Group D: Emergency and Repairs (undefined scope of services)
4. Explain the reduction in scope between this recommended award and the current contract, including any changes in required licenses, and how such changes benefit service delivery and contract administration – Per ISD, the recommended award is different from the current contract, due to elimination of the pre-qualification pool and reduction in the scope of work. The previous contract also included a professional engineer requirement, which was removed for recommendation under this item. The scope of services was changed to eliminate the Water Treatment Services from the sites listed below., though the awarded bidders would still be required to perform water testing services.
- *Removed water treatment services from the following:* Site #14 - Concourse D East PCA Plant I; Site #15 - Concourse D Central PCA Plant II; Site #16 - Concourse D Extension PCA Plant III; Site #17 - Concourse J PCA Plant IV; Site #18 - Concourse E PCA Plant V; Site #19 - Concourse H PCA Plant VI; Site #25 - Building 716D; Site #26 - Building 716E

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**Item No. 8F8
File No. 211255**

Researcher: VW Reviewer: PGE

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 1 WITH CRYSTAL MOVER SERVICES, INC. FOR PROJECT NO. B702B, PHASE 2, OPERATION AND MAINTENANCE AGREEMENT FOR THE MIAMI INTERNATIONAL AIRPORT NORTH TERMINAL AUTOMATED PEOPLE MOVER SYSTEM, EXTEND THE TERM OF THE CONTRACT UP TO SIX-MONTHS, AND AUTHORIZE ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$4,227,465.00 FOR A TOTAL MODIFIED CONTRACT AMOUNT OF \$84,566,433.00 FOR THE MIAMI-DADE AVIATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE SUPPLEMENTAL AGREEMENT, INCLUDING ANY CANCELLATION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

Prime Sponsor: None

Requester: Internal Services (ISD)

Committee Action Date: 6/9/21 - Airports and Economic Development Committee (AEDC)

RESEARCH FINDINGS

The contract expires on August 31, 2021 and if the item is approved the contract will expire on February 28, 2022. [Resolution No. R-718-17](#), however, requires that planning for re-procurement commence no later than eighteen months prior to the expiration of the contract. Based on a contract expiration date of August 31, 2021, Resolution No. R-718-17 would require the administration to begin planning for re-procurement no later than February 29, 2020.

FINANCIAL ANALYSIS

On June 14, 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

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Research Notes**

**Item No. 8F8
File No. 211255**

Researcher: VW Reviewer: PGE

FY 2021 Budget Book Page 207 (included in the Outside Contracts Category)	Operating Funds (EA101)	AV1466 Account 724450	Unforeseen. Request is to ensure there is no interruption in services while the replacement contract is being finalized. Replacement contract will be BW-10106.	\$7,338,513.19	Actual¹ \$5,479,210.26 Projected² \$7,962,631.70
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ADDITIONAL INFORMATION

Outlined in the table below is a timeline of all previous legislation related to the Miami International Airport North Terminal Automated People Mover (APM) system.

Resolution No.	Date Approved	Resolution Summary	Discussion Summary
Resolution No. R-694-10	June 15, 2010	Execution of an Operations and Maintenance Agreement with Crystal Mover Services, Inc., for the North Terminal Automated People Mover (APM) System at Miami International Airport (MIA) for a term of Five Years in the amount of \$33,414,783.	There was significant discussion at the June 15, 2010 BCC meeting over the fact that the North Terminal APM cars had been maintained the last three years by the North Terminal APM manufacturer without the help of County staff. Several county commissioners expressed the desire to see the North Terminal APM trains operated and maintained by County staff as soon as possible in order cut down on costs. The County Manager at the time responded that County staff would be planning to convert to an in-house operation by 2012.

¹ Actual paid April Service/Invoice.

² Projected an additional 4 months.

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Researcher: VW Reviewer: PGE

			Ultimately the resolution was amended to include the following: that the County Commission, rather than the County Manager or his designee, renew the agreement for five separate one-year extensions and to require that a report on the cost savings if the North Terminal APM system was operated and maintained in-house be submitted to the Board in two years and that an analysis be conducted every two years thereafter.
Resolution No. R-1065-15	December 1, 2015	Approving Option to Renew for the Operations and Maintenance Agreement with Crystal Mover Services, Inc. for the Miami International Airport North Terminal Automated People Mover System, for a Period of One Year in an Amount not to Exceed \$6,632,000.	At the October 15, 2015 Trade and Tourism Committee meeting, several commissioners were concerned that the technologies being used for the APM in the North Terminal, the Miami Intermodal Center (MIC), and Downtown Miami were all different and voiced a preference for uniform technology throughout the systems. Furthermore, the committee members voiced a desire to change the option to renew term of the MIC APM so that it was in line with the renewal date of the North Terminal APM. Commissioners also wanted to see statistics on the timeliness of the North Terminal APM within one year to compare it with the timeliness of the other APM systems in the County. The item was amended at committee to renew the

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**Item No. 8F8
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Researcher: VW Reviewer: PGE

			Crystal Mover Services contract for one year instead of five years in order to allow that contract and the North Terminal contract to be renewed at the same time next year.
<u>Resolution No. R-82-17</u>	February 7, 2017	Ratifying the County Mayor's Emergency Purchase Agreement with Crystal Mover Services, Inc., Valued at \$1,000,000, in Order to Extend the Services Provided Under the Agreement for Project B702B, Operation and Maintenance for the Miami International Airport North Terminal Automated People Mover for 60 Days through February 28, 2017.	At the January 24, 2017 BCC, the Deputy Director of MDAD explained to the Board that the Department had been directed by the Board in 2015 to come back in one year before the North Terminal APM contract expired to consolidate that contract with the MIC APM contract. After beginning to work on combining both contracts in year 2016, the Department learned the Transport Workers Union (TWU) had filed a grievance to take over the MIC APM. He stated that the Department abandoned the idea of combining both contracts after realizing the grievance process was going to be an extended process. Several commissioners expressed the view that the item be amended to approve the renewal of the contract for two years however the motion to renew the contract for two years failed and the item was deferred to the February 7, 2017 BCC where the item approved the contract being renewed for a period of 60 days.

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**Item No. 8F8
File No. 211255**

Researcher: VW Reviewer: PGE

[Resolution No. R-99-17](#)

February 7, 2017

Approving Option to Renew for the Operations and Maintenance Agreement with Crystal Mover Services, Inc. for the Miami International Airport North Terminal Automated People Mover System, for a Period of Four Years and in an Amount not to Exceed \$27,075,720.

At the December 15, 2016 Trade and Tourism Committee meeting the Assistant County Attorney reported that the Transportation Workers Union (TWU) was in arbitration over whether the MIC APM positions should legally be given to the TWU as opposed as opposed to the county's ability to contract out. He announced that the determining factor for whether the MIC APM and North Terminal APM contracts could be joined in the future was how the TWU challenge was resolved. At the February 7, 2017 BCC several commissioners expressed concern that one of the contract's requirements was for evaluations to be completed by the Aviation Department every two years while that had not been done. Responding to an inquiry about the length of the time extension for the contract, the Aviation Director clarified that the item was originally for a five-year extension. Since the contract expired in 2015 and one year had been used, however, the extension would in fact be for four more one-year extensions. He reiterated that at the end of the four years a new operations and maintenance contract would go through a competitive bid process.

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**Item No. 8F8
File No. 211255**

Researcher: VW Reviewer: PGE

On January 23, 2018 the Board approved, through [Resolution No. R-21-18](#), a settlement between Miami-Dade County and TWU Local 291 related to the operations and maintenance of the MIC APM system. As referenced in discussion from the January 24, 2017 BCC meeting, the grievance brought before the County by TWU Local 291 was the primary factor which halted the County's attempt to consolidate the contracts for the North Terminal APM and the MIC APM into one contract. TWU alleged that the 13(c) Agreement was violated when MDAD awarded the maintenance work for the MIC APM to Mitsubishi/CMIS. The County claims that when it advertised the position of Metromover Technician to the TWU Local 291 bargaining unit and conducted an initial qualification exam for the position, only 12 DTPW employees passed the initial qualification exam which would have been insufficient to perform the required maintenance. Per the settlement agreement ([Exhibit A](#)) entered on December 1, 2017 between the County and TWU, TWU agreed to relinquish any contractual rights to any maintenance work on the MIC APM and the North Terminal APM. In turn, the County agreed to pay TWU \$3.5 million and \$100,000 to TWU's law firm and dismiss its lawsuit with prejudice.

On June 30, 2021 OCA submitted the following inquiry to ISD:

1. Is any attempt being made to consolidate the O&M Agreement for the MIA North Terminal APM under Board consideration with the [O&M Agreement for the MIA-MIC APM](#) (which is due to expire in the middle of 2023) given that the O&M services for both contracts are being provided by the same vendor Mitsubishi/Crystal Mover Services, and if not why?

As of July 2, 2021 OCA is still pending a response from ISD.

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Research Notes**

**Item No. 8F9
File No. 211310**

Researcher: TA / Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01639 TO JOHNSON CONTROLS, INC. FOR GROUPS A THROUGH I FOR THE PURCHASE OF CHILLERS AND WATER TREATMENT SERVICES FOR MULTIPLE DEPARTMENTS WITH AN AMOUNT NOT TO EXCEED \$12,145,122.00, FOR A SIX-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD TO JOHNSON CONTROLS, INC. FOR GROUPS A THROUGH I, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL, 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: 6/10/21 – County Infrastructure Operations & Innovations Committee

RESEARCH FINDINGS

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

The following was noted:

- The recommended vendor, Johnson Controls, Inc. (JCI), has several adverse due diligence findings, including past performance issues, relevant litigation, and recent safety violations. (See Additional Information section.)

FINANCIAL ANALYSIS

The fiscal impact for this contract is \$12,145,122 for a six-year term. There are no available options-to-renew, but the Mayor or Mayor's designee has the authority to extend and pro-rate the contract up to six months or modify the contract value up to 20% of the total contract value without the Board's approval, pursuant to Master Procurement [Implementing Order 3-38](#).

The proposed contract amount is 34% higher than under the current contract due to increased service frequency and additional equipment to be serviced. The changes to the department allocations are as follows:

Department	Current Contract Allocation	Proposed Contract Allocation	% Change
Corrections and Rehabilitation	\$ 1,072,500	\$ 998,059	-6.94%
Cultural Affairs	\$ 11,050	\$ 261,649	2267.86%
Fire Rescue	\$ -	\$ 34,121	-
Public Housing & Community Development	\$ 156,000	\$ -	-100.00%
Internal Services	\$ 4,743,917	\$ 6,366,650	34.21%
Library System	\$ 183,083	\$ 182,425	-0.36%
Parks, Recreation, and Open Spaces	\$ 109,417	\$ 193,045	76.43%
Police	\$ 746,417	\$ 684,916	-8.24%
PortMiami	\$ 2,024,750	\$ 2,984,344	47.39%
Transportation and Public Works	\$ -	\$ 439,913	-
Total	\$ 9,047,134	\$ 12,145,122	34.24%

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File No. 211310**

Researcher: TA / Reviewer: PGE

The total contract value of \$12,145,122 is comprised of the base bid amount (\$10,120,935) and 20% of the base bid (\$2,024,187). According to ISD Procurement, the additional 20% was included for “force majeure and miscellaneous repairs the County may be liable for”. This additional 20% allocation appears to be similar to a contingency allowance that is generally included as part of construction contracts and professional services agreements, which the County typically designates as 10% of the total contract value. When the current contract was established in March 2015 via [Resolution No. R-206-15](#), the total allocation also included an additional 20% allocation for unforeseen repairs to auxiliary equipment. According to the Bid Tracking System (BTS), as of June 28, 2021, for the current contract which is expiring in three months, \$1,375,250 (or 15.2%) of the \$9,047,133 total allocation remains unexpended. When asked by OCA, ISD Procurement indicated that the 20% contingency was based on the age of the equipment.

On June 14, 2021, OCA requested the following financial and budget information from ISD Procurement:

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/revenues in FY19-20.	Provide the projected expenditures/revenues in FY20-21.	Department
5244800000	General Fund	CR04040200		\$151,926	\$175,000	Corrections and Rehabilitation
5244800000	Proprietary Funds	CUEMDCA	N/A	\$ 977.00	\$ 981.00	Cultural Affairs
5224300000 - Other Outside Contractual Services	Fund SF001 - Fire Rescue Combined Operating	FR02040000 - Facility Maintenance	N/A	\$110,515	\$111,620	Fire Rescue
5221120000 5244140000 5431210000 5260400000	Internal Services Fund	FUND DEPT G5011 ID06030000 G5010 ID06020000		\$582,965	\$1,000,000	Internal Services
5244140000	Library District	LB05030000				Library System

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**Item No. 8F9
File No. 211310**

Researcher: TA / Reviewer: PGE

PARKS, RECREATION AND OPEN SPACES, Operations and Zoo Miami, (Fund GF 040, Various Subfunds), Total Operating Expenditures, FY 2020-21 Self Supporting Ordinances, page 14	User Fees and General Fund Subsidy	PRECRA438771 / CRANDON TENNIS CENTER and PREARL428202 / ARCOLA LAKES SENIOR CENTER				Parks, Recreation, and Open Spaces
Page 85	General Fund	PD560318.22430 (PD03080100. G1001.5224300000)	N/A	\$103,000	\$110,000	Police
These expenditures are included in our FY21 capital budget under Project #645430 - Infrastructure Improvements – Port Wide. See Miami- Dade County FY 20-21 Adopted Budget, Volume 3, Page 181.	Future Financing	Fund: ES002 Department: SPCP010000	N/A	PortMiami's actual expenditures for FY 19-20 were approximately \$20.0M.	Expenditures for Infrastructure Improvements Port Wide were budgeted at \$32.7M and are now expected to be \$20.1M	PortMiami
Volume 2 - Page 127 (Other Operating)	DTPW Operating	TP03070200		\$254,253	\$250,000	Transportation and Public Works

ADDITIONAL INFORMATION

Johnson Controls, Inc. (JCI) is a global diversified technology and industrial business company with over 2,000 worldwide locations, including a South Florida office at 15901 SW 29th Street, Suite 801, Miramar, Florida 33027. According to [Bloomberg.com](https://www.bloomberglaw.com), JCI is a leading provider of HVAC equipment, building automation, security, fire detection, batteries, and other related products, as well as building control systems, energy management, and integrated facility management services. A recent JCI [press release](#) stated that the company had global sales of \$5.6 billion in the last quarter.

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**Item No. 8F9
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Researcher: TA / Reviewer: PGE

Under the Due Diligence section of the mayoral memo, there is reference to a “few adverse findings” regarding JCI; however, what the exact findings were and how they were satisfactorily addressed by the vendor were not explained. OCA’s review of BTS yielded limited documentation regarding ISD Procurement’s findings. On June 24, 2021, OCA requested additional details, and ISD Procurement disclosed the following three findings, as well as the responses from JCI:

- *The company reached a \$341,000 settlement agreement pertaining to False Training Certifications:* The company voluntarily disclosed to the New York State Attorney General a potential misrepresentation made by an employee concerning certain training certifications after the issue was discovered. Johnson Controls terminated the employee promptly when the conduct was discovered. Johnson Controls entered into an Assurance of Discontinuance Agreement with the Attorney General, which provides for annual monitoring to prevent recurrence of a similar issue.
- *Johnson Controls jointly with Manpower Group paid \$40,000 in a settlement agreement regarding an Equal Employment Opportunity Commission sex discrimination/retaliation suit:* In November 2020, Johnson Controls resolved a lawsuit filed by a former temporary worker alleging sex discrimination and retaliation. Johnson Controls denies the allegations set forth in the complaint, stating that the company does not tolerate discrimination or retaliation of any type. As part of the settlement, Johnson Controls agreed to provide additional training for those who conduct investigations into allegations of harassment and discrimination.
- *The company settled for \$14.4 million pertaining to U.S. regulatory charges that employees bribed Chinese shipbuilders and shipyard, including some owned by the Chinese government, to win business and enrich themselves:* The settlement between Johnson and the U.S. Securities and Exchange Commission (SEC) was reached in July 2016, to resolve an investigation into improper payments made by employees of Johnson Controls’ marine business in China. As part of the settlement, Johnson Controls entered into a cease-and-desist order with the SEC, paid the monetary penalty, and agreed to report on improvements to the company’s compliance program.

BTS also indicates that this vendor has had non-performance issues for previous contracts¹:

- One incident related to Bid #6046-2/12-1 on November 7, 2011: The contract, which expired in December 2012, was for “A/C Chillers & Related Equipment Maintenance & Repair Services”, which appears similar in scope to the subject contract. According to BTS, on August 31, 2012, “all pending issues pertaining to the VNP (vendor’s non-performance) have been resolved”. However, there is no detail provided in BTS as to what the performance issues were. Again, OCA inquired of ISD Procurement about the adverse findings for this firm, but this issue was not addressed in their response.
- Three incidents of non-compliance with insurance requirements on December 20, 2007: Three one-time purchases (E8525-AV, E8526-AV and E8574) were for chiller repairs at Miami International Airport (MIA).

¹ Pursuant to [Resolution No. R-421-16](#) and [Implementing Order 3-42](#), contractor evaluations are required for construction and professional services (architectural, engineering, land surveying, etc.) through Small Business Development’s Capital Improvements Information System (CIIS). No centralized or formal rating system or evaluation process exists for monitoring vendor performance on Goods and Services contracts.

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8F9
File No. 211310**

Researcher: TA / Reviewer: PGE

On June 29, 2021, OCA conducted a search on the Occupational Safety and Health Administration (OSHA) website, which yielded several violations pertaining to recommended vendor Johnson Controls, Inc. Said violations are enumerated below.

- **Johnson Controls, Inc.** – 1) the Wichita, Kansas location was fined a total of \$13,654 pertaining serious and ‘other’ violations on November 24, 2020; an informal settlement was reached in April and May of 2021 and the [case](#) remains open. 2) the Corpus Christi, Texas location was fined a total of \$8,583 concerning serious violations on November 21, 2019; an informal settlement was reached on April 26, 2020 and the [case](#) is closed. 3) the Kernersville, NC location was fined a total of \$21,000 concerning serious violations on August 14, 2019; an informal settlement was reached on February 12, 2020 and the [case](#) is closed. 4) the Rancho Cordova, California location was fined a total of \$8,000 pertaining serious violations on June 21, 2019; a settlement was reached November 27, 2019 and the [case](#) is closed. 5) the Norman, Oklahoma location had two separate OSHA cases in 2019: it was fined a total of \$22,460 pertaining serious and ‘other’ violations on April 10, 2019; a settlement was reached July 17, 2019 and the [case](#) is closed; a separate fine totaling \$34,098 pertaining serious violations was issued March 19, 2019, of which a settlement was reached on August 23, 2019; the [case](#) is closed.

In addition, JCI was a responsible party in a [People Mover incident](#) at MIA about 13 years ago. On November 28, 2008, a three-car automated people mover train operating on a fixed guideway at MIA failed to stop at the passenger platform and struck a wall at the end of the guideway. As a result of the accident, a technician and five passengers on the train were injured. In November 2011, the [National Transportation Safety Board](#) determined that the probable cause of the accident was the installation by JCI and determined that the following factors contributed to the accident:

- The failure of Johnson Controls Inc. to provide its maintenance technicians with specific procedures regarding the potential disabling of vital train control systems during passenger operations;
- Ineffective safety oversight by the Miami-Dade Aviation Department;
- Lack of adequate safety oversight of such systems by the State of Florida; and
- Lack of authority by the U.S. Department of Transportation to provide adequate safety oversight of such systems.

On September 20, 2011, the Board approved a settlement agreement with JCI to resolve outstanding litigation for mutual releases of all claims related to this incident and a payment to the County over \$4,000,000 via [Resolution No. R-743-11](#).

Market research conducted by ISD Procurement prior to issuing the solicitation for this contract (April 2020) found “numerous local vendors” and that there was a “possibility this solicitation can be awarded to local vendors only which makes response times and services more practical and efficient for the County.” It should be noted that, despite the solicitation going out to over 10,000 vendors, only one local firm submitted a bid [which was later deemed non-compliant by Small Business Development because a Certificate of Assurance was not submitted by the vendor at the time of bid, as required by the Small Business Enterprise programs ([Section 2-1.1.1.1 of the County Code](#))]. At OCA’s request, ISD Procurement shared the survey responses from vendors who did not respond to this bid. The reasons are summarized as follows:

- Insufficient time to prepare for and submit the bid
- Unable to perform the requested scope of work or comply with contract terms
- Do not provide the requested services

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8F9
File No. 211310**

Researcher: TA / Reviewer: PGE

The market research also referenced enhancements to the provisions of the replacement contract based on staff's experience from the previous contract (Contract No. FB-00074), to include strengthening the language for vendor responsibility so there is no ambiguity. For instance, Seaport had a situation where the cost of replacing obsolete equipment did not have a provision that adequately indicated the method to cover this responsibility, and it became problematic when the vendor was asked to perform. Therefore, the replacement solicitation needed to comprehensively address all County facilities' requirements to ensure that critical services are provided without delay.

OCA requested that ISD Procurement provide details of all active goods and services County contracts and pools where JCI is an awardee and was provided the following:

Contract #
<u>FB-00074</u> – ACTIVE - CHILLERS / WATER TREATMENT SERVICE CONTRACT – Current Value \$9,047,133.34 – Term: 04/01/2015 - 09/30/2021
<u>FB-00123</u> - ACTIVE - CHILLERS/WATER TREATMENT-FULL SERVICE CONTRACT MDAD – Current Value \$11,348,458.34 – Term: 04/01/2015 - 09/30/2021 – JCI is currently servicing 7 facilities at MIA
<u>FB-00403</u> - ACTIVE - CHILLERS AND HVAC EQUIPMENT MAINTENANCE FOR WASD – Current Value \$1,537,000.00– Term: 05/01/2017 - 04/30/2023 - JCI is currently servicing 11 facilities for WASD
<u>RTQ-00299</u> - ACTIVE - HVAC AND CONTROLS – RTQ – Current Value \$28,369,000.00 – Term 06/01/2016 - 05/31/2024 - JCI is part of this pool of vendors where County departments issue spot market quotes for their required HVAC services.

Given these contracts/pools and the increased workload for JCI under this replacement award, OCA inquired about the assurances from the vendor that it has sufficient capacity to successfully deliver the solicited services. ISD Procurement confirmed that a responsibility reviewed was conducted, concluding that JCI had the capacity to take on a project of this magnitude. OCA further inquired of ISD Procurement what the plan was if the vendor could not deliver these critical services, but no response was provided to this specific question.

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8F10
File Nos. 211312**

**Research: JNF / Reviewer: PGE
Financial: JL / Reviewer: PC**

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-01505 TO THE WEINBACH GROUP, INC. GROUPS A AND B FOR PURCHASE OF MARKETING AND PUBLIC RELATIONS SERVICES FOR THE CULTURAL AFFAIRS DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$5,728,000.00 FOR THE FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION 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: 6/10/21 – Recreation and Culture Committee

RESEARCH FINDINGS

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

1. This item does not comply with Resolution No. [R-515-19](#), which requires that approval for award of successor contracts or extensions occur 60 days prior to contract expiration. This item is before the BCC on July 8, 2021—23 days before its expiration.
2. 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 the current contract's original expiration date of January 31, 2021, the Administration should have commenced planning for reprourement no later than July 31, 2019. The requisition for the solicitation of the replacement contract was not posted until September 28, 2020, and the solicitation was not advertised until December 23, 2020.

FINANCIAL ANALYSIS

This contract, *Contract No. RFP-01505, Marketing and Public Relations Services*, replaces *EPPRFQ-00608*, established under delegated authority. The current contract is valued at \$2,041,667 for a three-year and six-month term (February 1, 2018 to July 31, 2021) while the replacement contract is valued at \$5,728,000 for a five-year term. The value of the replacement contract represents a 96% increase in monthly value from that of the current contract. OCA requested an itemization of the \$5,728,000 allocation to the Cultural Affairs Department, demonstrating the amounts forecasted for each of the department's programming activities covered under the contract's scope of work from ISD. The department's response is pending as of the date of publication.

The current contract's Blanket Purchase Order shows that of the \$1,895,833 allocated to the Cultural Affairs Department, \$1,206,676 has been released, leaving \$689,157.43 remaining. OCA inquired as to whether the remaining balance is slated for expenditure prior to the July 31, 2021 contract expiration date, and the details of the payments if so. The department's response is pending.

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8F10
File Nos. 211312**

**Research: JNF / Reviewer: PGE
Financial: JL / Reviewer: PC**

OCA requested the following budgetary information from ISD on June 14, 2021.

Has the expenditure been budgeted for?					
If yes:			If no:	If Applicable	
Provide the budget line item where this expenditure can be identified.	Provide the funding source(s).	Provide the Financial index or account code.	Explain why this expenditure was not budgeted for, including how the expenditure will be addressed.	Provide the actual expenditures/revenues in FY19-20.	Provide the projected expenditures/revenues in FY20-21.
5330600000 5210300000	Proprietary Funds	5330600000 5210300000	N/A	\$457,492.00	\$208,716.00

ADDITIONAL INFORMATION

The firm recommended for award of the replacement contract, The Weinbach Group, Inc., is a local, certified Small Business Enterprise firm with a SBE-G&S certification. The firm currently has no open contracts with the County.

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8F11 and 8F12
File Nos. 211249 and 211250**

Research: JNF / MF / Reviewer: PGE

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL FOR GROUP 3 OF CONTRACT NO. FB-01793 FOR THE PURCHASE OF FUEL SERVICE STATION MAINTENANCE, REPAIR AND SERVICES FOR MULTIPLE DEPARTMENTS FOR A FIVE-YEAR TERM IN A TOTAL AMOUNT UP TO \$6,607,000.00; 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 [BCC AGENDA ITEM 8F11; LEGISTAR FILE NO. 211249]

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01793 GROUPS 1 AND 2 TO CHEROKEE ENTERPRISES, INC., FLORIDA METRO CONSTRUCTION CO., INC., GENISIS GLOBAL, LLC DBA ADVANCED PETROLEUM SYSTEMS, AND JF ACQUISITION, LLC FOR THE PURCHASE OF FUEL SERVICE STATION MAINTENANCE, REPAIR AND SERVICES FOR MULTIPLE DEPARTMENTS WITH AN AMOUNT NOT TO EXCEED \$3,813,000.00, CONSISTING OF \$3,118,000.00 FOR GROUP 1 AND \$695,000.00 FOR GROUP 2, FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD FOR GROUPS 1 AND 2 TO CHEROKEE ENTERPRISES, INC, FLORIDA METRO CONSTRUCTION CO., INC, GENISIS GLOBAL, LLC DBA ADVANCED PETROLEUM SYSTEMS, AND JF ACQUISITION, LLC, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND 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 [BCC AGENDA ITEM 8F12; LEGISTAR FILE NO. 211250]

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 6/10/21 – County Infrastructure, Operations, and Innovations Committee

RESEARCH FINDINGS

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

1. This item does not comply with Resolution No. [R-515-19](#), which requires that approval for award of successor contracts or extensions occur 60 days prior to contract expiration. This item is before the BCC on July 8, 2021—23 days before its expiration.
2. Resolution No. [R-718-17](#) directs the Administration to commence planning for repurchase 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 the current pool's original expiration date of January 31, 2021, the Administration should have commenced planning for repurchase no later than July 31, 2019. The requisition for the solicitation of the replacement contract/pool was not posted until November 26, 2019, and the solicitation was not advertised until December 22, 2020.

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8F11 and 8F12
File Nos. 211249 and 211250**

Research: JNF / MF / Reviewer: PGE

FINANCIAL ANALYSIS

This contract/pool, *Fuel Service Station Maintenance, Repair and Services*, replaces *Prequalification Pool No. 7809-1/20-1, Removal, Installation, Repair, Maintenance and Testing of Service Station Equipment and Fuel Storage Facilities* established on December 7, 2010 via Resolution No. [R-1179-10](#). A contract award is being recommended for Groups 1 and 2 (BCC Agenda Item 8F12; Legistar File No. [211250](#)) while a prequalification pool is being established for Group 3 (BCC Agenda Item 8F11; Legistar File No. [211249](#)). The fiscal impact for Groups 1 and 2 is \$3,813,000 while the fiscal impact for Group 3 is \$6,607,000. The cumulative fiscal impact for Groups, 1, 2, and 3 is \$10,420,000.

Tables 1 and 2 below depict the price itemization for Groups 1 and 2, respectively. OCA asked ISD about the method of award. ISD clarified that the subject bid specified the method of award as: to all responsive and responsible vendors, in a progressive succession from lowest priced first and so forth. Thus, all three responsive and responsible bidders are being recommended for award. The vendor offering the lowest price will be called on first by user departments, with the others serving as backups in the event the first vendor is unable to provide services. The estimated allocation for Groups 1 and 2 was determined by using the total of the highest bid estimates for both groups.

Table 1

Group 1: Routine Maintenance and Upkeep

Part Description	Estimated Quantity of Hours (for 5 years)	Unit Price		
		Cherokee Enterprises, Inc	Genisis Global LLC, dba Advanced Petroleum Systems	Florida Metro Construction Co., Inc.
Labor Rate for Routine Maintenance	32,810	\$54.50	\$74.00	\$95.00
Total Cost to the County		\$1,788,145.00	\$2,427,940.00	\$3,116,950.00
Ranking		1	2	3

Table 2

Group 2: Emergency Mitigation

Part Description	Estimated Quantity of Hours (for 5 years)	Unit Price		
		Cherokee Enterprises, Inc	Genisis Global LLC, dba Advanced Petroleum Systems	Florida Metro Construction Co., Inc.
Labor Rate for Emergency Mitigation	5,565	\$54.50	\$120.00	\$125.00
Total Cost to the County		\$303,292.50	\$667,800.00	\$695,625.00
Ranking		1	2	3

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8F11 and 8F12
File Nos. 211249 and 211250**

Research: JNF / MF / Reviewer: PGE

The current pool is valued at \$32,873,525 for a 10-year and six-month term (February 1, 2011 through July 31, 2021). Table 3 below shows a summary of the blanket purchase order as shown in the Bid Tracking System for the current prequalification pool, expiring July 31, 2021. The table lists the allocation amounts, released amounts and balances, as well as the totals by department as of June 28, 2021.

Table 3

Current Contract No. 7809-1/20-1			
Department	Allocation Amount	Released Amount	Balance
Aviation	\$621,280	\$596,260	\$25,020
Corrections	\$85,000	\$64,844.34	\$20,155.66
Fire Rescue	\$377,353.61	\$340,188.61	\$37,165
Internal Services	\$7,903,738.39	\$1,387,379.29	\$6,516,359.10
Library	\$10,000	\$0	\$10,000
Transportation & Public Works (DTPW)	\$1,516,628	\$1,171,430.60	\$345,197.40
Parks and Recreation	\$590,000	\$519,030.45	\$70,969.55
Seaport (PortMiami)	\$65,000	\$42,661.64	\$22,338.36
Solid Waste	\$85,000	\$0	\$85,000
Water & Sewer (WASD)	\$4,550,000	\$3,126,464.96	\$1,423,535.04
Totals	\$15,804,000	\$7,248,259.89	\$8,555,740.11

Table 4 below depicts the fiscal and budgetary information provided by ISD on June 25, 2021 as it relates to the County's budget.

Table 4

Has the expenditure been budgeted for?					
If yes:			If no:	If Applicable	
Provide the budget line item where this expenditure can be identified.	Provide the funding source(s).	Provide the Financial index or account code.	Explain why this expenditure was not budgeted for, including how the expenditure will be addressed.	Provide the actual expenditures/revenues in FY19-20.	Provide the projected expenditures/revenues in FY20-21.
Outside Contractual Services, Page 207 (MDAD)	Proprietary Revenue	722430	N/A	\$69,840.67	\$271,780.00
Corrections	Response Pending as of Date of Publication				
Fire Rescue					
Internal Services					
PortMiami					
DTPW					
WASD					

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8F11 and 8F12
File Nos. 211249 and 211250**

Research: JNF / MF / Reviewer: PGE

ADDITIONAL INFORMATION

All vendors recommended for award in Groups 1 and 2 (Cherokee Enterprises, Inc., Florida Metro Construction Co., Inc., and Genisis Global LLC, dba Advanced Petroleum Systems) as well as those prequalified for the Group 3 pool (Cherokee Enterprises, Inc., Florida Metro Construction Co., Inc., Genisis Global LLC, dba Advanced Petroleum Systems, and Lutz Petroleum Equipment Installations, Inc.) are incumbents under the current contract/pool.

The 75% local vendor threshold as prescribed by Resolution No. [R-477-18](#) is not met as only half of the prequalified vendors for Group 3 have a local address. A June 25, 2021 search on the Business Management Workforce System for the solicitation's commodity code, 72033 – Gasoline, Compressed Natural Gas (CNG), Liquefied Petroleum Gas (LPG), and Diesel Fuel Pumps, Service Station Type, yielded one local, certified Small Business Enterprise firm: Cam Fleet Service Corp.

SBD Violations

Cherokee Enterprises, Inc. has an SBD violation dated July 9, 2019 for underpayment of an employee. The underpayment amount identified and recovered was \$2,604.19.

Florida Metro Construction Co., Inc. has an SBD violation dated April 13, 2020 for underpayment of an employee. The underpayment amount identified and recovered was \$871.36.

Unpaid Taxes

Genisis Global, LLC has \$449 in taxes due from tax year 2020.

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8J3
File No. 211303**

**Research: MF / Reviewer: PGE
Financial: ES / Reviewer: PC**

RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENT NO. 2 TO 2012 CONTAINER HANDLING CRANE MAINTENANCE MANAGEMENT AGREEMENT BETWEEN THE COUNTY AND PORT OF MIAMI CRANE MANAGEMENT INC.; PROVIDING THE COUNTY WITH FIVE ADDITIONAL ONE-YEAR RENEWALS THEREOF AT AN ESTIMATED ANNUAL COST OF \$10,900,000.00, AND \$54,500,000.00 IF ALL RENEWAL OPTIONS ARE EXERCISED; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL TERMINATION, RENEWAL, AND OTHER COUNTY RIGHTS CONTAINED THEREIN; AND WAIVING COMPETITIVE BIDDING IN CONNECTION WITH THE APPROVAL AND EXECUTION OF THE AFOREMENTIONED MANAGEMENT AGREEMENT BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER

Prime Sponsor: None
Requester: PortMiami
Committee Action Date: 6/8/21 – Port Miami and Environmental Resilience

RESEARCH FINDINGS

OCA's review of the item did not yield significant findings. Refer to Additional Information section.

FINANCIAL ANALYSIS

Table 1 below depicts the information provided by Seaport and verified by OCA pertaining to the financial aspects of the subject item as it relates to the County's budget.

Table 1

Has the expenditure or revenue (as applicable) been budgeted for?						
If yes:			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.	Provide the actual expenditures and revenues in FY19-20.		Provide the projected expenditures and revenues in FY20-21.	
Crane Costs and revenues are included in page 174	Expenditures: Seaport	Expenditures: •SP420gcrane3 (prior) •SP03030000 (now) Revenues: Seaport Billing System	Expenditures: \$10,297,448	<i>Revenues vs. Expenditures:</i> \$4,800,860	Expenditures: \$10,163,000	<i>Revenues vs. Expenditures:</i> \$7,700,000
	Revenues: Crane Revenues		Revenues: \$15,098,308		Revenues: \$17,863,000	

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 8J3
File No. 211303**

**Research: MF / Reviewer: PGE
Financial: ES / Reviewer: PC**

ADDITIONAL INFORMATION

OCA's due diligence yielded the information cited below pertaining to contractor Port of Miami Crane Management, Inc.

- *Herbert Walker v. Port of Miami Crane Management, Inc.*, Case No. 2021-009039-CA-01, filed on April 15, 2021, in the 11th Judicial Circuit Court, Miami-Dade County, Florida. The complaint alleges the defendant's employee was negligent in operating a forklift, which struck the plaintiff and his car, while the plaintiff stood outside of his vehicle during his lunch break. According to the latest court docket information, a summons was issued April 17, 2021; the case is pending.

OCA contacted the Seaport on June 25, 2021 pertaining to the following items, which were not delineated in the mayoral memo; the Department replied on June 29, 2021 and the responses are shown below.

1. The expenditure for the services under this agreement is at cost as there is no mark-up for profit. Provide the cost details of such for the renewal terms as memorialized in a price schedule or payment appendix. – In response, the Department stated that PortMiami Crane Management (PMCM) is a Miami-Dade County solely owned 501-3c. As such, each year the company submits a budget, which is approved by the County and the PMCM Board of Directors. According to the Department, there is no payment price schedule, as costs are actual based on labor and materials. The FY2020/21 and FY 2021/22 budgets are included as Exhibit A to this research note.
2. Details or copies of County evaluations and/or criteria used to measure PMCM's performance at the Seaport since commencement of the agreement in 2012, clarifying if such performance has been satisfactory and whether there is any pending litigation relating to the contracted services: - According to the Department, PMCM's performance has been satisfactory. Additionally, the Department states the following: there is no pending litigation with the vendor.

EXHIBIT A

Miami-Dade County
BAT Appropriations Report - Detail
 For Department: SP03030000 - CRANE OPERATIONS
 For Fund: All Funds
 For Project: All Projects
 For Activity: All Activities
 For Grant: All Grants



	Actuals 2019-20	Budget 2020-21	Actuals 2020-21	Department Forecast 2020-21	Budget 2021-22
5040140000 - GROUP HLTH INSURANCE NON CNTY	\$309,558	\$272,000	\$127,780	\$238,700	\$368,700
5210100000 - EXTERNAL ANNUAL AUDIT	\$43,000	\$45,000	\$19,000	\$61,000	\$61,000
5210300000 - OTHER PROF ACCT/AUD SERV	\$1,190,540	\$1,598,200	\$543,670	\$1,331,000	\$1,519,200
5211210000 - OUTSIDE CONSULTANT NETWORK	\$9,785	\$55,000	\$21,563	\$15,000	\$65,000
5221210000 - OUTSIDE WASTE COLLECTION SERV	\$230	\$500	\$100	\$0	\$10,000
5223300000 - RENTAL UNIFORM SERV	\$79,472	\$90,000	\$31,932	\$90,000	\$90,000
5224300000 - OTHER OUTSIDE CONTRACTUAL SRVC	\$5,512,177	\$5,867,100	\$2,353,704	\$5,879,600	\$5,962,600
5236110000 - VEHICLE & EQUIPMENT INS	\$3,411	\$125,700	\$21,175	\$125,700	\$130,700
5236200000 - OTHER INS EXP	\$436,050	\$508,800	\$212,500	\$508,800	\$400,000
5245710000 - P.C. MAINT	\$0	\$50,000	\$0	\$15,000	\$25,000
5253300000 - COPY MACHINE RENTAL	\$0	\$5,000	\$0	\$5,000	\$6,000
5254200000 - HEAVY EQUIPMENT RENTAL	\$52,896	\$63,600	\$38,381	\$63,600	\$66,800
5255110000 - PAYMENTS TO LESSORS	\$13,312	\$26,500	\$3,938	\$20,000	\$25,000
5310100000 - TELEPHONE-REGULAR	\$29,065	\$29,200	\$10,607	\$25,000	\$30,000
5310110000 - TELEPHONE-LONG DISTANCE	\$0	\$0	\$0	\$1,000	\$2,000
5311200000 - SUBSCRIPTIONS	\$75,632	\$53,500	\$34,163	\$30,000	\$48,000
5312100000 - TRAVEL EXPENSE-U.S.	\$7,716	\$22,000	\$1,895	\$10,000	\$25,000
5316110000 - POSTAGE-REGULAR MAIL	\$7,647	\$0	\$402	\$0	\$0
5316130000 - SHIPPING CHARGES	\$0	\$16,500	\$0	\$20,000	\$20,000
5316200000 - MESSENGER SERVICES	\$0	\$3,700	\$0	\$7,000	\$8,500
5320100000 - INSERVICE TRAINING	\$0	\$55,000	\$0	\$16,000	\$100,000
5320200000 - EDUCATIONAL SEMINARS	\$0	\$44,000	\$0	\$8,000	\$25,000
5321400000 - REIMB. FOR OTHER OPER EXP	\$-18,721	\$0	\$-19,755	\$0	\$0
5322500000 - LICENSE & PERMIT FEES	\$0	\$1,700	\$0	\$2,000	\$2,000
5330500000 - OTHER GENERAL OPERATING SERV	\$35,639	\$39,200	\$19,329	\$7,000	\$8,000
5410220000 - OTHER FUELS AND LUBRICANTS	\$47,528	\$100,000	\$19,750	\$50,000	\$60,000
5432100000 - EQUIPMENT PARTS & MAINT	\$2,448,529	\$1,896,400	\$1,426,132	\$1,523,700	\$1,710,000
5470100000 - OFF. SUPPLIES/OUTSIDE VENDORS	\$13,981	\$13,700	\$7,314	\$11,500	\$14,000
5260500000 - PRINTING & REPRODUCTION	\$0	\$0	\$43	\$0	\$0
5261410000 - INFORMATION TECH. ALLOC. COSTS	\$0	\$0	\$0	\$60,000	\$60,000
5262400000 - OTHER GENERAL ADM. CHARGES	\$0	\$42,400	\$0	\$38,000	\$58,400
5952410000 - OTHER CAPITALIZABLE ITEMS	\$0	\$3,000,000	\$0	\$0	\$4,295,000
Total Expenditures	\$10,297,448	\$14,024,700	\$4,873,622	\$10,162,600	\$15,195,900

Report Run Date: 06-28-2021 11:05:55AM

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 803
File No. 211268**

**Researcher: JNF / Reviewer: PGE
Financial: DJ / Reviewer: PC**

RESOLUTION APPROVING CHANGE ORDER NO. TWO IN THE AMOUNT OF \$402,722.14 AND 667-DAYS OF NON-COMPENSABLE TIME TO METRO EQUIPMENT SERVICE INC. FOR CONTRACT NO. S-758R, CD5.01- CONVERSION OF SEWAGE PUMP STATION NO. 418 TO A BOOSTER STATION PURSUANT TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE, SECTION 2-8.2.12 OF THE COUNTY CODE

Prime Sponsor: None

Requester: Water and Sewer Department (WASD)

Committee Action Date: 6/10/21 – County Infrastructure Operations & Innovations Committee

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 June 24, 2021, OCA requested the following budgetary information from WASD:

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/revenues in FY19-20.	Provide the projected expenditures/revenues in FY20-21.
OMB# 964440, Page #70	WASD Revenue Bond Sold, Wastewater Connection Charges, Future WASD Revenue Bonds	S049008	Budgeted	\$524,640	\$2,641,894

**BCC Meeting:
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**Item No. 803
File No. 211268**

**Researcher: JNF / Reviewer: PGE
Financial: DJ / Reviewer: PC**

The table depicts the value of the initial contract, and the value of each change order. The value of the change order, \$402,722.14, represents a 5.9% increase from the initial award, and a total increase of 14.3% to date.

Contract No. S-758R		
Contract Event	Value	% Change from Initial Contract Value
Initial Contract	\$6,843,320	-
Change Order No. 1	\$576,400	↑ 8.4%
Change Order No. 2	\$402,722.14	↑ 5.9%
TOTAL	\$7,822,442.14	↑ 14.3%

ADDITIONAL INFORMATION

This item requests approval of the second change order for additional time and monies applicable to Contract No. S-758R with Metro Equipment Service, Inc. for the conversion of Pump Station No. 418 to a Booster Station, a project which was completed on November 20, 2020. Given that Change Order No. 2 causes the value of the change orders issued under this contract to exceed 10% of the base contract amount, Board approval prior to execution of the change order is required pursuant to Section 2-8.2.12 of the County Code, Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance. The draft change order for additional time and allocation was initiated in December 2020, the month after the project reached completion. Illustrated below is a timeline showing the activities surrounding the change order.



According to the Business Management Workforce System, Metro Equipment Service, Inc., has been awarded seven County contracts as prime contractor within the last five years, with a cumulative value of \$25,873,561, as detailed below.

Metro Equipment Service Inc.'s Contracts with Miami-Dade County		
Contract Number and Title	Dates	Award Amount
P0219: Emergency NW 207 Street Turnpike Water Main Crossing	6/25/2018 to 10/16/2018	\$800,000
P0214: Emergency Repairs On 72-Inch Interceptor at Pump Station 2	5/1/2018 to 5/6/2018	\$241,900
P0252: Emergency Repairs To 60 Inch Fm 99 Ne 4 St	5/18/2021 to 6/11/2021	\$497,755
TS904: Install 42" Fm North Miami Ave	7/18/2018 to 4/4/2020	\$16,146,344
S-758r: NF-Conversion of Sewage Pump Station No. 418 To Booster Station	3/24/2016 to 11/20/2020	\$7,822,442
S-910: Rehabilitation of U.S.1 Crossing Gravity Sewer Lines at SW 98 St And SW 88 St. Using Trenchless Technology	10/12/2017 to 12/11/2017	\$365,120
RTQ-00298_0001: Trenchless Pipe Installation and Pipe Rehabilitation Services	4/1/2016 to 3/31/2024	\$0
		Total: \$25,873,561

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OCA conducted due diligence of Metro Equipment Service, Inc., and its subcontractors performing under the contract (as listed in the Business Management Workforce System) in the Capital Improvements Information System (CIIS) on June 28, 2021. The search yielded the following results:

Contractor/Subcontractor	No. of Evaluations	Average Rating (out of a possible 4.0)
Metro Equipment Service, Inc. (Prime)	50	3.5
C & I Construction and Design, Inc. (SBE-Con)	9	3.5
Corcel Corp. (SBE-G&S)	0	-
Florida Electrical Group, Inc.	0	-

An SBE-Con goal of 13.25% and an SBE-G&S goal of 4% apply to the contract. As of June 28, 2021, 26.1% (12.9% above goal) has been paid to the SBE-Con firm, C & I Construction and Design, Inc., and 6.13% (2.1% above goal) has been paid to the SBE-G&S firm, Corcel Corp. Thus, the contract is in compliance with Resolution No. [R-1001-15](#), which requires County contracts with small business measures to meet at least 85% of the small business goals applicable to the portion of the contract work performed to date before a change order or contract amendment is considered for approval.

Litigation with County

Metro Equipment Service, Inc. sued the County in 2012 asserting a claim in excess of \$300,000 in damages for nonpayment of attempted pipe rehabilitation work performed under Contract No. S-742 by the firm's subcontractor, resulting in a [\\$50,000 settlement](#) paid by the County to Metro.

OSHA Violation

Metro Equipment Service, Inc. has one serious Occupational Safety and Health Administration (OSHA) [violation](#) dated December 4, 2014, resulting in a \$3,234 penalty to the firm.

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Research Notes**

**Item No. 11A3
File No. 211675**

Researcher: TA / Reviewer: PGE

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO PURSUE LOCAL PREFERENCE RECIPROCITY WITH BROWARD COUNTY AND MONROE COUNTY AND TO PROVIDE WRITTEN REPORT BACK TO THIS BOARD WITHIN 60 DAYS ON STATUS

Prime Sponsor: Senator René Garcia, District 13

Requester: None

Committee Action Date: 6/10/21 – 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

There is no fiscal impact associated with the Mayor or Mayor's designee conducting a full analysis on the establishment of local preference reciprocity agreements with Broward County and Monroe County and reporting back to the Board.

On June 18, 2021, OCA requested from the Internal Services Department (ISD) Procurement Division the outcomes of reciprocity from the time of inception to the end of the agreement (i.e., 2002 to 2017), including how many contracts were awarded as a result of reciprocity by the County to Broward and vice versa and the contract details, such as contract title, value, vendor awarded, vendor's County (where the vendor received an occupational license), and contract term. A response was not received in time for publishing of this note. Per [Resolution No. R-831-15](#), the last extension of the interlocal agreement approved by the Board, since 2002, six contracts were awarded to the County by Broward, while the County awarded 15 contracts to Broward firms due to reciprocity. Thus, the results as of October 2015 show that Broward firms were benefiting more than the County's firms.

ADDITIONAL INFORMATION

The original resolution directed the Mayor or Mayor's designee to "take all actions necessary to establish reciprocity" and report to the Board within 60 days. At the June 10, 2021 CIOIC meeting, this item was amended to direct the Mayor to determine if reciprocity should be established by reviewing the policies and experience of other cities, governmental entities, and School Boards, as well as examining the feasibility of reciprocity, including the impacts such a policy would have on local businesses in Miami-Dade County.

On June 24, 2021, OCA requested for ISD to summarize the conditions and rationale behind having the interlocal agreement with Broward County lapse but did not receive a response by the publishing deadline. At the June 10, 2021 CIOIC meeting, the Chief Procurement Officer stated the main reason that the County did not continue its reciprocity agreement with Broward County beyond September 30, 2017 was due to the latter's Local Preference policy being substantially different than that of the County, such as not requiring at least three full-time employees like the County does. She further noted that Broward County updated its policy recently, and the policy may now more closely align with that of Miami-Dade County.

Broward County updated its local preference policy in June 2020 via [Ordinance No. 2020-24](#). As evidenced by the table below, Broward's policy is similar to the County's, but still makes no reference to a specific minimum number of employees required at a location to be considered Local. It should be noted that, at a December 15, 2015 Board meeting, then-Chief Procurement Officer Miriam Singer noted that when the County established a locally-headquartered preference for professional services, the County shared the language with Broward, as the reciprocity agreement called for both counties to treat their firms substantially

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**Item No. 11A3
File No. 211675**

Researcher: TA / Reviewer: PGE

the same in terms of local preference; Broward shortly thereafter adopted the County's locally-headquartered language into its code.

A comparison of the County's local preference policy with Broward County and Miami-Dade County Public Schools (MDCPS) is below:

Description	Miami-Dade	Broward	MDCPS
Code/Policy	Section 2-8.5	Section 1-74	Policy 6320.05
Definition of Local Business	- Valid business tax receipt at least one year prior to bid submission	same	- a vendor has a valid local business tax receipt for either (1) its headquarters or locally-owned franchise located in the County for at least 12 months or (2) an office with a street address within the County for at least 24 months from the bid opening date.
	- physical business address located in the County from which the vendor operates or performs business	same	same
	- the Local Business Location serves as a place of employment for at least three full time employees for the continuous period of one year prior to the bid or proposal submission	- the Local Business location from which the vendor operates and performs on a day-to-day basis business must be a substantial component of the goods or services being offered in connection with the applicable solicitation.	n/a
	- Post Office Boxes may not be used to establish a physical address/location	same	same
	- Vendor shall not be considered a "Local Business" unless it contributes to the economic development and well-being of Miami-Dade County in a verifiable and measurable way.	n/a	n/a

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**Item No. 11A3
File No. 211675**

Researcher: TA / Reviewer: PGE

Description	Miami-Dade	Broward	MDCPS
Definition of Locally-headquartered	- Principal place of business in the County, meaning the "nerve center" or the center of overall direction, control, and coordination of the activities of the vendor.	Same, but called a "Locally-based Business". In addition, less than 50% of the total equity interests in the business are owned by one or more entities with a principal place of business outside of Broward County.	n/a
Preferences - competitive bid	- If the Low Bidder is not a Local Business, any Local Businesses submitting a price within 10% of the Low Bid and any Locally-headquartered Businesses submitting a price within 15% of the Low Bid shall have an opportunity to submit a best and final bid equal to or lower than the Low Bid (BAFO)	Same. In addition: 3 to 5% of the available points are awarded to each locally-based businesses or joint ventures that are composed solely of locally-based businesses or locally-based subsidiaries. For other joint ventures, points are awarded based upon the respective proportion of locally-based businesses and locally-based subsidiaries equity interests in the joint-venture.	- If the Low Bidder is not a Local Business, any Local Businesses submitting a price within 5% of the Low Bid shall have an opportunity to submit a best and final bid equal to or lower than the Low Bid (BAFO)
	- If the Low Bidder is a Local Business which is not Locally-headquartered, any Locally-headquartered business submitting a price within 5% of the Low Bid shall have an opportunity to participate in a BAFO.	Same	n/a

**BCC Meeting:
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**Item No. 11A3
File No. 211675**

Researcher: TA / Reviewer: PGE

Description	Miami-Dade	Broward	MDCPS
Preferences - qualitative solicitation	- If, following completion of final rankings by the Selection Committee, a non-local business is the highest ranked proposer and the ranking of a local proposer is within 5% of the ranking of the non-local proposer, then the highest ranked local proposer shall have an opportunity to proceed to negotiations or advance to the next step in the solicitation process.	Same	Following the initial evaluations, a local firm that has submitted a proposal and is competing with a non-local proposer shall be awarded 5 points.
Reciprocity with other counties	None	None	None

Per [Section 2-8.5 of the Code](#), Miami-Dade County may enter into an interlocal agreement with Broward, Palm Beach, or Monroe County when such counties extend preferences to local businesses. OCA verified that none of the referenced counties currently extend local preference beyond those firms that are based in their respective counties; thus, new interlocal agreements would be required to establish reciprocity. On June 24, 2021, OCA inquired of ISD Procurement as to whether Broward or Monroe County has expressed interest in entering into a new agreement and if Palm Beach has expressed interest in reciprocity but did not receive a response in time for publishing.

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 15C1
File No. 211500**

Research: CB / Reviewer: PGE

APPOINTMENT OF ALEJANDRO MUNILLA TO SERVE AS A MEMBER OF THE SMALL BUSINESS ENTERPRISE CONSTRUCTION (SBE-C) ADVISORY BOARD

Prime Sponsor: None

Requester: Clerk of the Board

BCC/Committee Action Date: N/A

RESEARCH FINDINGS

OCA completed the required background research regarding the appointment of Alejandro Munilla to the Small Business Enterprise Construction (SBE-C) Advisory Board. The research yielded no adverse informational findings for this appointee. This report is being provided as a Supplement to BCC Agenda File Item Number 211500.

FINANCIAL ANALYSIS

N/A

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.

**BCC Meeting:
July 8, 2021
Research Notes**

**Item No. 15C2
File No. 211528**

Research: CB / Reviewer: PGE

NOMINATION FOR APPOINTMENT TO THE CRYPTOCURRENCY TASK FORCE

Prime Sponsor: None
Requester: Clerk of the Board
BCC/Committee Action Date: N/A

RESEARCH FINDINGS

OCA completed the required background research regarding the nomination of Michael Hall, Daniel Stabile, Isis Pacheco Velasco, Samir Patel, Andrew Barnard, Omar Blanco and Elijah John Bowdre to the Cryptocurrency Task Force. The research yielded no adverse informational findings for the nominees. This report is being provided as a Supplement to BCC Agenda File Item Number 211528.

FINANCIAL ANALYSIS

N/A

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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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).