



OFFICE OF THE COMMISSION AUDITOR

COMMISSION AUDITOR'S INFORMATIONAL RESEARCH

BOARD OF COUNTY COMMISSIONERS MEETING

June 14, 2022

9:30 A.M.

Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor

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Pursuant to Resolution No. [R-229-09](#), the Office of the Commission Auditor (OCA) monitors the Miami-Dade Board of County Commissioners' agenda to provide legislative analysis of agenda items that include research findings and additional value-added information, if available, or at the request of a Commissioner.

**BCC Meeting:
June 14, 2022
Research Notes**

**Item No. 8F1
File No. 220933**

Research: PAR / Reviewer: SC

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 ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$10,502,800.00 TO STRYKER SALES LLC FOR A TOTAL MODIFIED CONTRACT AWARD OF \$14,410,800.00 FOR CONTRACT NO. BW-10125 FOR THE PURCHASE OF EMERGENCY RESPONSE EQUIPMENT MANAGEMENT FOR MULTIPLE COUNTY DEPARTMENTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY RENEWALS, CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO COUNTY CODE SECTION 2-8.1 AND IMPLEMENTING ORDER 3-38

Prime Sponsor: None

Requester: Internal Services

Committee Action: 6/8/2022 – Forwarded to the BCC by the BCC Chairperson due to the cancellation of the 5/11/2022 Emergency Management and Intergovernmental Affairs Committee meeting

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural or administrative non-compliance. Refer to the Contextual Information, Financial Analysis, and Additional Information sections for the item's historical and other background information.

CONTEXTUAL INFORMATION

Contextual information is bulleted below:

- **Unit Prices:** According to *Appendix B – Price Schedule* of *Contract No. BW-10125*, unit prices were "valid through April 15, 2021." OCA did not observe changes to the price schedule nor identify the total number of AED units the County would purchase with the requested expenditure authority of \$10,502,800.
- **Justification for BW-10125:** According to the Mayoral Memorandum requesting Board approval of BW-10125, MDCR requested to enter *Contract No. BW-10125* in 2021 to replace existing AEDs no longer supported by Stryker with new industry-standard AEDs. Stryker offered a trade-in unit discount of \$5,500 from the original sale price of \$19,583.81 to replace 82 AEDs, and a 20% discount on the cost of preventative maintenance services, parts, and accessories, referred to as the ProCare Coverage in the agreement.

FINANCIAL ANALYSIS

OCA conducted an analysis of the modification history of *Contract No. BW-10125*. Table 1 sets forth a summary of the modification totals.

Table 1

Contract No. BW-10125 Modification History (e-Procurement)			
Action	Approval Date	Approval Authority	Allocation Amount
Contract Award for MDCR	March 2021	Resolution R-195-21	\$3,753,000
Additional Expenditure Authority for MDCR	December 2021	Administrative Authority	\$155,000
Additional Expenditure Authority for ASD, MDAD, CU, MDCR, ISD, PROS	June 2022	This Item	\$10,502,800
Total Cumulative Value			\$14,410,800

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ADDITIONAL INFORMATION

Bulleted below is additional research relevant to this item:

- **AED Brands:** According to market research found in e-Procurement for Contract No. OK-SW-300, MDPD transitioned from AEDs manufactured by Stryker to AEDs manufactured by Zoll for their patrol vehicles through *Contract No. OK-SW-300* in 2019 and continued to purchase Zoll AEDs through 2021. All other requesting departments under this item procure Stryker AEDs.
- **MDFR Emergency Purchase E-10120:** An examination of e-Procurement revealed that according to the December 2020 MDFR correspondence regarding the approval for E-10120 emergency declaration, MDFR declared an emergency requiring the purchase of Stryker AEDs to replace end-of-life/end of support units. The manufacturer, Stryker, notified the County that the installed Stryker AEDs at that time were unrepairable. Stryker offered the County a discount on the replacement AEDs if the County completed the purchase before the year's end. The negotiated purchase price was \$239,425, though it is unclear from e-Procurement whether MDFR executed the purchase. Preceding contract, *Contract No. BW9262-1/20* expired on November 30, 2020 and was replaced by *Contract No. OK-SW-300(S)* on 1/12/2021.
- **Payment History:** OCA examined the financial payment history of the subject vendor. Table 2 below provides a synopsis of the cumulative payments made to the subject vendors for the past eight years (2014-2022) as of June 2022. Note: The total vendor payments reflected in Table 2 may not include all payments made to date and are not exclusive of *Contract No. BW-10125*.

Table 2

Vendor Payment History with the County (VPI Applications/INFORMS)		
Vendor	Date Range	Total Payments
Stryker Sales Corp.	11/2014 – 6/2022	\$5,209,235

- **Contract History:** A search on e-Procurement yielded a summary of historical AED contracts. Note: The contracts listed in Table 3 may not include all contracts made to date for purchasing AEDs.

Table 3

County History of AED Contracts (e-Procurement)				
Approval Authority	Contract Title	Term	Contract Value	Vendor
Resolution R-195-21	BW-10125 - Emergency Response Equipment Management	4/6/2021 - 4/30/2026	\$ 3,908,000	Stryker Sales Corp.
<i>Administrative Authority</i>	OK-SW-300(S) - Automatic External Defibrillators (AED) Units and Accessories	1/12/2021 - 10/4/2022	\$1,000,000	Stryker Sales Corp.
<i>Administrative Authority</i>	E-10120 - Cardiac Monitors	12/31/2020	\$239,425	Stryker Sales Corp.

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Resolution R-43-19	OK-SW-300 - Automatic External Defibrillators & Accessories	2/7/2019 - 10/4/2022	\$3,848,000	Zoll Medical Corp.
Resolution R-501-10	BW9262-1/20A *- Defibrillators: Equipment/Accessories/Maint.	3/19/2013 – 3/18/2018	\$4,111,118	US Bank Equipment Finance
	BW9262-1/20 (with <i>one OTR</i>) - Defibrillators: Equipment / Accessories / Maint.	5/24/2010 - 11/30/2020	\$14,170,771	Physio Control, Inc.**
Resolution R-1394-03	SS7495-0/06 - Defibrillators - Equip/Accessories/Maint.	1/01/2004 - 4/30/2010	\$8,539,508	Physio Control, Inc.**

*Note: *Contract notes a lease with US Bank Equipment Finance to purchase Physio Control, Inc. AEDs.*

*** Stryker Sales Corp. was formally known as Physio Control, Inc.*

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Research Notes**

**Item No. 8N1
File No. 220639**

Research: VW / Reviewer: SC

RESOLUTION WAIVING COMPETITIVE BIDDING PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT AND RATIFYING A CONFIRMATION PURCHASE FOR THE PROVISION OF TRANSPORTATION SERVICES FROM FEBRUARY 28, 2022 TO FEBRUARY 27, 2023 AT THE HOURLY RATE OF \$55.98 AND DISINFECTING SERVICES AT A FIXED AMOUNT OF \$9.00 PER VEHICLE FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$9,131,772.00 WITH LIMOUSINES OF SOUTH FLORIDA, INC.; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EFFECTUATE THE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

Prime Sponsor: None

Requester: Transportation and Public Works (DTPW)

Committee Action: 4/12/22 - Transportation, Mobility and Planning Committee

RESEARCH FINDINGS

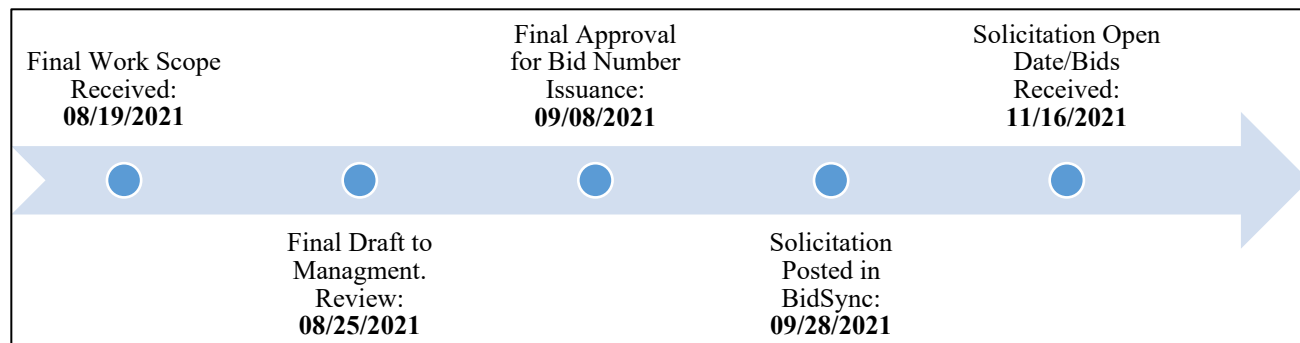
OCA's review of the item found no substantive legislative, procedural or administrative noncompliance. Refer to the Contextual Information, Financial Analysis, and Additional Information sections for more historical and background information on the item.

CONTEXTUAL INFORMATION

Bulleted below is contextual and background research relevant to this item:

- **Previous BCC discussion:** During the February 19, 2020 BCC meeting pursuant to Resolution No. [R-207-20](#) there was extensive discussion concerning one of the previous option to renew (OTR) terms under *Contract No. 18483*. Several Commissioners expressed concerns regarding the equipment malfunctions, slow boarding times, and lack of bus operator training using ADA equipment on bus routes serviced by the awarded vendor, Limousines of South Florida, Inc. During the meeting the Chief Executive Officer of Limousines of South Florida, Inc., came before the Board and agreed to a request to amend the item to include ADA training and certifying the vendor's bus operators. Refer to Additional Information section for legal complaints filed against the vendor.
- **Procurement Milestones:** OCA inquired with the Internal Services Department (ISD) regarding the procurement status of the replacement contract, *Solicitation No. FB-02081*. A search on e-Procurement yielded a timeline of procurement actions completed to date for *Solicitation No. FB-02081*. Note: The solicitation is currently in the evaluation phase and remains under the Cone of Silence.

Chart 1 Solicitation No. FB-02081 Milestones



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FINANCIAL ANALYSIS

On June 6, 2017, pursuant to Resolution No. [R-611-17](#), the Board approved authorization to access the City of Miami *Contract No. 18483* with Limousines of South Florida Inc. for the provision of public transit services, and required that authorization to exercise any future option to renew terms be brought before the Board for approval. Summarized in Table 1 below are all previously approved OTRs for the access contract and notable details included in the mayoral memoranda. Note: Actual costs incurred under this contract were not located in e-Procurement.

Table 1

Contract No. 18483 Authorization Summary		
Resolution	Background Summary	Fiscal Impact
Resolution No. R-611-17 (Amended)*	Authorizing access of City of Miami contract, Limousines of South Florida/Contract No.18483 with One-Year Options-to-Renew (OTRs) at the rate of \$45.09 per bus revenue hour.	Estimated Costs Not Identified in Mayoral Memoranda**
Resolution No. R-456-18	Authorizing pursuant to Resolution No. R-611-17, a retroactive one-year OTR effective February 27, 2018, with Limousines of South Florida, Inc. at the rate of \$45.09 per bus revenue hour.	Estimated Costs Not Identified in Mayoral Memoranda**
Resolution No. R-1309-18	Authorizing pursuant to Resolution No. R-611-17, a one-year OTR effective February 27, 2019, with Limousines of South Florida, Inc. at the rate of \$45.09 per bus revenue hour.	\$10,926,311 Total Estimated Annual Costs
Resolution No. R-207-20	Authorizing pursuant to Resolution No. R-611-17, a one-year OTR effective February 28, 2020, with Limousines of South Florida, Inc. at the rate of \$45.09 per bus revenue hour.	\$11,609,818 Total Estimated Annual Costs
Resolution No. R-171-21	Authorizing pursuant to Resolution No. R-611-17, a retroactive one-year OTR effective February 28, 2021, with Limousines of South Florida, Inc. at the rate of \$55.98 per bus revenue hour.	\$12,600,766 Total Estimated Annual Costs

*Note: *The original resolution can be found under File Number [171019](#).*

***The mayoral memorandum reflects estimated annual savings rather than costs.*

ADDITIONAL INFORMATION

Bulleted below is additional research relevant to this item:

- **Payment History:** OCA examined the financial payment history of the subject vendor. Table 2 below provides a synopsis of the cumulative payments made to the subject vendor for the past four years (2018-2022) as of June 2022. Note: The payments reflected may not be inclusive of all payments made to date and are not exclusive of payments under the confirmation purchase.

Table 2

Vendor Payment History with County (VPI Application/INFORMS)		
Vendor	Date Range	Total Payments
Limousines of South Florida, Inc.	February 2018-April 2022	\$53,216,557

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File No. 220639**

Research: VW / Reviewer: SC

- **Due Diligence:** OCA conducted due diligence via Westlaw of the vendor under the contract. Bulleted below is a summary of legal complaints filed against the vendor.
 - *Liddell v. Limousines of South Florida, Inc. et al* – the vendor is a co-defendant in a negligence lawsuit (Case No. 2022-008562-CA-01) filed in the 11th Judicial Circuit, Miami-Dade County on May 10, 2022. According to the complaint, the defendant negligently operated the bus in which plaintiff was a passenger causing the plaintiff to be thrown from her seat, resulting in injuries and damages to plaintiff. The last docket activity as of May 2022 is the issuance of a 20-day summons.
 - *Noland v. Limousines of South Florida, Inc. et al* – the vendor is a co-defendant in a negligence lawsuit (Case No. 2022-006002-CA-01) filed in the 11th Judicial Circuit, Miami-Dade County on March 31, 2022. According to the complaint, the defendants negligently operated the bus, caused plaintiff to be thrown from her seat and suffered permanent injuries and damages. The last docket activity as of May 2022 is a motion of extension of time.
 - *Smith v. Limousines of South Florida, Inc.* – the vendor is a co-defendant in a negligence lawsuit (2022-002408-CA-01) filed in the 11th Judicial Circuit, Miami-Dade County on February 8, 2022. According to the complaint, the defendant failed to properly secure the plaintiff's wheelchair in the trolley and subsequently causing the plaintiff to fall when the agent abruptly stopped the Trolley, resulting injuries. The last docket activity as of May 2022 is an order vacating default.

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Research Notes**

**Item No. 11A1
File No. 221262**

Research: CB / Reviewer: SC

**RESOLUTION APPOINTING VOTING TRUSTEE TO THE PUBLIC HEALTH TRUST BOARD OF TRUSTEES
FOR THE 2022-2025 TERM**

Prime Sponsor: Chairman Jose “Pepe” Diaz, District 12.

Requester: None

Committee Action Date: None

RESEARCH FINDINGS

OCA completed the required background research regarding the appointment of Matthew James Allen to the Public Health Trust Board of Trustees for the 2022-2025 Term. The research yielded no adverse informational findings for the appointee. This report is being provided as a Supplement to BCC Agenda File Item Number 221262.

FINANCIAL ANALYSIS

N/A

ADDITIONAL INFORMATION

1. 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 conduct background research on applicants being considered to serve on County Boards and Trusts that require nominations or appointments by the BCC.
2. In order to vet applicants for County Boards, Trusts, naming, renaming, or codesignation, OCA receives each applicant’s full name, including middle name and date of birth. Once that information is received from the entity forwarding the background research request, OCA investigates the following:
 - A. Conducts a Westlaw public records search to check for additional risk factors; these factors include any criminal record or financial judgment that does not have an associated release or acquittal.
 - B. Checks the Miami-Dade Clerk of the Courts website for judgments. Judgments include federal tax liens and criminal court proceedings. Where the tax lien has an associated certificate of release, such information is not considered a finding unless specifically requested by the Board.

REFERENCES

^aMiami-Dade County, Vendor Payment Inquiry Application (VPI Application), https://w85exp.miamidade.gov/VInvoice/1_0a_vendor_login.jsp

^bMiami-Dade County, Integrated Financial Resources Management System (INFORMS), the new Enterprise Resource Planning system launched in April 2021 (Rollout 1) to modernize and streamline budget, procurement, human resources, and financial operations), <https://informs.miamidade.gov/>

^cMiami-Dade County, e-Procurement (also known as the Bid Tracking System), <https://s0145200.miamidade.gov/eProcurement/Login.aspx>

CONTRIBUTORS

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

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

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