



# **OFFICE OF THE COMMISSION AUDITOR**

## **COMMISSION AUDITOR'S INFORMATIONAL RESEARCH**

**BOARD OF COUNTY COMMISSIONERS MEETING**

**February 7, 2023**

**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:  
February 7, 2023  
Research Notes**

**Item No. 3A1**

**Research: JVJ/ Reviewer: PAR**

**File No. [230181](#)**

Resolution Approving the City of Sweetwater's Codesignation of that Portion of SW 108th Avenue from Flagler Street to SW 2nd Street as "Manuel Duasso Avenue"

**Prime Sponsor:** Commissioner Juan Carlos Bermudez, District 12

**Requester:** None.

**Committee Action Date:** None

**RESEARCH FINDINGS**

OCA completed the required background check on "Manuel Duasso" and noted no adverse findings. OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for "Manuel Duasso." As also required by Rule 9.02(f)(1), OCA verified that "Manuel Duasso" is deceased. OCA is providing this report as a Supplement to BCC Agenda File Item No. 230181.

**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.

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Research Notes**

**Item No. 811**

**Research: SC / Reviewer: PAR**

**File No. [222370](#)**

Resolution Approving the Terms of and Retroactively Authorizing the County Mayor or County Mayor's Designee to Execute a Memorandum of Understanding ("MOU") With the School Board of Miami-Dade County Providing for the Assignment of Miami-Dade Police Department Officers to Serve as School Based Law Enforcement Officers ("SBLEO") on an as Needed Basis During the 2022-2023 School Year; Further Authorizing the County Mayor or County Mayor's Designee to Exercise the Renewal, Amendment, and Cancellation Provisions Contained Therein.

**Prime Sponsor(s):** Community Safety and Security Committee

**Requester:** Miami-Dade Police Department

**Committee Action Date:** 1/12/2023 - Community Safety and Security Committee (CSSC)

**RESEARCH FINDINGS**

OCA's review of the Item found no substantive legislative, procedural, or administrative non-compliance. See the Contextual Information, Historical Information, and Additional Information sections for the Item's background information.

**CONTEXTUAL INFORMATION**

According to the MOU with Miami-Dade County Public Schools (M-DCPS), the School Board agrees to reimburse the County for all costs associated with any Miami-Dade Police Department (MDPD) officers serving as School Based Law Enforcement Officers (SBLEO) at M-DCPS facilities, resulting in no fiscal impact to the County. The MOU also states that all SBLEOs provided by the County will be trained according to 2022 state mental health crisis intervention training guidelines. The MOU is renewable for up to two (2) additional one-year terms with consent from the parties.

- **Inquire into the MOU Scope of Services:** On February 3, 2023, OCA inquired with MDPD about the number of MDPD officers to be supplied under the MOU and the reimbursement structure.

According to MDPD, the approximate number of officers to be supplied under the MOU is 15, though the number of officers may vary as they are provided on an as-needed basis. All costs to the County under the MOU are fully reimbursable and paid on a monthly basis.

**Table 1** below, shows the total number of MDPD Officers allocated per MOU since 2018.

**Table 1**

<b>MDPD OFFICERS ALLOCATED PER MOU</b>	
<b>MOU School Year Term</b>	<b>Officers Allocated</b>
2018 - 2019	103 Officers
2019 - 2022	103 Officers
2022 - 2023 (with two (2) one (1) year options to renew)	15 Officers

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**File No. [222370](#)**

**HISTORICAL INFORMATION**

In accordance with the Marjory Stoneman Douglas High School Safety Act ([Safety Act](#)), Miami-Dade County and M-DCPS established the first MOU in August 2018, through [Resolution R-1162-18](#), to ensure that 103 schools, primarily K-8 and elementary schools, were assigned an armed guard in accordance with Florida Law. The final fiscal impact to the County was not to exceed \$18 million from the General Fund. M-DCPS contributed two million dollars from their allocation of Florida Education Finance Program (FEFP) funds.

- In November 2018, the Board of County Commissioners (Board) retroactively approved the 2018 MOU. According to MDPD, the support provided by the 2018 MOU was intended to be a "stop-gap" measure, while the Miami-Dade Schools Police Department (MDSPD) increased its staff.
- In September 2019, the Board retroactively approved a second MOU, through [Resolution R-981-19](#), between the M-DCPS and the County. Unlike the first MOU, this MOU required the M-DCPS to fully reimburse the County for all costs related to MDPD officers serving as SBLEOs. Citing a lack of personnel to meet state requirements, the same 103 schools were listed as needing SBLEOs. The MOU included language that allowed it to be renewed for up to two (2) additional one-year terms.
- In February 2020, the Board retroactively authorized the Mayor, through [Resolution R-227-20](#) to apply for and spend \$792,665.60 in grant funds to implement the *Coach Aaron Feis Guardian Program* for 53 charter schools. The Guardian Program is a program that school districts can use to aid in school safety and meet the safe-school officer requirements.

**Table 2** below summarizes County Legislation connected to the Safety Act.

**Table 2**

<b>SUMMARY OF COUNTY LEGISLATION CONNECTED TO THE SAFETY ACT</b>			
<b>Resolution</b>	<b>Legislation Title</b>	<b>Fiscal Impact on the County</b>	<b>Term</b>
<a href="#">This Item (222370)</a>	School Based Law Enforcement Officers	None	08/17/2022-06/07/2023
<a href="#">R-227-20</a>	Guardian Program	None, funded by the Florida Department of Education	07/01/2019-06/30/2020
<a href="#">R-981-19</a>	Approving a Memorandum of Understanding	None	08/19/2019-06/04/2020, with the option to renew for two (2), one (1) year terms
<a href="#">R-1162-18</a>	MOU Schoolboard	Not expected to exceed \$18 million	Amended to be effective for one (1) year beginning on 08/17/2018

**ADDITIONAL INFORMATION**

The Safety Act, represented in Florida statutes as the [Safe-School Officers at Each Public School](#), first took effect on March 9, 2018, and includes provisions on gun safety, mental health, and school safety. The law requires that all district school boards partner with law enforcement agencies or security agencies to meet the requirement of

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assigning at least one safe-school officer at each school facility, including charter schools. The legislation created the following bodies:

- ***Marjory Stoneman Douglas High School Public Safety Commission (Safety Commission)***: responsible for investigating system failures in mass violence incidents and developing system improvements
- ***Office of Safe Schools within the Florida Department of Education***: responsible for ensuring compliance regarding school safety and security and providing training standards
- ***Coach Aaron Feis Guardian Program (Guardian Program)***: a program that school districts can opt into to aid in school safety and meet safe-school officer requirements

The Florida Legislature further expanded the Safety Act in the four (4) subsequent legislative sessions. Changes are summarized below in **Table 3**.

**Table 3**

<b>SUMMARY OF STATE LEGISLATIVE ACTION</b>	
<b>Legislative Session</b>	<b>Brief Description of Legislative Changes</b>
<a href="#">2019</a>	Based on recommendations from the Safety Commission, the Florida Legislature enhanced data collection and reporting standards, expanded the requirements and availability for the Guardian Program, and increased the authorized use of mental health services
<a href="#">2020</a>	Known as the "Alyssa's Law," the legislation requires public schools to implement mobile panic alert systems for specified purposes
<a href="#">2021</a>	Made updates to reporting and communication requirements for schools when giving notifications to parents, legal guardians, or caregivers
<a href="#">2022</a>	Improved safety standards, data collection, and mental health resources Extended the repeal of the Safety Commission from July 1, 2023, to July 1, <a href="#">2026</a> Required mental health crisis intervention training be completed and changed for all safe-school officers who are sworn law enforcement officers

**Compliance with School Safety Standards:** In August 2022, the [Final Report of the Twentieth Statewide Grand Jury](#) was released, which identified a lack of compliance and inconsistencies with school safety laws, outlined school safety measures, and criminal activity reporting standards throughout the state. The report expressed concerns with Miami-Dade County's accuracy and completeness of reporting data connected to student discipline, which district officials committed to managing in the wake of the report.

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Item No. 8P17

Research: SR | DCB | SC / Reviewer: PAR

File No. [230187](#)

Resolution authorizing waiver of formal bid procedures pursuant to Section 5.03(d) of the Home Rule Charter and Section 2-8.1 of the County Code of Miami Dade County by a two-thirds vote of the Board members present; retroactively approving a designated purchase pursuant to Section 2-8.1(b)(3) of the County Code of Miami-Dade County by a two-thirds vote of the Board members present of a contract to Schindler Elevator Corporation in an amount not to exceed \$15,752,352.00 for a one-year term for conveyance equipment maintenance and repair services at various County departments, Emergency Contract No. E-10230; and authorizing the County Mayor or County Mayor's designee to exercise all provisions of the contract, including any cancellation, renewals, termination, or extension provisions, pursuant to County Code Section 2-8.1 and Implementing Order 3-38.

**Prime Sponsor(s):** None

**Requester:** Strategic Procurement

**Committee Action Date:** 01/10/2023 – PortMiami and Environmental Resilience Committee (PRC)

**RESEARCH FINDINGS**

OCA's review of the Item found no substantive legislative, procedural, or administrative non-compliance. See the Contextual Information, OCA Inquiry and Observations, and Additional Information sections for the Item's historical and other background information.

**CONTEXTUAL INFORMATION**

The Item recommends that the Board of County Commissioners (Board) ratify the emergency designated purchase of *Contract No. E-10230, Conveyance Equipment Maintenance and Repair Services*, with Schindler Elevator Corporation. The one (1) year term on the contract expires in approximately four (4) months, having started on June 10, 2022.

- **Units Under Contract:** There are 418 units serviced under the emergency contract, of which 372 units belong to the Miami-Dade Aviation Department (MDAD), 25 units to Transportation & Public Works (DTPW), and 21 units to PortMiami.
- **Amendment to Contract:** Ratification of *Contract No. E-10230* was brought before the PRC on July 12, 2022, as Item [221398](#) and tabled after deliberation. On January 10, 2023, the committee reviewed the contract as Item [230187](#) and forwarded it to the full Board, having amended the one (1) option-to-renew from the contract.
- **The Replacement Contract:** The Strategic Procurement Department (Procurement) expects to terminate the emergency contract once the replacement Contract No. RFP EVN0000037 is awarded. The County advertised RFP EVN0000037 on July 7, 2022, and the proposals received are currently in the evaluation process.
- **Termination for Convenience:** During the January 10, 2023 PRC meeting, the Administration explained that the Oracle contract was terminated due to performance issues but exercised the termination for convenience clause to end the agreement expeditiously, as terminating a contract for cause takes longer and may result in extensive litigation. Oracle pursued litigation against the County for terminating Oracle's contract, and although litigation is ongoing, the [Court's ruling](#) stated that it would not second guess the County's discretionary decision to terminate the contract. Oracle is no longer challenging the County's termination of the contract.

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### **FINANCIAL ANALYSIS**

At the January 10, 2023, PRC meeting, Procurement explained that Schindler's contract amount is higher because the vendor needed to invest in more labor and materials to oversee the additional elevators and expand its services in a short period of time. MDAD also explained that Schindler's higher price reflects the risks and unknowns associated with taking on another company's units.

**Table 1** below shows OCA's analysis of the County's estimated payments in monthly service fees, to both Oracle Elevator Company, under the terminated *Contract No. ITQ-687-1*, and Schindler Elevator Corporation, under *Contract No. E-10230*. Note: The estimated total amount may not include all payments made to date.

**Table 1**

ANALYSIS OF ESTIMATED MONTHLY COSTS				
Contact No.	Vendor	Total Amount	Months	Estimated Monthly Service Fees
ITQ-687-1	Oracle Elevator Company	\$34,659,468	44	\$787,715
E-10230	Schindler Elevator Corporation	\$10,647,912	12	\$887,326

### **ADDITIONAL INFORMATION**

The County terminated *Contract No. ITQ-687-1* with Oracle Elevator Company on June 10, 2022. Before the contract was terminated, two concerns related to Oracle's performance under the contract were brought before the Board. The concerns were associated with the discovery of jumpers on elevator units serviced by Oracle under the contract and the licensing of conveyance technicians.

- ***The Discovery of Jumpers:*** Over 20 jumpers on Oracle-serviced units were identified after the first discovery in March 2020. The discovery was first presented to the Board on October 6, 2020. In March 2021, the International Union of Elevator Constructors filed a complaint with ISD stating that safety device bypasses were installed on MIA moving walkways. At the Airports and Economic Development Committee (AEDC) meeting on May 11, 2021, the committee was told that three (3) additional jumpers on Oracle-serviced units had also been discovered in December 2020.
- ***Unlicensed Mechanics:*** Allegations of unlicensed elevator mechanics were first presented to the Board at the October 6, 2020, Board meeting. Prior to that meeting, the International Union of Elevator Constructors sent a letter to the State Department of Business and Professional Regulation (DBPR). It alleged that Oracle had unlicensed technicians servicing the County units under the contract. The allegations led to an [OIG investigation](#) and discovery.

### **OCA INQUIRY AND OBSERVATIONS**

OCA inquired with Procurement on January 27, 2023, about the status of the long-term contract that will replace E-10230, the number of units listed under E-10230, the contract's total price breakdown, the frequency of the maintenance and repair requirements, and a list of repairs already completed by Schindler and those still pending.



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OCA received a response from Procurement on February 2, 2023, summarized below:

- The long-term contract to replace E-10230 is still in the procurement phase. A responsive opinion from the County Attorney's Office is still pending. Additionally, delays have occurred due to INFORMS after Procurement advertised RFP-01615 and received proposals. Concerning maintenance and repairs to the 418 units under E-10230: all of the units at MDAD received a safety check and troubleshooting at the beginning of the term; all of the units at PortMiami have received maintenance; and the units at DTPW have received maintenance and repair services.

After a review of the information received, OCA observed that the same 21 PortMiami units listed on the emergency contract are also listed on two separate pending contracts, RFP-01615 and RFP EVN0000037. OCA also reviewed the various County Departments listed under Contract No. E-10230 and its replacement Contract No. RFP EVN0000037, Contract No. SS1253-3/24-3, and Contract No. RFP-01615, see **Table 2** below.

**Table 2**

<b>COMPARISON COUNTY DEPARTMENTS PER CONTRACT</b>			
<b>E-10230 (Item 8P17 File No. <a href="#">230187</a>)</b>	<b>RFP EVN0000037 (Currently under the cone of silence)</b>	<b>SS1243-3/24-3 (Item 8P4 File No. <a href="#">222546</a>)</b>	<b>RFP-01615 (Item 8P5 File No. <a href="#">222547</a>)</b>
<ul style="list-style-type: none"> <li>Aviation</li> <li>PortMiami</li> <li>Transportation and Public Works</li> </ul>	<ul style="list-style-type: none"> <li>Aviation</li> <li>PortMiami</li> <li>Transportation and Public Works</li> </ul>	<ul style="list-style-type: none"> <li>Aviation</li> <li>PortMiami</li> <li>Transportation and Public Works</li> <li>Corrections and Rehabilitation</li> <li>Fire Rescue</li> <li>Internal Services</li> <li>Parks, Recreation, and Open Spaces</li> <li>Police</li> <li>Public Housing and Community Development</li> <li>Solid Waste Management</li> <li>Water and Sewer</li> </ul>	<ul style="list-style-type: none"> <li>Aviation</li> <li>PortMiami</li> <li>Transportation and Public Works</li> <li>Public Housing and Community Development</li> <li>Internal Services</li> <li>Community Action and Human Services</li> <li>Corrections and Rehabilitation</li> <li>Cultural Affairs</li> <li>Library System</li> <li>Parks, Recreation, and Open Spaces</li> <li>Police</li> <li>Water and Sewer Public Health Trust</li> </ul>

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OCA sent a follow-up inquiry to Procurement the same day, February 2, 2023, with the following questions listed below:

1. The Mayoral Memo for RFP-01615 says that the units for PortMiami that are covered under E-10230, are also included in the award. Does this mean that those specific units will be taken off the E-10230 contract upon award of RFP-01615?
2. The Memo indicates that RFP-01615 will cover units for Aviation, PortMiami, and Transportation and Public Works. Since E-10230 already covers units at the same three departments, how are the units and services different or similar between the two contracts?
3. Is there a reason why the County advertised a solicitation for the elevators listed on RFP-01615 and did not include all of elevators in E-10230 as part of same solicitation?
4. Please explain why the County chose to use 3 separate procurement methods for all of the various County units listed on Item's [222546](#), [222547](#), and [230187](#)?

Summarized below, is Procurement's February 6, 2023 responses to OCA's follow-up inquiry:

1. According to Procurement, the PortMiami units will no longer be covered under E-10230 upon the award of RFP-01615.
2. The County has multiple elevator maintenance and repair contracts that cover over 1,250 conveyance units across various departments. There are various reasons for the multiple contracts, such as OEM units, different dates for contract inception, different dates for unit installation and modernization, and the volume of units.
3. The reason the County did not include all elevators in E-10230 into RFP-01615 is because the decision to terminate Oracle's contract and the award of Contract No. E-10230 had not been made at the time RFP-01615 was advertised.
4. Different procurement methods are chosen at different time intervals and under circumstances. For instance, contract SS1253-3/24-3 was first awarded as a sole source contract in 2004; the County used the RFP method to advertise RFP-01615 to ensure that the County did not award a contract solely based on pricing – allowing for the examination of qualitative components to award a contract based on best value; and the decision to award contract E-10230 was made as an emergency agreement to ensure continuity of coverage because the previous contract was terminated.

### **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).