



# **OFFICE OF THE COMMISSION AUDITOR**

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

### **BOARD OF COUNTY COMMISSIONERS MEETING**

**March 7, 2023**

**9:30 A.M.**

**Commission Chambers**

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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:  
March 7, 2023  
OCA Notes**

**Item No. 2B7 SUBSTITUTE**  
**File No. [230425](#)**

**Researchers: PC | MT / Reviewer: ES**

Updated Information for Community Needs Assessment Regarding Legal Assistance for Evictions - Directive No. 221754

**Prime Sponsor:** None  
**Requester:** None  
**Committee Action Date:** None

**BACKGROUND**

The Miami-Dade County Administration prepared the [“Community Needs Assessment Regarding Legal Assistance for Eviction – Directive No.221754” report](#) on February 10, 2023 in response to [Resolution No. R-711-22](#), adopted by the Board of County Commissioners (BCC or the Board) on July 9, 2022, related to the proposed eviction diversion pilot program (the Proposed Program).

On February 18, 2023, this [report](#) was updated to reflect identified opportunities to enhance the Proposed Program, providing the revised budget with additional program partners listed. Furthermore, a [Memorandum dated February 28, 2023](#) was issued (the Mayor's Memo), which included a substitute report with added and updated data, reflecting the need among low-income residents in addition to details regarding the roles of the Proposed Program partners in response to the Board's inquiries during the February 21, 2023 BCC meeting. During the meeting, Commissioner Regalado requested the Office of the Commission Auditor (OCA) to prepare a report on Miami-Dade County: (1) eviction cases filed and executed during the last two years through the current period; and (2) correlation analysis between the funding received by Legal Services and the number of evictions.

**OBSERVATIONS**

- 1. As it relates to the trend analysis noted in the first paragraph on Page 3 (Mayor's Memo):** OCA noted that the beginning of 2021, so as 2020, were Covid-19 pandemic periods, during which a CDC eviction moratorium was imposed as illustrated in **Table 1**. Therefore, any data post-pandemic would show an abnormally higher trend when compared to periods of the pandemic.

**Table 1 – Estimated Eviction Filings Monthly Average: Yearly Comparison to 2022**

| PERIOD                         | PRE-PANDEMIC |           | PANDEMIC   |            | POST-PANDEMIC |
|--------------------------------|--------------|-----------|------------|------------|---------------|
| Category   Year                | 2018         | 2019      | 2020       | 2021       | 2022          |
| Eviction Filings Average       | 1,461        | 1,476     | 912        | 1,133      | 1,537         |
| <b>Difference with 2022, #</b> | <b>76</b>    | <b>61</b> | <b>625</b> | <b>404</b> | <b>-</b>      |

Source: Odyssey Case Manager System (Clerk of Courts)

Office of the Commission Auditor

2. **Eviction cases filed and executed during the last two years through the current period:** Table 2 contains estimated countywide residential eviction cases for 2021 and 2022 from the Odyssey Case Manager System (Odyssey), provided by the Clerk of Courts (COC).

**Table 2 – Estimated Total Residential Filings Per Year**

| Category                               | 2021   | 2022   | Difference |     |
|--|--------|--------|------------|-----|
|  |        |        | #          | %   |
| Estimated Residential Eviction Filings | 12,450 | 18,786 | 6,336      | 51% |

Source: Odyssey (COC)

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3. **Effectiveness of the Proposed Program:** To better assess the effectiveness of the Proposed Program, OCA inquired from the Administration about the following information:

- Of the tenants who have been provided legal counsel in 2021 and 2022 from Figure 2 of the Mayor's Memo, identify how many avoided displacements, to serve as a comparison with Cleveland and New York results referenced on Page 4.

Summarized below, is the Administration's March 3, 2023 response to the OCA's follow-up inquiry:

- Similarly to Cleveland and New York, where 94% and 84% of represented tenants avoided displacement, an average of approximately 81% and 86% tenants who had legal counsel in 2021 and 2022 avoided the entry of a default final judgment, final judgment, or a writ of possession being executed, as illustrated in **Table 3:**

**Table 3 – Estimated Eviction Avoidance Rate of Represented Tenants**

| Year                 | 2021                         |                         |                 | 2022                         |                         |                 |
|----------------------|------------------------------|-------------------------|-----------------|------------------------------|-------------------------|-----------------|
| Category Description | Executed Writs of Possession | Default Final Judgments | Final Judgments | Executed Writs of Possession | Default Final Judgments | Final Judgments |
| YES                  | 15%                          | 22%                     | 19%             | 8%                           | 18%                     | 15%             |
| NO                   | 85%                          | 78%                     | 81%             | 92%                          | 82%                     | 85%             |

Source: Odyssey (COC) & CAHSD

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4. **Correlation between Legal Services funding and number of evictions:** According to the Administration, an estimated 871 eviction defense cases would be covered by the County funding under the Proposed Program, and an 84% average eviction avoidance rate of the represented tenants over the last two years.

#### **ADDITIONAL INFORMATION**

The OCA's upcoming Countywide Evictions and Foreclosures Quarterly Reports will reflect data updates as we work with the Administration and COC to correct the accuracy and completeness of how the eviction data is collected.

Item No. 8P5

Research: DCB / Reviewer: PAR

File No. [230064](#)

Resolution Rejecting all Proposals Received in Response to Request for Proposals No. RFP-01824 for the Purchase of Pet Licensing and Tag Services

**Prime Sponsor(s):** None

**Requester:** Strategic Procurement

**Committee Action Date:** 02/14/2023, Community Safety, Security & Emergency Management Committee

#### **RESEARCH FINDINGS**

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

#### **CONTEXTUAL INFORMATION**

This item requests ratification by the Board of County Commissioners (Board) to reject three (3) proposals received in response to the advertised solicitation RFP-01824 for the Animal Services Department (ASD). The resulting contract had an estimated allocation amount of \$6,000,000.

- **The Authority to Reject Proposals Above \$1,000,000:** According to [IO 03-38](#), the County Mayor or Designee has the authority to reject proposals up to \$1,000,000, thereby requiring Board approval of rejections above \$1,000,000.
- **Purpose of RFP-01824:** Through this RFP, ASD sought to modernize its pet licensing and tag service system to support the department's centralized pet tag distribution, inventory control services, enhanced accessibility, lost pet services, and the various customer-service support services provided by the department. Working with the Strategic Procurement Department (SPD), a solicitation was advertised requesting proposers to provide a solution to the department's pet licensing and tag service system that could integrate with the Shelter Buddy Management Database (Shelter Buddy). At the time of the solicitation, ASD was in the process of transitioning to Shelter Buddy, and all future systems would be required to integrate with Shelter Buddy.
- **County's Contract with Shelter Buddy:** In 2019, ASD decided to transition away from its previous management database, Chameleon, to a new database, Shelter Buddy. On June 16, 2019, ASD accessed an existing Shelter Buddy contract awarded by Salt Lake County, UT, Contract No. ANS-487779 Animal Shelter Software and Database Solutions, to begin its transition to Shelter Buddy. The transition to Shelter Buddy was still ongoing in 2021, and, as a result, the scope of service in RFP-01824 noted its ongoing transition from Chameleon to Shelter Buddy.  

On April 18, 2022, the County issued a Notice of Termination under Contract No. ANS-487779, citing Shelter Buddy's failure to meet contractual deadlines and deliver on the terms of the contract. The Notice of Termination coincided with the closing of RFP-01824 on April 19, 2022. Concerns over Shelter Buddy's performance were expressed in November 2021 and a Notice to Cure was sent by ASD to Shelter Buddy.
- **Timeline for RFP-01824 and the Shelter Buddy Contract:** Table 1 below provides a summary timeline of the procurement process for both the RFP and the Shelter Buddy Contract.

Item No. 8P5

Research: DCB / Reviewer: PAR

File No. [230064](#)

**Table 1**

| TIMELINE SUMMARY  |            |
|---|------------|
| Procurement Actions   | Date       |
| The County accesses the Shelter Buddy Contract                                      | 06/14/2019 |
| ASD issues a Notice to Cure to Shelter Buddy  | 11/01/2021 |
| RFP-01824 is advertised   | 03/11/2022 |
| ASD issues a Notice of Termination to Shelter Buddy                                 | 04/18/2022 |
| RFP-01824 closes  | 04/19/2022 |
| Procurement seeks legal opinion on the rejection of all bids in response to the RFP | 08/30/2022 |

- ***Inquiry into ASD's Procurement Decisions:*** OCA inquired with ASD on March 1, 2023, whether it considered extending the timeline of the RFP solicitation so that the challenges of the transition to Shelter Buddy expressed in the Notice to Cure could be addressed. ASD's response is summarized below:  
The Department did not consider extending the solicitation timeline. However, by early 2022, it was evident that Shelter Buddy would not be able to meet its deadlines. A legal opinion concluded that the language of the solicitation should be modified since ASD did not indeed transition to Shelter Buddy, as the solicitation claimed it would.

**BCC Meeting:  
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Research Notes**

**Item No. 8P7**

**Researchers: SMC | PAR | SR | DCB / Reviewer: PAR**

**File No. [230122](#)**

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 an Amount not to Exceed \$8,684,480 for a Total Modified Contract Amount of \$66,624,080.00 for Contract No. RFP-00200 for ERP Implementation and Related Services for the Information Technology and Office of Management and Budget Departments; and Authorizing the County Mayor or County Mayor's Designee to Exercise all Provisions of the Contract, During the Option to Renew Terms, 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:** Strategic Procurement

**Committee Action Date:** 2/14/2023, County Infrastructure, Operations, and Innovations Committee (CIOIC)

**RESEARCH FINDINGS**

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

**CONTEXTUAL INFORMATION**

This item requests the Miami-Dade County Board of County Commissioners' (Board) approval of additional expenditure authority of \$8,684,480 under designated purchase Contract No. RFP-00200, awarded to Accenture, LLP, to continue to support the implementation of the County's Enterprise Resource Planning (ERP Solution) system, named INFORMS.

- ***The Additional Improvements to the ERP System:*** According to the Mayoral Memorandum (Memo), the designated purchase is needed to make various enhancements. It is unclear from the Memo how the additional work requirements relate back to the Statement of Work (SoW) and implementation deliverables negotiated under the original contract, Contract No. RFP-00200.
- ***Concerns Raised at Committee:*** At the February 14, 2023 CIOIC meeting, Commissioners expressed concerns regarding employee payment issues associated with the ongoing INFORMS implementation. Questions were raised on how to assist union members whom paycheck underpayments and late payments have negatively impacted. Addressing these concerns, the Office of Management and Budget (OMB) explained that the County has several mechanisms for employees to report payment issues for resolution. Resolution mechanisms include submitting IT Help Desk tickets or speaking with a Department Personnel Representative (DPR). OMB stated that the overwhelming complaints are because of overpayments, which have now decreased compared to the average amount that occurred during the Legacy system. The Committee reiterated their concerns regarding underpayments and late payments, pointing out that these issues can lead to overdraft fee charges.

When asked what would happen if the committee deferred the administration's request for additional money until payment issues were resolved, OMB stressed that deferring would have a negative impact and that the expertise and support from Accenture are necessary as the County completes the final phase of the ERP implementation.

Item No. 8P7

Researchers: SMC | PAR | SR | DCB / Reviewer: PAR

File No. [230122](#)

### **FINANCIAL ANALYSIS**

This Designated Purchase will increase the total cumulative cost of the contract from \$57,939,600 to \$66,624,080 and will be the second financial increase modification to the contract. The initial contract amount was \$48,283,000.

- ***First Contract Modifications for Additional Money:*** The contract was first modified under delegated authority on June 29, 2021 for an additional \$9,656,600. OCA did not find documentation related to this additional modification in the County's Bid Tracking System (BTS) to provide an analysis of the specific ERP System requirements that were needed or how the additional requirements related to the SoW under the contract.

### **INQUIRY AND OBSERVATIONS**

On February 23, 2023, OCA inquired with Miami-Dade County's Strategic Procurement Department (SPD) concerning the employee payment issues raised at the February 14, 2023 CIOIC meeting. OCA asked questions related to how the County tracks employee payment issues, the number of inaccurate or late payments that have occurred per pay period since the ERP Solution went live and the causes, improvements implemented after the ERP Solution live date, and how payment issues caused within the ERP Solution compare to issues related to the former Legacy systems. OCA also requested information as to the steps an employee would need to take to make a complaint regarding a payment issue, how the County manages and processes employee payment complaints, the average response time of the County to address a raised issue, and what alternatives are being explored to address payment complaints more efficiently in the future. Below are OCA's observations of the responses received from SPD:

- For the most recent February 5, 2023 payroll period:
  - There were approximately 67 off-cycle checks – considered underpayments or late payments. The value of the Off-Cycle correction checks was approximately \$182,000, or approximately an average of \$2,716 per off-cycle check.
  - There were 293 overpayments, valued at \$205,658, an average of approximately \$702 per overpayment.
- According to SPD, most underpayment issues are identified and resolved within days of the pay period deposit date. OCA could not determine from the information provided how long it could take for an employee to recover missing pay.
- In the case of overpayments, it may take several weeks to evaluate and establish a repayment schedule for employees to avoid employee hardship, as Bargaining Agreement rules require communication with employees in order to implement a repayment schedule.
- According to SPD, payroll issues have reduced and are approaching pre-implementation levels seen with the previous mainframe-based system.
- **Table 1** below summarizes the overpayment and underpayment history for the seven pay periods between November 2022 and February 2023.



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Item No. 8P7

Researchers: SMC | PAR | SR | DCB / Reviewer: PAR

File No. [230122](#)

Table 1

| PAY PERIOD | UNDERPAYMENTS OR<br>LATE PAYMENTS | OVERPAYMENTS |
|------------|-----------------------------------|--------------|
| 11/13/2022 | 55                                | 292          |
| 11/27/2022 | 71                                | 306          |
| 12/11/2022 | 60                                | 292          |
| 12/25/2022 | 43                                | 297          |
| 1/8/2023   | 26                                | 317          |
| 1/22/2023  | 53                                | 285          |
| 2/5/2023   | 67                                | 293          |

ADDITIONAL INFORMATION

- **Original Purpose of the ERP Solution:** The Board approved Contract No. RFP-00200 on June 19, 2018, via Resolution [R-642-18](#), for a total amount of up to \$48,283,000, for a four-year and three-month term. According to the June 19, 2018 Mayoral Memo, ERP Solution would become the system that manages administrative processes as the official system of record for the County's human resources, payroll, procurement, finance, and budget functions.
- **Contract Term:** The term began on July 30, 2018 and would continue through the last day of the Final Acceptance Warranty Period, which is the County's written approval that the contractor has successfully completed all components of the SoW and written deliverables. The SoW project schedule projected that the ERP System implementation would be completed in approximately 39 months from the contract start date. The term was extended twice, and the revised termination date is noted in the Memo as June 30, 2024.
- **Contract No. RFP-00200 Deliverables:** As stated in the SoW under Contract No. RFP-00200, the solution would be implemented through five (5) rollout phases. OCA did not observe documentation related to SoW amendments or change orders, which may have occurred during the contract term. The contract's original SoW lists approximately 66 Deliverables that include:
  - **Deliverable 10 - Knowledge Transfer:** the knowledge transfer techniques that would be used, what knowledge would be transferred, and who would provide and receive that knowledge;
  - **Deliverable 11 - Change Management Strategy:** the framework for managing the effects of ERP project changes throughout the County's affected stakeholder organizations;
  - **Deliverable 20 - Report Strategy:** the use of the different reporting capabilities of the ERP system;
  - **Deliverable 23 - Communication Plan:** how departments and other stakeholders are informed of ERP implementation status and how overall engagement would occur;
  - **Deliverable 24 - Change Management Impact Analysis:** the expected changes in process, roles, and responsibilities based on the solution design;
  - **Deliverable 30 - Functional Design Specifications:** the requirements for customizations, custom reports, workflows, forms, and interfaces;
  - **Deliverable 40 – Payroll Parallel Test Plan:** outlines the pay periods, employee population, reconciliation threshold; and
  - **Deliverable 64 – Rollout Acceptance:** the contractual acceptance of completion of the rollouts and contains line items of acceptance.

## OCA'S INQUIRY INTO ADDITIONAL AGENDA ITEMS

On March 1, 2023, OCA inquired with the Information Technology Department (ITD) on the following agenda items listed below. OCA did not receive a response from ITD by the time of the publication of this Research Note.

- **File Number [230159](#), the IBM Master Agreement**

The proposed Legacy contract has an estimated value of \$38,000,000 for a five (5) year term. If approved, this contract will replace the current contract (Contract No. L9130-5/21-5) that has an accumulative award value of \$49,072,500, as noted in the Mayoral Memo (Memo) attached to the item. The Memo also states that though the County began the implementation of the ERP Solution to replace the Legacy systems, there are a few remaining mainframe applications that must remain active due to Florida Statutes related to record retention requirements, among other reasons.

OCA noted that there are fewer applications on the Mainframe under the current contract that require IBM support and that the average annual cost of the proposed replacement contract would be \$7,600,000, approximately \$1,000,000 more than the previous contract's annual option to renew cost of \$6,600,000. OCA inquired with the following questions:

- What are the reasons for the price increase in this IBM agreement from the previous agreement?
- Provide the cost savings and related scope of services that are negotiated into the new IBM agreement?
- What are the last active applications left on the mainframe system?

- **File Number [222913](#), the Resolution urging to prohibit the use of TikTok on County-owned communication devices**

OCA sent the following questions to ITD to assess the readiness of the Department to implement the requirements of the Resolution:

- Provide the inventory list of all County-issued and -leased communication devices by department and device type.
- What are the County's capabilities to verify that the TikTok application is not downloaded onto County-issued devices?
- Has the department conducted any studies or market research on how the referenced legislation can be implemented at the County level?

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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).