



OFFICE OF THE COMMISSION AUDITOR

COMMISSION AUDITOR'S INFORMATIONAL RESEARCH

BOARD OF COUNTY COMMISSIONERS MEETING

May 2, 2023

9:30 A.M.

Commission Chambers

Yinka Majekodunmi, CPA

Commission Auditor

Office of the Commission Auditor (OCA)

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TABLE OF CONTENTS

CONSENT ITEMS

Commissioner Consent Items

3A3 (230863) Codesignating Portions of NW 27 th Terrace as “Officer Joel Perez Way”	2
--	---

DEPARTMENTAL ITEMS

Internal Services Department

8F1 (230461) Lease Agreement with Miami-Dade Innovation Authority, Inc.....	3
---	---

Regulatory and Economic Resources

8L3 (230357), 8L4 (230358), 8L5 (230642), 8L6 (230643), 8L7 (230644) Appointing and Reappointing Various Members to the Agricultural Practices Advisory Board	4-8
---	-----

Strategic Procurement Department

8P4 (230567) Establishing Prequalification Pool for the Purchase of Toner Cartridges.....	9
---	---

COUNTY COMMISSION

Resolutions

11A7 (230336) Appointing Diliaana Alexander to the Miami-Dade County Film and Entertainment Advisory Board	11
11A8 (230338) Appointing David Geller to the Miami-Dade County Film and Entertainment Advisory Board	12
11A15 (230864) Appointing Alejandro “Alex” Rodriguez to the Miami-Dade County Board of Rules and Appeals.....	13

CLERK OF THE BOARD

County Advisory Board Appointments

15C1 (230760) Appointment of Nicolas Xavier Duran, Santiago Leon, and Dr. G. Bryan Stewart to the Health Council of South Florida, Inc.	14
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Resolution Approving the City of Miami Codesignation of that Portion of Northwest 27th Terrace Between Northwest 2nd Avenue and Northwest 3rd Avenue as “Officer Joel Perez Way”

Prime Sponsor: Commissioner Keon Hardemon, District 3

Requester: None

Committee Action Date: None

RESEARCH FINDINGS

OCA completed the required background research on “Officer Joel Perez” and noted no adverse findings. OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Officer Joel Perez.” Also required by Rule 9.02(f)(1), OCA verified that “Officer Joel Perez” is deceased. OCA is providing this report as a Supplement to BCC Agenda File Item No. 230863.

ADDITIONAL INFORMATION

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

- [Section 2-1](#) Rule 9.02(f) of the Code 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.

Resolution Approving, Pursuant to Section 125.38, Florida Statutes, the Terms of and Authorizing Execution by the County Mayor, a Lease Agreement Between Miami-Dade County, as Landlord, and Miami-Dade Innovation Authority, Inc. (“MDIA”), a Florida not-for-profit Corporation, as Tenant, for Approximately 4,731 Square Feet Located at Overtown Transit Village, II, 601 NW 1 Court, 21 Floor, NW Quadrant, Miami, Florida (“Premises”), to be Utilized by MDIA as Office Space for the Purpose of Using Innovation to Solve Critical Technology-Based Challenges in our Community and Fostering Innovation and Strengthening Technological Companies for Nominal Consideration for a Three-Year Term Plus an Additional one, two-year Option to Renew, and at a Cost to the County Estimated to be \$242,421.72, Plus Approximately \$18,924.00 for the Administration of the Lease if MDIA Exercises the Option to Renew; Declaring Premises Surplus and Waiving Requirements of Resolutions Nos. R-130-06 and R-256-13; and Authorizing County Mayor to Exercise all Rights Conferred in Lease and to Take all Actions Necessary to Effectuate Same

Prime Sponsor: Commissioner Keon Hardemon, District 3

Requester: Internal Services

Committee Action Date: 3/13/2023 - Chairman’s Policy Council & Intergov. Affairs Committee

RESEARCH FINDINGS

OCA completed the required review for “Miami-Dade Innovation Authority, Inc.” (MDIA), the intended recipient of the lease, and its Officers and Directors, which yielded the following:

1. According to the February 22, 2023, Amended and Restated Articles filed on Sunbiz.org:
 - a. The initial members of the Board of Directors are as follows: Ms. Leigh-Ann Buchanan, Mr. Brian Breslin, and Ms. Melissa Krinzman.
 - b. Ms. Francesca Quesada Covey appears as the Incorporator. As of March 2023, Ms. Covey is employed by the County as the Chief, Innovation & Economic Development Officer.
2. According to the February 24, 2023, Annual Report:
 - a. Mr. Raul Moas was added as a Director.
 - b. Ms. Leigh-Ann Buchanan is listed as President.
3. According to the March 03, 2023, Amended Annual Report filed on Sunbiz.org:
 - a. Mr. Raul Moas is no longer listed as a Director.
 - b. Mr. John D. Owens III and Ms. Kimberly Marshall are listed as Directors.

Additionally, OCA noted that “Miami-Dade Innovation Authority, Inc.” was not previously conveyed or leased County property, as authorized through a BCC resolution. OCA is providing this report as a Supplement to BCC Agenda File Item No. 230461 for consideration during the subject BCC meeting.

ADDITIONAL INFORMATION

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

- [Resolution No. R-129-22](#), adopted on February 1, 2022, and the new requirements per Implementing Order (I.O.) 8-4, directs OCA to independently and simultaneously review and comment on the proposed leasing and conveyance of County property prior to the submission of an agenda item to the BCC.

Resolution Appointing Mary K. Waters to the Agricultural Practices Advisory Board

Prime Sponsor: PortMiami, Resiliency, and Sustainability Committee

Requester: Regulatory and Economic Resources

Committee Action Date: 4/11/2023 - PortMiami, Resiliency, and Sustainability Committee

RESEARCH FINDINGS

OCA completed the required background research regarding the appointment of Mary K. Waters to the Agricultural Practices Advisory Board. The research yielded no adverse informational findings for the appointee. This report is being provided as a supplement to BCC File Item Number 230357.

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 conduct background research on applicants being considered to serve on County Boards and Trusts that require nominations or appointments by the BCC.

Resolution Appointing Lucia Soria to the Agricultural Practices Advisory Board

Prime Sponsor: PortMiami, Resiliency, and Sustainability Committee

Requester: Regulatory and Economic Resources

Committee Action Date: 4/11/2023 - PortMiami, Resiliency, and Sustainability Committee

RESEARCH FINDINGS

OCA completed the required background research regarding the appointment of Lucia Soria to the Agricultural Practices Advisory Board. The research yielded no adverse informational findings for the appointee. This report is being provided as a supplement to BCC File Item Number 230358.

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 conduct background research on applicants being considered to serve on County Boards and Trusts that require nominations or appointments by the BCC.

Resolution Reappointing Larry Caudle, III to the Agricultural Practices Advisory Board

Prime Sponsor: PortMiami, Resiliency, and Sustainability Committee

Requester: Regulatory and Economic Resources

Committee Action Date: 4/11/2023 - PortMiami, Resiliency, and Sustainability Committee

RESEARCH FINDINGS

OCA completed the required background research regarding the reappointment of Larry Caudle, III, to the Agricultural Practices Advisory Board. The research yielded no adverse informational findings for the appointee. This report is being provided as a supplement to BCC File Item Number 230642.

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 conduct background research on applicants being considered to serve on County Boards and Trusts that require nominations or appointments by the BCC.

Resolution Reappointing Erik Tietig to the Agricultural Practices Advisory Board

Prime Sponsor: PortMiami, Resiliency, and Sustainability Committee

Requester: Regulatory and Economic Resources

Committee Action Date: 4/11/2023 - PortMiami, Resiliency, and Sustainability Committee

RESEARCH FINDINGS

OCA completed the required background research regarding the reappointment of Eric Tietig to the Agricultural Practices Advisory Board. The research yielded no adverse informational findings for the appointee. This report is being provided as a supplement to BCC File Item Number 230643.

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 conduct background research on applicants being considered to serve on County Boards and Trusts that require nominations or appointments by the BCC.

Resolution Reappointing Arie de Zwart to the Agricultural Practices Advisory Board

Prime Sponsor: PortMiami, Resiliency, and Sustainability Committee

Requester: Regulatory and Economic Resources

Committee Action Date: 4/11/2023 - PortMiami, Resiliency, and Sustainability Committee

RESEARCH FINDINGS

OCA completed the required background research regarding the reappointment of Arie de Zwart to the Agricultural Practices Advisory Board. The research yielded no adverse informational findings for the appointee. This report is being provided as a supplement to BCC File Item Number 230644.

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 conduct background research on applicants being considered to serve on County Boards and Trusts that require nominations or appointments by the BCC.

Resolution Authorizing Establishment of Prequalification Pool EVN0000183 for the Internal Services Department for a Five-Year Term in a Total Amount up to \$7,000,000.00 for the Purchase of Toner Cartridges for Printers, Copiers, and Facsimile Machines; 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: Strategic Procurement

Committee Action Date: 04/11/2023 – County Infrastructure, Operations and Innovations Committee

RESEARCH FINDINGS

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

CONTEXTUAL INFORMATION

The Strategic Procurement Department (SPD) requests approval from the Board of County Commissioners (Board) to establish prequalification Pool *EVN0000183 Toner Cartridges for Printers, Copiers, and Facsimile Machines*, in the amount of \$7,000,000 for the Internal Services Department (ISD) to purchase toner cartridges on behalf of multiple County departments for a five-year term.

The County's current Pool for the purchase of office supplies, *RTQ-02016 Office Supplies*, was approved by the Board on March 01, 2022, through Resolution No. [R-198-22](#), and already included the purchases of toner cartridges and general office supplies into the Pool, previously purchased separately through Pool *6301-5/15 Toner Cartridges (New/OEM) for Printers* and through the use of access *Contract 19-12R* with Office Depot, Inc.

The County established *RTQ-02016 (Office Supplies)* to keep local dollars within the community and transition the County away from a national, non-local corporation supplier under *Contract 19-12R*. Pool *RTQ-02016 (Office Supplies)* would focus on purchasing office supplies from Small Business Enterprise (SBE) firms. However, according to the Mayoral Memorandum for Pool *EVN0000183 (Toner Cartridges)*, ISD Materials Management determined that vendors in *RTQ-02016 (Office Supplies)* were unable to meet all of the toner needs of the County.

INQUIRY AND OBSERVATIONS

Seeking further details on the County's decision to establish a separate toner Pool, OCA inquired with SPD about the following matters: the stated inability of vendors in *RTQ-02016 (Office Supplies)* to meet the County's toner needs, what prevents the six (6) recommended vendors for Pool *EVN0000183 (Toner Cartridges)* from participating in the County's existing Pool for office supplies, how the County is currently meeting its toner needs, and if the County will be using both Pools to purchase toner cartridges.

According to SPD's responses to OCA's inquiry, three (3) of the six (6) recommended vendors for the proposed Pool currently participate in the County's existing Pool for office supplies, *RTQ-02016 (Office Supplies)*, which is open to new vendors that meet the prequalification requirements. Staples Contract & Commercial LLC, Office Express Supplies Inc. (SBE), and Barlop, Inc. (SBE) are the three vendors in both Pools.

SPD indicated that the vendors in the current Pool are not toner specialists and cannot meet all of the County's toner needs. Though, SPD further qualifies that many local and SBE toner vendors are participants in the HP authorized dealer program, and 80% of the toner cartridges used by the County are HP products. Also, according to SPD, the County will not use the existing Pool *RTQ-02016 (Office Supplies)* to make future toner purchases once the County establishes the new Pool *EVN0000183 (Toner Cartridges)*.

In response to OCA's inquiry into how the County addresses its current toner challenges, SPD explained how the County relies on existing inventory and some purchases from *RTQ-02016 (Office Supplies)*.

OCA made the following observations after reviewing SPD's responses and conducting independent research:

- **Vendor Original Equipment Manufacturer (OEM) Qualifications:** Group 1 of *EVN0000183 (Toner Cartridges)* requires vendors to be authorized agents, dealers, resellers, or distributors of new OEM toner cartridges. OCA observed that the *RTQ-02016 (Office Supplies)* does not contain OEM qualification criteria for toner vendors, which was also required in the previous toner Pool 6301-5/15, used from 07/06/2007 through 12/31/2022. It is not evident why the OEM qualification criteria were not added to *RTQ-02016 (Office Supplies)*.
- **Modifications to *RTQ-02016 (Office Supplies)*:** The Modification of Contract clause in Section 1: General Terms and Conditions of *RTQ-02016 (Office Supplies)* allows the contract to be modified by mutual consent. Though the office supplies Pool is not a contract with vendors, but an acknowledgment that the vendor meets the qualifications as outlined in *RTQ-02016 (Office Supplies)*, further analysis may explore how the existing office supplies Pool could be modified to meet the County's toner purchasing needs through the addition of toner requirements or by adding provisions to the spot market quotes process.
- **SBE Measures:** As stated in the Mayoral Memorandum approving the establishment of *RTQ-02016 (Office Supplies)*, the County established the Pool to diversify contract awards to local small business vendors. Small Business Development (SBD) Division recommended the contract measures for *RTQ-02016 (Office Supplies)* based on its analysis of the solicitation and [IO 3-41 Small Business Enterprise Program for the Purchase of Goods and Services](#). An SBE Set-Aside measure was applied to Group 1, allowing only SBE firms to participate. SBD recommended no measures for Group 2, designed to enable the County to make purchases with federal dollars, which often precludes the application of small business measures. Additionally, spot market quotes issued under Group 2 must be sent to SBD for review.

For *EVN0000183 (Toner Cartridges)*, SBE measures will be applied at the time of spot market competition. A Set-Aside for SBE firms is recommended when there are at least two (2) prequalified SBE firms in the Pool that are capable of providing the requested goods or services when the value of the spot market quote is under \$250,000, and when the value of the spot market quote is over \$250,000 and there are three (3) or more capable SBE firms. No measures would be applied when the funding source precludes the application of small business measures.

SBE measures on the previous Pool 6301-5/15 for toner required a 10% Bid preference on contracts \$1 million or less and 5% on contracts greater than \$1 million, for solicitations greater than \$50,000.

Resolution Appointing Diliana Alexander to the Miami-Dade County Film and Entertainment Advisory Board

Prime Sponsor: Commissioner Eileen Higgins, District 5

Requester: None

Committee Action Date: 4/10/2023 - Housing, Recreation, Culture & Community Dev. Committee

RESEARCH FINDINGS

OCA completed the required background research regarding the appointment of Diliana Alexander to the Miami-Dade County Film and Entertainment Advisory Board. The research yielded no adverse informational findings for the appointee. This report is being provided as a supplement to BCC File Item Number 230336.

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 conduct background research on applicants being considered to serve on County Boards and Trusts that require nominations or appointments by the BCC.

Resolution Appointing David Geller to the Miami-Dade County Film and Entertainment Advisory Board

Prime Sponsor: Commissioner Eileen Higgins, District 5

Requester: None

Committee Action Date: 4/10/2023 - Housing, Recreation, Culture & Community Dev. Committee

RESEARCH FINDINGS

OCA completed the required background research regarding the appointment of David Geller to the Miami-Dade County Film and Entertainment Advisory Board. The research yielded no adverse informational findings for the appointee. This report is being provided as a supplement to BCC File Item Number 230338.

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 conduct background research on applicants being considered to serve on County Boards and Trusts that require nominations or appointments by the BCC.

Resolution Appointing Alejandro “Alex” Rodriguez to the Miami-Dade County Board of Rules and Appeals for a Three-Year Term

Prime Sponsor: Commissioner Oliver G. Gilbert, III, District 1

Requester: None

Committee Action Date: None

RESEARCH FINDINGS

OCA completed the required background research regarding the appointment of Alejandro “Alex” Rodriguez to the Miami-Dade County Board of Rules and Appeals. The research yielded no adverse informational findings for the appointee. This report is being provided as a supplement to BCC File Item Number 230864.

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 conduct background research on applicants being considered to serve on County Boards and Trusts that require nominations or appointments by the BCC.

Appointment of Nicholas Xavier Duran, Santiago Leon, and Dr. G. Bryan Stewart to the Health Council of South Florida, Inc.

Prime Sponsor: None

Requester: Clerk of the Board

Committee Action Date: None

RESEARCH FINDINGS

OCA completed the required background research regarding the appointments of Nicholas Xavier Duran, Santiago Leon, and Dr. G. Bryan Stewart to the Health Council of South Florida. The research yielded no adverse informational findings for the appointees. This report is being provided as a supplement to BCC File Item Number 230760.

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 conduct 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, are 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).