Memorandum

MIAMI-DADE COUNTY

Date: October 5, 2021

Agenda Item No. 8(F)(4)

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

Daniella Levine Cava

Resolution No. R-890-21

Subject: Resolution Waiving Requirements of Implementing Order 3-38 under Contract No. RFP-00328: External Independent Auditing Services for Miami-Dade Aviation Management Contracts

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Recommendation

It is recommended that the Board of County Commissioners (Board) waive the competitive bidding process requirements under Implementing Order 3-38 for *Contract No. RFP-00328, External Independent Auditing Services for Miami-Dade Aviation Management Contracts* (Auditing Services), and approve Supplemental No. 3 for a two-year extension period with existing terms and conditions, and additional expenditure authority in the amount of $366,000. This item is being presented for Board approval because the extension period and additional expenditure authority exceeds the Mayor's delegated authority.

The current Auditing Services contract *No. RFP-00328* was awarded under the Mayor's delegated authority on September 29, 2016 for a three-year term, with two, one-year options to renew. The contract is currently in its final option to renew, and is set to expire on January 31, 2022. The contract provides external auditing services for Miami-Dade Aviation Department's (MDAD) five third-party management contracts listed below. Services include annual external financial audits, review of internal controls, and additional related services, such as specialized reports, reviews, or research.

- Pubic Parking Facilities Contract – provides the public with on-site parking at a nominal fee
- Lounge Facilities Contract – provides member airlines' guests with a leisure environment to await future departures
- Hotel Facilities Contract – provides sleeping accommodations to the travel public at competitive rates
- Fuel Facilities Contract – provides aircraft fuel at Miami International Airport
- Shuttle Facilities Contract – provides transportation services to employees to and from

On March 2, 2021, via Resolution No. R-141-21, the Board approved a bid waiver for the extension and additional allocation for all External Independent Audit contracts, *RFP-00294A/B/C/D*. However, due to an inadvertent omission, contract No. RFP-00328 was not included in the extension request. In order to be consistent with the other external auditing contracts and provide an equal opportunity to all the awarded vendors, approval is hereby requested for the extension of this contract, which is awarded to a certified Small Business Enterprise firm. The department intends to conduct market research and issue a competitive solicitation for these services before the expiration of this extension.

Accordingly, it is in the County's best interest to waive competitive bidding requirements under Implementing Order 3-38 and approve this extension to ensure continuity of services and allow MDAD to issue any required fiscal audits.

Scope

Miami International Airport is located within District 6, which is represented by Commissioner Rebeca Sosa; however, the impact of this item is countywide.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise all provisions of the contract, including any cancellation or extension provisions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Fiscal Impact/Funding Source

The contract has an existing cumulative allocation of $960,750 and expires on January 31, 2022. If this item is approved, the modified cumulative allocation will be $1,326,750 for the seven-year term. The additional allocation requested is based on the current annual cost of the auditing services.

Department	Existing Cumulative Allocation	Additional Allocation Requested	Modified Cumulative Allocation	Funding Source	Contract Manager
Aviation	$960,750	$366,000	$1,326,750	Proprietary Funds	Neivy Garcia
Total:	**$960,750**	**$366,000**	**$1,326,750**		

Track Record/Monitor

Basia M. Pruna, CPPB of the Internal Services Department is the Assistant Division Director.

Awarded Vendor

Vendor	Principal Address	Local Address*	Number of Employee Residents 1) Miami-Dade 2) Percentage*	Principal
C Borders-Byrd CPA, LLC *(SBE)*	540 NW 165 Street Road, Suite 300 Miami, FL	Same	0 0%	Cynthia D Borders-Byrd

*Provided pursuant to Resolution No. R-1011-15. Percentage of employee residents is the percentage of vendor's employees who reside in Miami-Dade County as compared to the vendor's total workforce.

Due Diligence

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced included convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to contractor responsibility.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision does not apply.
- The Small Business Enterprise Program Set Aside and Local Preference applied.
- The Living Wage does not apply.

Jimmy Morales
Chief Operations Officer

MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners

DATE: October 5, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(F)(4)

Please note any items checked.

_______ **"3-Day Rule" for committees applicable if raised**

_______ **6 weeks required between first reading and public hearing**

_______ **4 weeks notification to municipal officials required prior to public hearing**

_______ **Decreases revenues or increases expenditures without balancing budget**

_______ **Budget required**

_______ **Statement of fiscal impact required**

_______ **Statement of social equity required**

_______ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_______ **No committee review**

_______ **Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve**

✓ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved ______________________ Mayor
Veto __________
Override __________

Agenda Item No. 8(F)(4)
10-5-21

RESOLUTION NO. R-890-21

RESOLUTION WAIVING FORMAL COMPETITIVE BIDDING PROCESS REQUIREMENTS UNDER IMPLEMENTING ORDER 3-38; APPROVING SUPPLEMENTAL AGREEMENT NO. 3 FOR A TWO-YEAR EXTENSION PERIOD WITH EXISTING TERMS AND CONDITIONS WITH C BORDERS-BYRD CPA, LLC AND ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO $366,000.00, FOR A MODIFIED TOTAL CONTRACT AWARD OF $1,326,750.00 FOR CONTRACT NO. RFP-00328 FOR THE PURCHASE OF EXTERNAL INDEPENDENT AUDITING SERVICES FOR MIAMI-DADE AVIATION MANAGEMENT CONTRACTS FOR THE MIAMI-DADE AVIATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Board finds it is in the best interest of Miami-Dade to waive formal competitive bidding process requirements under Implementing Order 3-38.

Section 2. The Board approves Supplemental Agreement No. 3 for a two-year extension period with existing terms and conditions with C Borders-Byrd CPA, LLC, in substantially the form attached hereto and made a part hereof, and additional expenditure authority in an amount up to $366,000.00 for a modified contract amount of $1,326,750.00 for Contract No. RFP-00328 for the purchase of External Independent Auditing Services for Miami-Dade Aviation Management Contracts for the Miami-Dade Aviation Department.

Section 2. This Board authorizes the County Mayor or County Mayor's designee to exercise all provisions of the contract, including any cancellation or extension provisions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38. A copy of the contract is on file with and available upon request from the Internal Services Department, Strategic Procurement Division.

The foregoing resolution was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman **absent**
Oliver G. Gilbert, III, Vice-Chairman **aye**

Sen. René García	**aye**	Keon Hardemon	**aye**
Sally A. Heyman	**aye**	Danielle Cohen Higgins	**aye**
Eileen Higgins	**aye**	Joe A. Martinez	**aye**
Kionne L. McGhee	**aye**	Jean Monestime	**aye**
Raquel A. Regalado	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

COUNTY COMMISSIONERS MIAMI-DADE COUNTY FLORIDA

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Melissa Adames
By:________________________
Deputy Clerk

Approved by County Attorney
as to form and legal sufficiency.
Oren Rosenthal

OR

SUPPLEMENTAL AGREEMENT NO. 3

Contract Number: **RFP-00328**

Contract Title: **External Independent Auditing Services for Miami-Dade Aviation Management Contracts**

Contractor: **C Borders-Byrd CPA, LLC**
540 NW 165th Street Road
Suite 300
Miami, FL 33169

In accordance with the above referenced Contract, this Supplemental Agreement, between Miami-Dade County (hereafter referred as "the County") and C Borders-Byrd CPA, LLC ("Contractor"), when properly executed becomes a part of the Contract, and shall incorporate the following:

1. Pursuant to Article 5, Contract Term, and subject to the approval of the Board of County Commissioners, upon expiration of the current contract term and initially authorized options to renew, this Contract is extended for an additional two (2) year term with all existing terms and conditions commencing November 1, 2021 and expiring October 31, 2023.

2. Appendix B, Payment Schedule, is hereby modify to incorporate the negotiated applicable fees and hourly rates for the Contract extension period, as detailed below.

D. TWO-YEAR EXTENSION PERIOD

The annual pricing outlined below is a flat, fixed price, which shall include all costs associated to provide the Services for the two additional audit periods.

1. Total of Price for External Independent Auditing Services for Optional Fiscal Year Ending September 30, 2021: $133,000

2. Total of Price for External Independent Auditing Services for Optional Fiscal Year Ending September 30, 2022: $133,000

3. Hourly Rates for Additional Services for the Two-Year Extension Period:

Classification	Rate Per Hour
Partner	$200
Senior Manager	$150
Manager	$125
Senior	$100
Staff	$85
Clerical	$35

All terms, covenants and conditions of the original Contract shall remain in full force and effect, except to the extent herein amended.

IN WITNESS WHEREOF, the parties have executed this Supplemental Agreement to County Contract No. RFP-00328 effective on the dates of the parties' signature, whichever is later.

Contractor		Miami-Dade County	
By:	Cynthia Borders-Byrd	By:	
Name:	Cynthia Borders-Byrd	Name:	Daniella Levine Cava
Title:	Managing Member	Title:	Mayor
Date:	Maay 21, 2021	Date:	
Attest:		Attest:	
	Corporate Secretary/Notary Public		Clerk of the Board

ROBERT L. INGRAM, JR.
MY COMMISSION # GG 154329
EXPIRES: October 24, 2021
Bonded Thru Notary Public Underwriters
NOTARY PUBLIC STATE OF FLORIDA

Corporate Seal/Notary Seal

Approved as to form
and legal sufficiency

Assistant County Attorney