Memorandum

MIAMI-DADE COUNTY

Date: October 6, 2022

Agenda Item No. 8(F)(10)

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

From: Daniella Levine Cava
Mayor

Daniella Levine Cava

Resolution No. R-925-22

Subject: Recommendation to Approve a Designated Purchase and Ratify Emergency Purchases under Contract RFP-01488 for Disaster Cost Recovery Services

Summary

This item is for the ratification of emergency purchases in the amount of $3,017,730 to assist the Office of Management and Budget with the preparation of time-sensitive appeals for claims that were denied for funding by the Federal Emergency Management Agency (FEMA) for Hurricanes Irma and Eta as well as to refine the County's cost recovery guide to align it with best practices. The emergency purchases were necessary to comply with the 60-day time period imposed by FEMA to appeal the denied claims. Failure to appeal within the required 60-day time period would have prevented the County from recouping as much of the declined funding as possible. Additionally, the County intends to pursue reimbursement for these services under the FEMA Public Assistance Program. Up to five percent of direct project costs can be claimed for grant management costs related to disasters.

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize this request for a designated purchase under Contract No. RFP-01488, Disaster Cost Recovery Services for the Office of Management and Budget. Approval of a designated purchase is being requested pursuant to Section 2-8.1(b)(3) of the Miami-Dade County Code, by a two-thirds vote of the Board members present to ratify additional expenditure authority in the amount of $3,017,730 for emergency services provided by Hagerty Consulting, Inc. (Hagerty). The County awarded this contract under delegated authority on August 27, 2020 for a five-year term, with two, five-year options to renew. The contract was subsequently modified under delegated authority and by the Board via Resolution Nos. R-20-21, R-645-21, R-314-22, and R-365-22 for emergency purchases associated with COVID-19 and the Surfside building collapse. The contract is currently in the initial term.

Background

The contract provides for emergency management professional consulting services to manage the cost recovery and reimbursement services that occur after a disaster event. Hagerty assists the County in managing the damage assessment, project development, and administration of federal and state disaster recovery grant programs related to a federally declared disaster events in accordance with State of Florida, County, and Federal requirements, including FEMA requirements.

FEMA allows a certain amount, currently five percent of the total FEMA grant award as stipulated by the Stafford Act, to perform management and administrative work related to declared disasters. Work orders were issued to Hagerty late 2020 to provide expertise and support related to the following disaster declarations with the goal of maximizing reimbursements for unforeseen incidents and to provide expertise with preparing time-sensitive appeals for claims that were denied for funding by FEMA and that must be prepared within 60 days of FEMA's Determination Letter:

1. **Hurricane Irma – Declaration Number DR-4337-FL:** On September 10, 2017, President Donald Trump approved a Major Disaster Declaration that included Miami-Dade County for an incident period from September 4, 2017, to October 18, 2017. Miami-Dade County sustained damages totaling over $250 million resulting from the effects of Irma, which made landfall in Miami-Dade as a Tropical Storm. FEMA's Public Assistance process is highly technical and cumbersome and resulted in some declined claims representing over $70 million in reimbursements to the County. The County leveraged Hagerty

Consulting’s cost-recovery expertise to prepare these time-sensitive appeals with the aim of recouping as much of the declined funding as possible. Appeals totaling over $55 million haven been submitted.

2. **Florida Hurricane Eta – Declaration Number: EM-3551-FL:** On November 11, 2021, President Donald Trump approved a State of Emergency for Florida for the incident period from Nov 7, 2020 - Nov 12, 2020. The declaration made Federal funding available to state and local governments and certain private nonprofit organizations on a 75 percent federal cost-sharing basis for emergency protective measures limited to direct federal assistance and reimbursement for mass care including evacuation and shelter support. Hagerty was engaged to develop a cost estimation tool for this disaster. Due to minimal impacts of the storm in Miami-Dade, the County was not a designated area for FEMA support. Thus, the cost of the estimation tool will be funded through the Direct Administrative Cost pilot program funding received through Hurricane Irma that allows recipients to use excess funding for activities that improve future disaster recovery operations.

After reimbursing administrative expenses related to Irma, about $5 million remains available for certain allowable mitigation and refinement of recovery activities. The County is using a portion of these funds to review and refine its cost recovery guide to align it with best practices and provide process updates related to changing technological platforms that support the County’s cost recovery work. Hagerty services were also requested for this purpose at the onset of the 2021 Hurricane Season.

Competition for these services was not practicable nor anticipated at the time because of the 60-day time period imposed by FEMA to appeal the denied claims. Failure to have appealed the denied claims in the 60-day time period would have meant the County would have forgone the reimbursement. Hagerty was brought on to provide expertise to allow the County to recoup as much funding as possible related to these storms. Accordingly, it is in the County’s best interest to award this designated purchase for disaster cost recovery services to maximize reimbursements to the County. A pool of qualified consultants will be presented to the Board for approval. The establishment of the pool will allow the County to access multiple vendors as opposed to having one vendor to respond immediately to emergencies and disasters for services related to cost recovery and reimbursement needs.

Scope
The scope of this item is countywide in nature.

Fiscal Impact/Funding Source
The contract has a current cumulative allocation of $12,952,385. The fiscal impact for the emergency modifications is $3,017,730. The County intends to pursue reimbursement for these services under the FEMA Public Assistance Program, Category Z, Management Costs. Up to five percent of direct project costs can be claimed for grant management and administrative costs, which coincides with Hagerty’s work for these disasters.

Department	Existing Cumulative Allocation	Ratification of Emergency Allocation	Modified Cumulative Allocation	Funding Source	Contract Manager
Community Action and Human Services	$140,000	$0	$140,000	Federal Funds	Brad Skinner
Fire Rescue	$450,000	$0	$450,000	Federal Funds	Marianela Betancourt
Management and Budget	$11,387,905	$3,017,730	$14,405,635	Federal Funds	Elena Quevedo
Public Housing and Community Development	$974,480	$0	$974,480	Federal Funds	Indira Rajkumar-Futch

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Fire Rescue	$450,000	$0	$450,000	Federal Funds	Marianela Betancourt
Total:	**$12,952,385**	**$3,017,730**	**$15,970,115**		

Track Record/Monitor
Jessica Tyrrell of the Internal Services Department is the Procurement Contracting Manager.

Delegated Authority
There is no delegation of authority sought because this item is a ratification of completed emergency modifications.

Awarded Vendor

Vendor	Principal Address	Local Address*	Number of Employee Residents 1) Miami-Dade 2) Percentage*	Principal
Hagerty Consulting, Inc.	1618 Orrington Avenue Suite 201 Evanston, IL	None	10 3.7%	Stephen H. Hagerty

*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 vendor responsibility, including verifying corporate status and that there are no performance and compliance issues through various vendor responsibility lists and a keyword internet search. 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 vendor responsibility.

Applicable Ordinances and Contract Measures
- The two percent User Access Program does not apply due to funding source.
- The Small Business Enterprise Selection Factor and Local do not apply due to funding source.
- The Living Wage does not apply as the services are not covered under the Ordinance.

Edward Marquez
Edward Marquez
Chief Financial Officer

MEMORANDUM
(Revised)

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

DATE: October 6, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(F)(10)

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)(10)
10-6-22

RESOLUTION NO. R-925-22

RESOLUTION AUTHORIZING A DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING ADDITIONAL EXPENDITURE AUTHORITY FOR AN EMERGENCY PURCHASE OF DISASTER COST RECOVERY SERVICES TO HAGERTY CONSULTING, INC. IN AN AMOUNT NOT TO EXCEED $3,017,730.00 FOR A MODIFIED CONTRACT AMOUNT OF $15,970,115.00 FOR CONTRACT NO. RFP-01488 FOR THE PURCHASE OF DISASTER COST RECOVERY SERVICES FOR THE OFFICE OF MANAGEMENT AND BUDGET

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. This Board finds it is in the best interest of Miami-Dade County to approve a designated purchase for Disaster Cost Recovery Services to Hagerty Consulting, Inc. in an amount not to exceed $3,017,730.00 for a modified contract amount of $15,970,115.00 under Contract No. RFP-01488 for the Office of Management and Budget, pursuant to section 2-8.1(b)(3) of the Code of Miami-Dade County, by a two-thirds vote of the Board members present.

Section 2. This Board ratifies additional expenditure authority under Contract No. RFP-01488 for an emergency purchase of Disaster Cost Recovery Services with Hagerty Consulting, Inc. for the Office of Management and Budget in an amount not to exceed $3,017,730.00, as set forth in the incorporated memorandum. Copies of the contract documents are on file with and available upon request from the Internal Services Department, Strategic Procurement Division.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Keon Hardemon** and upon being put to a vote, the vote was as follows:

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

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

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of October, 2022. 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.

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

COUNTY COMMISSIONERS MIAMI-DADE COUNTY FLORIDA

HARVEY RUVIN, CLERK

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

EWG

Eduardo W. Gonzalez