

MEMORANDUM

Agenda Item No. 11(A)(8)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: March 4, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the Commission Auditor on an annual basis, to conduct random reviews of prequalification pools and competitive advertisements and awards under such prequalification pools and prepare written reports to the Board disclosing results; and directing the County Mayor to provide the Commission Auditor with all contracts, market analysis, solicitations and invoices as well as any other information necessary to conduct the reviews directed hereunder and to prepare written reports

Resolution No. R-253-25

This item was amended at the February 13, 2025 Government Efficiency & Transparency Ad Hoc Committee to change the minimum number of reviews the Commission Auditor shall perform on prequalification pools from no less than one review per fiscal year to no less than three reviews per fiscal year.

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Raquel A. Regalado, Senator René García and Commissioner Juan Carlos Bermudez.


Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM (Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: March 4, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(8)

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 ____, majority plus one ____, 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) ____, 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. 11(A)(8)
3-4-25

RESOLUTION NO. _____ R-253-25

RESOLUTION DIRECTING THE COMMISSION AUDITOR ON AN ANNUAL BASIS, TO CONDUCT RANDOM REVIEWS OF PREQUALIFICATION POOLS AND COMPETITIVE ADVERTISEMENTS AND AWARDS UNDER SUCH PREQUALIFICATION POOLS AND PREPARE WRITTEN REPORTS TO THE BOARD DISCLOSING RESULTS; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE THE COMMISSION AUDITOR WITH ALL CONTRACTS, MARKET ANALYSIS, SOLICITATIONS AND INVOICES AS WELL AS ANY OTHER INFORMATION NECESSARY TO CONDUCT THE REVIEWS DIRECTED HEREUNDER AND TO PREPARE WRITTEN REPORTS

WHEREAS, the County Mayor has increasingly used prequalification pools as a preferred method of competitive procurement for the County's purchases of goods and services; and

WHEREAS, in a typical prequalification pool, this Board approves an initial pool of qualified vendors and then delegates to the County Mayor or County Mayor's designee the authority to solicit goods and services within the vendor pool, add new qualified vendors to the pool, and award contracts to vendors within the pool; and

WHEREAS, there are over 200 active County prequalification pools and corresponding spot-market solicitations and contract awards implemented under such prequalification pools; and

WHEREAS, although Ordinance 23-28 adopted by the Board on May 2, 2023, mandates bi-annual reporting requirements on prequalification pools and requires Board ratification of pool awards exceeding \$5,000,000.00, prequalification pools constitute a delegation of broad procurement authority to the County Mayor and departments to issue spot-market solicitations and, in most instances, effectuate contract awards without further Board action; and

WHEREAS, pursuant to Resolution No. R-657-22 adopted on July 7, 2022, a report by the Office of the Commission Auditor (the “Commission Auditor”) assessing the financial impact of the County's office supplies purchasing pool was placed on the May 21, 2024, agenda of this Board; and

WHEREAS, such report identified numerous areas of concerns relating to the administration of that prequalification pool; and

WHEREAS, given the County’s prolific use of prequalification pools and the issues uncovered into the Commission Auditor’s evaluation of just the office supplies prequalification pool, this Board desires to investigate further into the management and administration of County prequalification pools; and

WHEREAS, therefore, this Board desires to direct the Commission Auditor to annually conduct random reviews of prequalification pools to ensure that solicitations and purchases under prequalification pools are conducted in full compliance of all applicable procurement policies and regulations; and

WHEREAS, Miami-Dade County’s Master Procurement Implementing Order (“IO”), IO 3-38, provides that County employees who engage in unauthorized purchases or commitments of County funds without authority or in violation of County procurement legislation and procedures “shall subject said employee[s] to disciplinary action up to and including termination”; and

WHEREAS, in furtherance of the policy of government accountability and consistent with IO 3-38, this Board desires that the County Mayor subject County employees to consequences if the Commission Auditor’s reviews reveal that County employees managing the prequalification pools are engaging in unauthorized purchases or are failing to comply with County procurement legislation and procedures,

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

Section 1. Directs the Commission Auditor, on an annual basis, to conduct random reviews of prequalification pools and competitive advertisements and awards under such prequalification pools. Such reviews shall assess and evaluate the County's management of the pool including but not limited to: (1) assessing the financial impact of prequalification pool awards and evaluating whether the County can realize savings by procuring the goods and services under the reviewed prequalification pool by utilizing other procurement methods, including but not limited to accessing competitively awarded contracts from other governmental entities; (2) assessing whether prequalification pools are managed under the County's financial system of record, INFORMS, or through older legacy systems; (3) evaluating whether advertisements and purchases under prequalification pools fully comply with County procurement legislation and procedures; and (4) evaluating County outreach efforts to local and small businesses to participate in pool competitions. Within 30 days of the effective date of this Resolution, the Commission Auditor shall disclose to the Board how many reviews it can perform on an annual basis, but in no event shall the Commission Auditor perform less than ~~[[one review]]~~ >>three reviews<<¹ per County fiscal year.

Section 2. Directs the County Mayor or County Mayor's designee to provide the Commission Auditor with all contracts, market analysis, solicitations and invoices as well as any other information requested from the Commission Auditor necessary to conduct the reviews required by this resolution.

¹ Committee amendments are indicated as follows: Words double stricken through and/or ~~[[double bracketed]]~~ are deleted, words double underlined and/or >>double arrowed<< are added.

Section 3. Directs the Commission Auditor to submit and place on agendas of the full Board without committee review pursuant to Rule 5.06(j) of the Board’s Rules of Procedure, a written report disclosing and summarizing the results of each review conducted pursuant to this resolution within 30 days of the completion of such review. If any review reveals unauthorized purchases and violations of County procurement legislation and procedures by County employees, the Board directs the County Mayor or County Mayor’s designee to submit and place, on an agenda of the full Board without committee review pursuant to Rule 5.06(j) of the Board’s Rules of Procedure, a written report of what consequences and disciplinary actions as mandated by IO 3-38 such County employees have been subjected to within 30 days of the report.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Raquel A. Regalado, Senator René García and Commissioner Juan Carlos Bermudez. It was offered by Commissioner **Raquel A. Regalado** , who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien** and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Oliver G. Gilbert, III	absent	Roberto J. Gonzalez	aye
Keon Hardemon	absent	Danielle Cohen Higgins	aye
Eileen Higgins	absent	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of March 2025. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in cursive script, appearing to read "E. W. Gonzalez", written over a horizontal line.

Eduardo W. Gonzalez