




# Memorandum



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To: The Honorable Daniella Levine Cava, Mayor, Miami-Dade County  
The Honorable Jose “Pepe” Diaz, Chair, Board of County Commissioners  
The Honorable Keon Hardemon, Chair, Airport and Ec. Development Cmte.  
and Members, Board of County Commissioners, Miami-Dade County

From: Felix Jimenez, Inspector General 

Date: January 14, 2022

Subject: Airport and Economic Development Committee Meeting of January 11, 2022,  
Agenda Item 3B regarding the Mayor’s Recommendation to Reject the  
Unsolicited Proposal and Enter into Direct Negotiations with CCR USA  
Management, Inc. and AIRIS USA, LLC.; Ref: IG 22-0001-O

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On January 11, 2022, the Airport and Economic Development Committee (AEDC) deferred Item 3B pertaining to the unsolicited proposal for a Vertical Integrated Cargo Community (VICC) facility at Miami International Airport. By way of this memorandum, the Office of the Inspector General (OIG) wishes to notify you that this office will be conducting a review of the evaluation process; however, at this time, we have already identified some issues that we feel should be brought to your attention.

Our office learned of this matter through external sources more than a year after the proposal was submitted to the Office of the Mayor. Typically, the OIG is immediately notified of unsolicited proposals to afford us the opportunity to provide immediate and continuous oversight, in accordance with the terms specified in Section 2-8.2.6 of the Miami-Dade County Code (Code) that governs public-private partnerships and unsolicited proposals. Such notice was not provided in this case.

The OIG is endeavoring to understand what transpired during the significant blocks of time that are outside the timeline prescribed in Section 2-8.2.6. of the Code. It is reported that the unsolicited proposal was received by the Office of the Mayor on October 7, 2020. According to the Code, former Mayor Gimenez was required to render a decision to commence evaluation of the proposal by November 6, 2020.

The background information provided in Item 3B wrongly implies staff has 30 days to make a recommendation to the Mayor, whereas the Code clearly states: “*Within 30 days of receipt of any unsolicited proposal, the County Mayor may elect to not evaluate the unsolicited proposal, in which case the County must return the application fee.*”

Absent a decision within 30 days by Mayor Gimenez to not evaluate the proposal, on November 6, 2020, the evaluation of the unsolicited proposal should have commenced.<sup>1</sup>

Instead, the memorandum accompanying the agenda item says, “On February 5, 2021, approval was granted by the County Mayor to begin the evaluation of this unsolicited proposal.” What happened during the prior three months? There is no account of what transpired between November 6, 2020, and February 5, 2021. Were there any communications between MDAD staff and the unsolicited proposer during this three-month respite? Another area that the OIG will review is the engagement of MDAD’s consultants. When were the planning and financial consultants asked to evaluate the proposal?

Once the evaluation begins, the Code provides: “*If the County Mayor elects to evaluate an unsolicited proposal that has been submitted with the application fee and all of the information and materials required pursuant to this section, the County Mayor shall have 90 days to evaluate the unsolicited proposal. In the event that 90 days is insufficient to complete an evaluation, the County Mayor may request an extension of this time from the Board.*”

If the evaluation of this unsolicited proposal began on February 5, 2021, then the 90-day<sup>2</sup> evaluation period ended on May 7, 2021. The Administration apparently held discussions about this unsolicited proposal for another 250 days, without seeking any approval from the Board.<sup>3</sup> The OIG believes that the legislative intent of these time deadlines is to enable the Board to provide policy direction to the Administration on these major capital projects. The time deadlines for Board review also ensure full transparency to the public. The OIG is trying to piece together this 340-day evaluation timeline. When did the meetings occur, what was discussed and who participated?

Our inquiry will also seek an accounting and reconciliation of MDAD’s evaluation expenses, including work tasked to the consultants. To the extent these expenses exceeded the \$25,000 fee submitted with the initial application, has MDAD required (or will MDAD require) additional amounts from the unsolicited proposer?<sup>4</sup> And, due to the extended evaluation period of this process, we want to know if the public records exemptions provided through Florida Statutes Section 255.065(15) have inadvertently expired or have been waived by the applicant.

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<sup>1</sup> The Ordinance does not grant an unlimited amount of time to decide to evaluate or not. It is a 30-day period. To suggest otherwise is to disregard the timeline policy that prompts action and promotes transparency.

<sup>2</sup> The OIG acknowledges that Code Section 2-8.2.6 provides no consequences for failing to comply with mandated deadlines. Moreover, when this Code Section was further amended on December 2, 2021, Item 7A, reducing the evaluation period to 60 days, no consequences were delineated. The Board may wish to include sanctions in future legislation.

<sup>3</sup> During the AEDC meeting of January 11, 2022, the MDAD Director was careful not to characterize these discussions as negotiations, but only as general discussions regarding the scope of the project.

<sup>4</sup> The request for additional monies to evaluate the proposal is a requirement of Florida Statutes Section 255.065(3)(a)(3) and County Code Section 2-8.2.6(3)(a)(iv).

As our review proceeds, I will endeavor to keep the Mayor and the Board apprised of relevant findings. Given the liberties taken with the codified procedures governing the evaluation of unsolicited proposals, we believe full transparency is needed to ensure the final decision rendered by the Board is good public policy based on facts and sound reasoning. We trust MDAD officials, County staff, consultants and representatives of the unsolicited proposer will fully cooperate to expedite our review.

cc: Geri Bonzon-Keenan, County Attorney  
Gerald Sanchez, First Assistant County Attorney  
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Jimmy Morales, Chief Operations Officer  
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