



Memorandum



Miami-Dade County Office of the Inspector General
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To: Alex Muñoz, Director
Internal Services Department

From: Felix Jimenez, Inspector General

Date: February 16, 2022

Subject: Receipt of Status Report and Audit Closure involving Contract 8757-1/18-1:
Electrical and Electronic Components, Tools, Parts, and Supplies, IG18-0007A

The Office of the Inspector General (OIG) conducted an audit of the above-captioned County contract. The contract was a pool contract that provided electrical and electronic components, tools, parts, and supplies on an as needed basis to over 20 departments. We received the Internal Services Department's (ISD) status report dated December 16, 2021. (Attachment 1) We appreciate the thorough response advising us of the corrective actions that have been implemented since our final audit report was issued.

The OIG selected four departments for audit testing (the Miami-Dade Public Library System, the Public Housing and Community Development Department, the Seaport Department, and the Department of Solid Waste Management). The OIG's Final Audit Report contained two observations and two recommendations that included common issues noted across the four departments. The first observation addressed departmental use of the Contract and their non-compliance with contract requirements. The second observation addressed the non-uniform and irregular application of the County's Collusion Affidavit requirements. The OIG's recommendations urged additional trainings offered by ISD to ensure compliance with County and contract requirements, the appropriate use of blanket purchase orders, and ISD to provide guidance and training on the Collusion Affidavit and its procurement requirements.

ISD concurred with our observations and recommendations, and we are pleased of the recent and on-going training sessions for County-wide procurement staff. We also take note of the newly crafted Non-Collusion Affidavit (Attachment 2), and it being streamlined to align with best procurement practices.

By way of this memorandum, the OIG advises that our audit of the above-captioned subject is complete, and that we are closing this audit. The OIG would like to thank the four departments selected for audit testing and ISD for the courtesies extended to the OIG throughout this audit.

Attachments

cc: Edward Marquez, Chief Finance Officer, Office of the Mayor
Michael Liu, Director, Public Housing and Community Development Department
Michael J. Fernandez, Director, Department of Solid Waste Management
Ray Baker, Director, Miami-Dade Public Library System
Hydi Webb, Interim Director, Seaport Department
Namita Uppal, Chief Procurement Officer, ISD
Gary T. Hartfield, Division Director, Small Business Development, ISD
Cathy Jackson, Director, Audit and Management Services Department
Yinka Majekodunmi, Commission Auditor, Office of the Commission Auditor
Jennifer Moon, Chief, Office of Policy and Budgetary Affairs

Memorandum



Date: December 16, 2021

To: Felix Jimenez
Inspector General
Office of the Inspector General

Through: Alex Muñoz
Director
Internal Services Department

From: Namita Uppal, C.P.M.
Chief Procurement Officer
Internal Services Department

Digitally signed by Namita Uppal
DN: cn=Namita Uppal, o=Miami Dade County, ou=Chief Procurement Officer, email=uppaln@miamidadegov, c=US
Date: 2021.12.16 09:14:01 -05'00'

Subject: Follow-Up Report on the Status of Implemented Recommendations in Response to
OIG Final Audit Ref. IG18-0007-A

Consistent with the recommendations the Office of the Inspector General (OIG) noted in the above referenced audit report, the Internal Services Department, Strategic Procurement Division (ISD-SPD) has progressively implemented the following actions.

1. TRAINING FOR COUNTYWIDE PROCUREMENT PROFESSIONALS

Countywide procurement professionals (departmental procurement liaisons) were provided with several training sessions in support of reinforcing proper purchasing methods and re-emphasizing their responsibilities regarding compliance with County contracting requirements. ISD-SPD leveraged existing resources and utilized technology to deliver interactive modules which reviewed County policies and procedures to include but not limited to, the intent and application of the Cone of Silence ordinance, the contents and purpose of an Invitation to Quote (ITQ) solicitation, the application of small and local preferences and, how to conduct supplier pre-award due diligence utilizing the compliance checklist. We are planning our next training session in the second quarter of the current fiscal year.

2. NEWLY CRAFTED NON-COLLUSION AFFIDAVIT TEMPLATE

ISD-SPD modernized its existing Collusion Affidavit into a newly crafted "**Non-Collusion Affidavit**" (*the Affidavit*). The streamlined document provides prospective contractors with:

- ✓ Inclusion of "**Non**" to Collusion Affidavit title which immediately relays Miami-Dade County's intent to contract with suppliers whose offer and pricing are independent of its competitors.
- ✓ Easy access to [Section 2-8.1.1 of the Code of Miami-Dade County](#) (via hyperlink provided in *Affidavit*) for enhance transparency in legislative requirements.
- ✓ Enclosure of an exhibit page which is separate and apart from the Affidavit, wherein procurement professionals can now identify all other parties bidding in the competitive solicitation **without** having to manipulate the Affidavit that is ultimately affirmed, under penalty of perjury, by the prospective contractor.
- ✓ Ability to complete and affirm the Affidavit through written declaration, in lieu of notarization. Thereby mitigating the repetitive use of the Affidavit by vendors seeking to curtail notary fees. Pursuant to §92.525, Florida Statutes, the affiant (prospective contractor/supplier), under

penalty of perjury, can declare that they have read the Affidavit and that the facts stated in it are true, accurate, and complete.

The newly crafted Affidavit has been reviewed and approved as to form and legal sufficiency by the County Attorney's Office and is attached. OIG has provided their valuable feedback which was incorporated in the Affidavit. This Affidavit was launched on December 7, 2021.

3. IMPLEMENTATION OF STREAMLINED NON-COLLUSION AFFIDAVIT TO COUNTYWIDE PROCUREMENT PROFESSIONALS

Expanding the applicability of the Non-Collusion Affidavit to solicitations valued **under** \$250,000 (informal solicitations) needlessly burdens vendors as well as departmental operations instead of maximizing process efficiencies and opportunities for small and local businesses. Moreover, and consistent with [Federal Acquisition Regulation \(FAR\) 3.103-1](#), the Certificate of Independent Price Determination provision [52.203-2](#) (FAR's version of Non-Collusion Affidavit), is **not** applicable to acquisitions made under the simplified acquisition procedures in [Part 13](#); (currently \$250,000.00). Notwithstanding, ISD-SPD will roll-out the streamlined Non-Collusion Affidavit to Countywide procurement professionals via remote session.

Should you have any questions or need further information, please contact me at (305) 375-4900.

c: Edward Marquez, Chief Financial Officer

Attachment: Non-Collusion Affidavit



NON-COLLUSION AFFIDAVIT

(In accordance with [Sections 2-8.1.1](#) and [10-33.02.1](#) of the Code of Miami-Dade County)

I, the undersigned, am over 18 years of age, have personal knowledge of the facts stated in the Non-Collusion Affidavit (*this Affidavit*) and I am an owner, officer, director, principal shareholder and/or otherwise authorized to bind the Bidder/Proposer of this solicitation.

A. I have reviewed the list of respondents attached to this Affidavit. I state that the Bidder/Proposer of this competitive solicitation (check one):

is **not related** to any of the other respondents submitting a Bid/Proposal in the competitive solicitation.

is **related** to the following respondents who submitted a Bid/Proposal in the competitive solicitation, which are identified and listed below:

B. I state that the Bidder/Proposer of this competitive solicitation:

1. has prepared this Bid/Proposal independently without consultation, communication, agreement or arrangement with any other Bidder/Proposer or competitor for the purpose of restricting competition;
2. has submitted the Bid/Proposal in its own behalf, and not in the interest or on behalf of any person not therein named;
3. has not, directly or indirectly, induced or solicited any other Bidder/Proposer to put in a sham proposal, or any other person, firm, or corporation to refrain from proposing;
4. has not in any manner sought by collusion to secure an advantage over any other Bidder/Proposer.

Note: Any person or entity that fails to submit this executed Affidavit shall be ineligible for contract award. In accordance with Section 2-8.1.1 of the Code of Miami-Dade County, where two or more related parties, as defined herein, each submit a Bid for any contract, such Bids shall be presumed to be collusive. The foregoing presumption may be rebutted by the presentation of evidence as to the extent of ownership, control and management of such related parties in preparation and submittal of such Bids. **Related parties** shall mean the Bidder/Proposer; the principals, corporate officers, and managers of a Bidder/Proposer; or the spouse, domestic partner, parents, stepparents, siblings, children or stepchildren of a Bidder/Proposer or the principals, corporate officers and managers thereof which have a direct or indirect ownership interest in another Bidder/Proposer for the same contract or in which a parent company or the principals thereof of one Bidder/Proposer have a direct or indirect ownership interest in another Bidder/Proposer for the same contract. Bid/Proposal found to be collusive shall be rejected. Bidder/Proposer who has been found to have engaged in collusion may be considered non-responsible, and may be suspended or debarred, and any contract resulting from collusive bidding may be terminated for default.

Written Declaration: Pursuant to §92.525, Florida Statutes, under penalties of perjury, I declare that I have read the foregoing Affidavit and that the facts stated in it are true, accurate, and complete.

Solicitation No.: _____ Solicitation Title: _____

By: _____
Signature of Affiant

Date: _____ 20 ____

Printed Name of Affiant and Title

____/____/____-____/____/____/____/____
Federal Employer Identification Number

Printed Name of Bidder/Proposer

Address of Bidder/Proposer