



Memorandum



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To: The Honorable Daniella Levine Cava, Mayor, Miami-Dade County
The Honorable Jose “Pepe” Diaz, Chairman
and Members, Board of County Commissioners, Miami-Dade County

From: Felix Jimenez, Inspector General 

Date: May 16, 2022

Subject: OIG Final Audit Report Re: Miami-Dade Fire Rescue Department’s Utilization of the MCC Emergency Response Team Pool for Emergency Construction Projects; Ref: IG21-0002-A

Attached please find the above-captioned final report issued by the Miami-Dade County Office of the Inspector General (OIG). The audit focused on Miami-Dade Fire Rescue’s (MDFR) utilization of the Emergency Response Team (ERT) Pool under the Miscellaneous Construction Contracts (MCC) Program. More specifically, we reviewed MDFR’s justification for using the ERT Pool, its adherence to the ERT rotational policy, and its compliance with the County’s Prompt Payment Policy. This report is the first in a series of audits that the OIG is conducting relating to the MCC 7040 and 7360 Program.

This report, as a draft, was provided to MDFR and the Small Business Development Division (SBD) of the Internal Services Department (ISD) for their discretionary written responses. The report contains three observations and five recommendations. All of the recommendations have been accepted by MDFR and SBD/ISD and their responses are attached to the final report as Appendix A and Appendix B, respectively.

The OIG would like to thank the staffs of MDFR and SBD/ISD’s for their cooperation and for the courtesies extended to the OIG throughout this audit.

For your reading convenience, an Executive Summary follows.

Attachment

cc: Edward Marquez, Chief Financial Officer, Office of the Mayor
Alfredo Ramirez, III, Interim Chief Public Safety Officer, Office of the Mayor
Alan R. Cominsky, Fire Chief, Miami-Dade Fire Rescue Department
Alex Muñoz, Director, Internal Services Department
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

OIG EXECUTIVE AUDIT SUMMARY

Audit of the Miami-Dade Fire Rescue Department's Utilization of the MCC Emergency Response Team Pool for Emergency Construction Projects

The Office of the Inspector General (OIG) initiated an audit of the Miami-Dade Fire Rescue Department's (MDFR) utilization of the County's Miscellaneous Construction Contracts (MCC) Program's Emergency Response Team (ERT) Pool. The MCC Program, comprised of the 7040 and the 7360 Plans, is a construction program where solicitations, up to \$5 million, for facility repairs, neighborhood improvements, and emergency repairs and maintenance are procured. The ERT Pool is a sub-pool of the MCC Plans and consists of contractors called to respond to urgent and unforeseen repairs or construction work where life, health, safety, community welfare or preservation of public property is affected. The Internal Services Department's Small Business Development Division (SBD) administers the MCC Program and the ERT Pool.

The purpose of this audit was to assess MDFR's use of the ERT Pool. Specifically, we evaluated MDFR's justification for using the ERT Pool, its adherence to the ERT rotational policy, and its compliance with the County's Prompt Payment Policy. The audit also focused on SBD's monitoring of the ERT Pool for departmental compliance. This audit resulted in three observations and five recommendations (three directed to MDFR and two to SBD).

Observation 1 noted the absence of the CIIS rotational list, in two MDFR project files, to demonstrate compliance with the ERT rotational policy. The remaining 11 project files reviewed included a copy of the CIIS rotation list and was supported by contractor communications and project award records. The inclusion of the CIIS rotation list in the project files is not a requirement of the Implementing Order (IO) 3-53, however, the OIG believes that it should be an authoritative document that demonstrates that the rotational policy was adhered to. The OIG recommended that MFDR procurement staff should consistently maintain proof that the ERT rotational policy was adhered to by contacting contractors in the order listed in CIIS. MDFR agreed with our recommendation and added that it will ensure that every project file will document the CIIS rotational list to demonstrate that the ERT rotational policy was adhered to. The OIG also recommended that SBD incorporate the CIIS rotation list as part of its training documents and require that departments maintain the printed list in all project files. SBD agreed with our recommendation and advised that it has updated its MCC training document to include the requirements for departments to print the CIIS rotational list as part of the project files. SBD further stated that the MCC training document will be provided to all users and will be posted on the Policies and Procedures section of the CIIS system.

Observation 2 involved MDFR's ERT quotation practices concerning the time allotted to contractors to respond to a Request for Price Quote. IO 3-53 provides that contractors wishing to participate in the Pool must "respond to the user department's emergency call within two (2) hours of the call, by communicating with a live person from said user

OIG EXECUTIVE AUDIT SUMMARY

Audit of the Miami-Dade Fire Rescue Department's Utilization of the MCC Emergency Response Team Pool for Emergency Construction Projects

department.” In four of the 13 project files reviewed, OIG auditors noted that MDFR did not afford the contractor two hours to respond before contacting the next contractor on the list. The OIG is aware of the emergency nature of these repairs, however, there is a disconnect between the IO wording and actual practice. The OIG recommended that MDFR augment its project file by noting why a limited response time was necessary. MDFR replied that it will include contractor response time based on each specific emergency and will draft procedures for time limit responses from emergency contractors. Additionally, the OIG recommended that SBD seek guidance from the County Attorney's Office to determine whether the IO should be amended to address the timeliness of a contractor's response. SBD responded that it conferred with the County Attorney's Office who advised that such changes are an administrative decision. SBD advised that it will not make changes to the IO at this time; however, it will add additional language to the MCC training document advising departments to reemphasize the requirement of the two-hour response time as noted in the IO.

Observation 3 addressed MDFR's noncompliance with the County's Prompt Payment Policy, which requires payment to SBE contractors be within 14 days of receipt of the invoice on amounts not in dispute. OIG auditors noted that only five of the 13 projects reviewed were paid within 14 days. The remaining eight projects were paid between 15 and 44 days. The OIG recommended that MDFR look for steps in the payment processing workflow that can be completed more quickly to meet the 14-day turnaround time. MDFR responded that it works closely with ISD's Risk Management and the County's Finance Department and will look for opportunities to create efficiencies in expediting the payment process.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL



FINAL AUDIT REPORT

*Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects*

IG21-0002-A
May 16, 2022

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL AUDIT REPORT
*Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects*

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	RESULTS SUMMARY	2
III.	AUDITEE RESPONSE(S) AND OIG REJOINDER	3
IV.	TERMS USED IN THE REPORT	3
V.	OIG JURISDICTIONAL AUTHORITY	4
VI.	BACKGROUND	4
VII.	OBJECTIVES, SCOPE AND METHODOLOGY	7
VIII.	OIG AUDIT OBSERVATIONS AND RECOMMENDATIONS	9
	OBSERVATION 1: Documentation demonstrating compliance with the ERT rotational policy was missing from some sampled project files.	9
	OBSERVATION 2: MDFR limited the response time for contractors to respond to some emergency RPQs.	11
	OBSERVATION 3: Several payments to contractors did not comply with the County's Prompt Payment Policy.	14
IX.	CONCLUSION	16
	APPENDIX A – MDFR's Response to Draft Audit Report	
	APPENDIX B – SBD/ISD's Response to Draft Audit Report	

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
*Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects*

I. INTRODUCTION

The Office of the Inspector General (OIG) initiated an audit of the Miami-Dade Fire Rescue Department's (MDFR) use of the County's Miscellaneous Construction Contracts (MCC) Program's Emergency Response Team (ERT) Pool. Implementing Order (IO) 3-53 establishes the MCC Program.¹ The MCC Program is a construction program where solicitations, up to \$5 million, for construction projects, facility repairs, neighborhood improvements, and emergency repairs and maintenance are procured. The MCC Program consists of the 7040 and the 7360 Plans. The ERT is a sub-pool of the MCC 7040 and 7360 Plans and consists of contractors called to respond to urgent and unforeseen repairs or construction work where life, health, safety, community welfare or preservation of public property is affected. Emergency work issued under the ERT Pool is procured on a rotational basis. All County departments can access the MCC contracts. Both the MCC Program and the ERT Pool are administered by the Small Business Development Division (SBD) of the Internal Services Department (ISD).

The purpose of this audit was to assess MDFR's utilization of the ERT Pool, as well as SBD's monitoring for departmental compliance. Specifically, we evaluated MDFR's justification for using the ERT Pool, its adherence to the ERT rotational policy, and its compliance with the County's Prompt Payment Policy. MDFR is one of several departments selected by the OIG for audit testing; it had the third highest count of all emergency repairs noted during the two-year period selected for review. Collectively, fourteen county departments spent approximately \$38.4 million for projects under the ERT Pool during the two-year audit period. While emergency awards may have some level of competition, they are not required to follow the open competition standards for regular requests for price quotes, and projects may be awarded without any competition. Without proper oversight, the award of emergency work may be subject to abuse.

The OIG has initiated a multi-phase audit to evaluate departmental compliance concerning the utilization of the MCC Program, including both emergency and non-emergency projects. This report is the first of several audit reports that the OIG will issue regarding departmental compliance with the MCC Program and the ERT Pool. This multi-phase audit was initiated due to the MCC Program's size and its wide-ranging operational impact across numerous departments.

¹ Implementing Order No. (IO) 3-53, along with the Miami-Dade County Code Section 2-8.2.7.01 and Section 10-33.02 establish the guidelines and requirements for the overall MCC Program.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
*Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects*

II. RESULTS SUMMARY

This audit report contains three observations and five recommendations. The observations stem directly from our testing of MDFR's utilization of the MCC Emergency Response Team Pool. We noted that for the period reviewed MDFR only utilized the MCC 7040 Plan for its emergency projects. The first audit observation notes the absence of documentation in two MDFR project files that demonstrates compliance with the ERT rotational policy. In the remaining 11 files reviewed, MDFR had a copy of the CIIS rotation list, which was utilized for contractor communication and project award. The inclusion of the CIIS rotation list in the project files is not a requirement of IO 3-53, however, the OIG believes that it should be included as an authoritative document that demonstrates that the rotational policy was adhered to.

The second observation involves MDFR's ERT quotation practices concerning the response time allotted to contractors to respond to a Request for Price Quote (RPQ). IO 3-53 provides that contractors wishing to participate in the Pool must "respond to the user department's emergency call within two (2) hours of the call, by communicating with a live person from said user department." In four of the 13 project files reviewed, OIG Auditors noted where MDFR's contact attempts to contractors went unanswered and resulted in a voicemail. In two of the four RPQs, MDFR left voicemail messages for the contractor requesting a return call within 30-minutes or less. The other two RPQs did not state a requested time to respond. However, for these four projects, MDFR did not afford the contractor two hours to respond before contacting the next contractor on the list. While we are aware of the emergency nature of these repairs, there is a disconnect between the wording in the IO and actual practice.

The third observation addresses MDFR's noncompliance with the County's Prompt Payment Policy, which requires payment to SBE contractors within 14 days of receipt of the invoice on amounts not in dispute. OIG Auditors noted that only five of the 13 projects reviewed were paid within 14 days. Six of the remaining eight projects were paid between 15 days and 24 days and two were paid 32 days and 44 days. The audit revealed several process components that each contributed to added processing time. Such as processing time for invoice approval, review of insurance documentation, and the accounts payable process.

MDFR acknowledged the missing documentation, the limited time given for contractors to respond to emergency calls, and the noted payment delays to contractors. MDFR advised that due to the priority of their emergencies, a limited response time is sometimes given for contractors to respond. Additionally, MDFR advised that each stage of the procurement process can contribute to added time and ultimately delayed payment to the contractor. Some of these observations were discussed with SBD. SBD advised the OIG that concerning emergency repairs, MDFR

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects

collaborates closely with SBD by promptly communicating contractor communication details and keeps SBD up to date on all project progress.

III. AUDITEE RESPONSE AND OIG REJOINDER

This report, as a draft, was provided to MDFR and SBD/ISD for their review and comments. Both MDFR's and SBD/ISD's written responses are included in their entirety in Appendix A and Appendix B, respectively.

Both departments responded positively to our recommendations with MDFR noting that it will ensure documentation identifying the MCC ERT listing will be maintained in the project file. SBD/ISD also noted that it has updated its MCC training documents to include the requirement for departments to print the CIIS rotation list and maintain that record in the project files to demonstrate that the rotational policy was adhered to.

With regards to the two-hour response time stated in IO 3-53, SBD/ISD stated that it will add language to the MCC training document emphasizing that departments allow for the two-hour response time unless exigent circumstances exist. MDFR further stated that it will draft procedures for time limit responses from emergency contractors and will begin to include contractor response time based on each specific emergency. Lastly, MDFR noted that they will look for opportunities to create efficiencies in expediting the payment process of contractor invoices.

Excerpts of MDFR's and SBD/ISD's responses are included in the body of the report (*in italics*) at the end of each related observation and recommendation.

IV. TERMS USED IN THE REPORT

Board	Board of County Commissioners
CIIS	Capital Improvement Information System
County	Miami-Dade County
ERT	Emergency Response Team
INFORMS	Integrated Financial Resources Management System
IO	Implementing Order
ISD	Internal Services Department
MCC	Miscellaneous Construction Contract
MDFR	Miami-Dade Fire Rescue Department
NTP	Notice to Proceed
RPQ	Request for Price Quote
SBD	Small Business Development Division, Internal Services Department
SBE	Certified Small Business Enterprise

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
*Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects*

V. OIG JURISDICTIONAL AUTHORITY

In accordance with Section 2-1076 of the Code of Miami-Dade County, the Inspector General has the authority to make investigations of County affairs; audit, inspect and review past, present and proposed County programs, accounts, records, contracts, and transactions; conduct reviews and audits of County departments, offices, agencies, and boards; and require reports from County officials and employees, including the Mayor, regarding any matter within the jurisdiction of the Inspector General.

VI. BACKGROUND

On November 3, 2009, the Board of County Commissioners (Board) codified the MCC Program, via Ordinance No. 09-101, to create a permanent procurement vehicle to expedite construction contracting and to further enhance contracting opportunities for certified Small Business Enterprise (SBE) – Construction firms. The MCC Program was historically administered as two separate renewable contracts that competitively bid small construction projects. Upon codification, the MCC Program became a permanent program subject to expenditure reauthorizations approved by the Board periodically.

The MCC Program comprises of the 7040 and 7360 Plans. The 7040 Plan is a 100% set-aside pool for SBE construction firms. The 7360 Plan is an open non-restricted pool for all construction firms and is to be used when funding sources prohibit procurement restrictions, such as a set-asides, or when there are not sufficient firms available in the 7040 Plan. The SBD, a division of the Internal Services Department (ISD), is responsible for promoting and administering the MCC Program. County Code Section 2-8.2.7.01 and Section 10-33.02,² as well as IO 3-53, establish the guidelines and requirements for the overall MCC Program.

The MCC Program is the primary contracting vehicle to award contracts for new construction, renovations, repairs, and maintenance projects with a maximum value of up to \$5 million. The MCC Program is administered under IO 3-53, which includes the process for registering and pre-qualifying contractors and awarding contracts competitively via RPQs. MCC Program construction projects are tracked using the County's Capital Improvement Information System (CIIS).

Contractors are required to maintain a valid Miami-Dade County Certificates of Competency and/or State of Florida licenses. Payment and Performance Bond or Bid Bonds are required for contracts greater than \$200,000 or for federally-funded contracts equal or greater than \$100,000. IO 3-53 allows for SBD to determine whether Payment

² County Code Section 10-33.02 establishes the Small Business Enterprise Construction Services Program and sets for the requirements for construction firms seeking SBE certification.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects

and Performance Bonds or Bid Bonds are appropriate for projects with an estimated contract value less than \$200,000.

IO 3-53 also allow for non-competitive contract awards in emergency situations under the ERT Pool. The ERT Pool, which is a pool of contractors called to respond to unforeseen, unanticipated, or urgent construction services where the protection of life, health, safety, welfare of the community or preservation of public property would not be possible using any of the County's standard contracting methods. Both the 7040 Plan and 7360 Plan allow for emergency awards which are also tracked in CIIS. Florida Statute 255.0525 exempts emergency procurements from the required minimum days from advertisement to the bid due date.³

ERT Pool Award Process

An emergency RPQ may be awarded without utilizing the competitive bid procedures if the department determines that the work to be performed is an emergency and cannot be performed within the required time using competitive purchasing procedures. The ERT Pool under the MCC Program may be used for such construction contract awards. Upon obtaining approval from the respective department director, a request for the emergency work is initiated by contacting, and subsequently awarding the project to a contractor from the ERT Pool on a rotational basis. The rotation of firms in the Pool is maintained by the CIIS. Contractors may submit their emergency quotes by email, fax or verbally by telephone up by written confirmation. IO 3-53 requires that when using the ERT Pool, the department must provide SBD a written explanation of the circumstances justifying the emergency procurement within five days of initiating an agreement for work to be performed.

Along with meeting the requirements for the 7040 and/or 7360 Plans, emergency contractors are required to state their intent to be part of the ERT Pool. Additionally, participating contractors are required to maintain proof of insurance for Workers' Compensation, General Liability and Automotive Liability. Furthermore, contractors must be available 24 hours per day / seven days per week and respond to the department's emergency call, within two hours of the call, by communicating with a live person from said department. In the event a contractor fails to respond two consecutive times within two hours of being contacted for an emergency, the department shall notify SBD of the contractor's lack of compliance.

³ Florida Statute Section 255.0525 *Advertising for Competitive Bids or Proposals* requires either 21 days or 30 days from the advertisement of the bid to the bid opening depending on the estimated contract value. The section also allows for these timeframes to be altered by the local government entity in any manner that is reasonable under the emergency circumstances. The term "emergency" means an unexpected turn of events that causes (a) an immediate danger to the public health or safety; or (b) an immediate danger or loss of public or private property; (c) an interruption in the delivery of an essential governmental service.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
*Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects*

MDFR's Procurement and Payment Processes

MDFR's ERT process begins with a service call from one of its facilities, which includes over 70 fire stations. The MDFR Facilities Lead Worker answers the service call, which may be by either phone or email, and makes a determination of priority. A priority 1 request (high priority) is a facility maintenance issue that jeopardizes the health and safety of personnel, prevents the delivery of fire rescue service or securing of the facility. The Facilities Lead Worker determines whether MDFR's own forces are available and/or qualified to perform the required repairs. If an outside contractor is required to perform the repair, the Facilities Lead Worker will advise the Special Projects Administrator.

Upon notification from the Facilities Lead Worker, the Special Projects Administrator accesses the CIIS and retrieves the current CIIS rotation list based on the specific trade group. The Special Projects Administrator contacts the contractor on the top of the CIIS rotation list for availability to respond to the emergency. The Special Projects Administrator documents the phone call, which includes noting the contractor name, time contacted, name of individual who replied to the phone call, and a synopsis of the conversation. As needed, the Special Projects Administrator will contact other contractors on the list in the order of the rotation policy. Once a contractor agrees to respond to the emergency, the Special Projects Administrator forwards an email with a screen shot of the CIIS rotation list to SBD along with the documentation of the contractor phone calls. The same email is then forwarded to the MDFR Assistant Director for approval. Once approved, this email is forwarded to SBD and serves as MDFR's formal notification to SBD of its contractor selection. The Special Projects Administrator then creates an RPQ in CIIS for the selected contractor, which is then forwarded to the selected contractor along with corresponding contract documents for completion and submission. A copy of the email string that was sent to SBD advising of the emergency and outlining the MDFR Assistant Director authorization is added under the CIIS "notes" for the corresponding RPQ.

The contractor's scope of work and price quotes are reviewed by the MDFR Facilities Lead Worker to determine if the contractor's price is in line with the department's estimates. The contractor's proposal is further reviewed by the MDFR Facilities Lead Worker Supervisor along with the Special Projects Administrator for acceptance and approval. The Special Projects Administrator then enters the project price into the RPQ in CIIS and a Recommendation for Award is issued to the contractor. The awarded contractor provides copies of insurance certificates that are forwarded to the County's Risk Management Division for review and approval. Once approved, the Special Projects Administrator issues the Notice to Proceed (NTP) and the purchase order is generated. Both documents are emailed to the contractor.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects

Payment is not made until the emergency repair has been completed, inspected, and accepted by MDFR Facilities Lead Worker, as evidenced by a signature on the contractor's invoice. The project status is updated in CIIS by the Special Projects Administrator. The Contractor Evaluation Form is completed in CIIS by the Facilities Lead Worker.

The OIG conducted a preliminary review of emergency projects within the MCC Program and found that MDFR had the third highest project count for projects initiated during the period of October 1, 2018 through September 30, 2020. Table 1 below identifies the total number of emergency contracts awarded from both the MCC 7040 and 7360 Plans, by department, for the period noted. MDFR project dollars totaled \$675,837, which amounts to 1.8% of the total project dollars awarded for the period under review.

**Table 1 - ERT Pool Projects Awarded by Department
for the period of 10/1/2018 – 9/30/2020**

Dept Code per CIIS	Department Name	No. of Projects Awarded	Awarded Dollar Amounts	\$ Amount Percentage
HD	Public Housing	516	\$4,987,277	12.99%
MT	DTPW	91	\$13,147,235	34.26%
FR	Fire & Rescue	39	\$675,837	1.76%
ISD	Internal Services	35	\$2,401,774	6.26%
WS	WASD	18	\$14,656,720	38.19%
PR	PROS	10	\$527,785	1.38%
LB	Library	8	\$224,781	0.59%
CR	Corrections	4	\$65,088	0.17%
CU	Cultural Affairs	4	\$62,920	0.16%
SP	Seaport	3	\$17,407	0.05%
SW	DSWM	3	\$93,664	0.24%
AV	Aviation	2	\$926,170	2.41%
PD	Police	2	\$574,030	1.50%
PE	RER	2	\$18,319	0.05%
	Total	737	\$38,379,008	100%

Source: Capital Improvement Information System (CIIS)

Note: All MDFR 39 ERT projects were under the 7040 Plan.

VII. OBJECTIVES, SCOPE, AND METHODOLOGY

The objective of the audit was to assess MDFR's utilization of the ERT Pool under the MCC 7040 and 7360 Plans including its compliance with IO 3-53 requirements and the County's Prompt Payment policies. The OIG also reviewed

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects

SBD's responsibilities for administering the ERT Pool. The scope of our review covered the period of October 1, 2018 through September 30, 2020.

The OIG selected a sample of 13 of the 39 MDFR emergency contracts. These samples were selected on a random basis⁴ and amounted to \$226,263 (or 33.5%) of MDFR's total project amount of \$675,837. The scope of work for the 13 projects tested involved emergency roof leak repairs, mold remediation, and fence repairs. Table 2 below identifies each sample selected, as well as the OIG observation noted for each sample. Each observation is discussed in Section VIII of the report.

Table 2: MDFR ERT Sample Projects and OIG Observations

No.	MCC 7040 Number	Project Site Name	Contractor Name	Project Amounts	OIG Observation #		
					1	2	3
1	567-9-ER	Fire Station 9	Enforcer Roofing Corporation	\$ 9,500		X	X
2	571-66-ER	Fire Station 66	Fullcover Roofing Systems Inc.	4,500		X	
3	582-43-ER	Fire Station 43	Bofam Construction Company Inc.	23,250		X	X
4	591-VAR-ER	Fire Station 44 & Hazmat Warehouse	Tequesta Construction Services Group Inc.	44,425			
5	598-63-EF	Fire Station 63	Golden Fence Company Inc.	2,400	X		X
6	605-60-MR	Fire Station 60	911 Protection Corp.	37,500			X
7	609-34-MR	Fire Station 34	911 Protection Corp.	18,700			
8	631-38-MR	Fire Station 38	911 Protection Corp.	6,000	X		
9	637-3-ER	Fire Station 3	SK Quality Contractor Inc.	8,522			X
10	642-55-ER	Fire Station 55	Tequesta Construction Services Group Inc.	16,840			X
11	648-66-ER	Fire Station 66	Florida Building & Supply Inc.	11,878			X
12	651-54-MR	Fire Station 54	911 Protection Corp.	24,000			
13	644-14-ER	Fire Station 14	Florida Building & Supply Inc.	18,748		X	X
				\$ 226,263	2	4	8

Source: CIIS, MDFR provided support.

Observation 1: Documentation demonstrating compliance with the ERT rotational policy was missing from some sampled project files.

Observation 2: MDFR limited the response time for contractors to respond to some emergency RPQs.

Observation 3: Several payments to contractors did not comply with the County's Prompt Payment Policy.

⁴ The OIG used the systematic sampling method. This is a variation of random sampling that requires selecting samples based on a system of intervals in a numbered population. We used this method since it provides a representative sample of the total population and a degree of control in selecting our sample size.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects

For the 13 projects selected for testing, OIG Auditors reviewed MDFR's project files, which included RPQs, award documentation, notices to proceed, purchase orders, proofs of insurance, contractor invoices, and payment records. Auditors also reviewed communications between MDFR staff and SBD staff, and other project information housed in CIIS. Collectively, these records were reviewed to evaluate compliance with the requirements and guidelines of IO 3-53. Invoices and payment records were reviewed to evaluate compliance with the County's Prompt Payment Policy.

OIG Auditors interviewed SBD and MDFR personnel to gain an overview MDFR's administration of ERT projects including procurement, payment, and reporting processes. This review included administrative policies and procedures and process walk-throughs from initiation of request to contractor payment. OIG Auditors also reviewed the County's applicable Implementing Orders, Board resolutions and ordinances, and the Code of Miami-Dade County.

This audit was conducted in accordance with the *Principles and Standards for Offices of Inspector General and with Generally Accepted Government Auditing Standards*. These standards require that we plan and perform the audit to obtain sufficient and appropriate evidence to provide a reasonable basis for our observations and conclusions. Based on our audit objectives, we believe the evidence obtained provides a reasonable basis for our observations and conclusions.

VIII. OIG AUDIT OBSERVATIONS AND RECOMMENDATIONS

Overall, MDFR's utilization of the ERT Pool generally complied with the MCC policies, procedures and requirements. There were a few instances of non-compliance based on our testing of the project files, however, neither individually nor collectively do these instances rise to the level of an audit finding. We found no irregularities concerning invoice documents, approvals or payments. The scope of work described in the RPQs had sufficient detail for pricing the jobs, and the contractor invoices tied to the actual work performed and matched the request/requisition/PO for emergency contractor services. The OIG did not find any deficiencies with contractor registration and election to participate in the ERT pool.

Observation 1: Documentation demonstrating compliance with the ERT rotational policy was missing from some sampled project files.

An emergency project is awarded when an unforeseen or unanticipated urgent and immediate need is identified, which threatens the life, health, safety, or welfare of the community. Once an emergency request has been identified and approved, MDFR contacts and subsequently awards the project to an ERT Pool contractor in CIIS in

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects

accordance with SBD's Contractor Rotational Policy.⁵ This policy requires departments accessing the pool to contact and award the emergency project to the next available contractor in the ERT rotation. The rotation of firms is electronically effectuated in CIIS. MDRF explained that contractors are selected from the ERT Pool according to the requested trade and based on the rotation order. MDRF further stated that contractor's responsiveness (i.e., availability), or lack thereof, is documented and shared with SBD, and is placed in the emergency project file.

OIG Auditors reviewed 13 emergency RPQ projects files to determine whether MDRF complied with the SBD's Contractor Rotation Policy and notified SBD within the required five-day period of award. We noted that in 11 of the 13 RPQ project files, MDRF staff had printed the CIIS rotation list (screen shot) and maintained a copy in the file. This document serves to evidence the rotational order at the time of the emergency procurement. For these 11 RPQs files, the CIIS rotation list confirmed that MDRF contacted the contractors—for the trade required, for example roofing—in the order that they appeared on the list. The remaining two project files did not have the printed CIIS rotation list; therefore, the OIG Auditors cannot authoritatively conclude that the awarded contractors selected were the next contractors at the top of the rotational order. For those two project files, there was only documentation of communication with the contractor and resulting RPQ award documentation. All 13 RPQ files evidenced that MDRF notified SBD within the required five-day period of award.

We note that the inclusion of the CIIS rotation list in the project files is not a requirement of IO 3-53. However, the OIG believes that it should be included as an authoritative document that demonstrates that the rotational policy was adhered to. The CIIS rotation pool was established to equitably distribute emergency projects among the prequalified contractors based on their respective placement in the pool. Evidence of compliance rests on the documentation maintained by the user department. In the absence of documentary evidence, the OIG is unable to conclude whether the contractors were contacted and, thus, awarded RPQs, in the correct order of the CIIS rotation list.

⁵ IO 3-53 states that the SBD's Contractor Rotation Policy is intended to distribute contracts equitably among contractors registered in the 7040 and 7360 Plans based on number of prior contracting opportunities within the plan and contract awards. The contractor rotation process establishes the placement of each contractor for RPQs. Once SBD approves a contractor to participate in the ERT pools and the contractor's profile is complete in the CIIS, the system will allocate the placement of that contractor based on a rotation factor.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
*Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects*

Recommendation No. 1 to MDFR

MDFR should remind its procurement staff to consistently maintain proof that the ERT rotational policy was adhered to by contacting contractors in the order listed in CIIS.

MDFR Response

While IO 3-53 does not require the inclusion of the CIIS MCC ERT listing, MDFR will ensure documentation identifying the MCC ERT listing will accompany every file as an authoritative document that demonstrates that the rotational policy was adhered to.

Recommendation No. 2 to SBD

In order to maintain the integrity of SBD's Contractor Rotation Policy, the OIG recommends that SBD incorporate the CIIS rotation list as part of its training documents and require that departments maintain the printed list in all project files. This will evidence that the first contacted contractor was the next available contractor on the CIIS rotation list. Subsequent contacts to additional firms for obtaining price quotes should be in the order of the rotation list.

SBD Response

SBD agrees with the OIG's recommendation and has updated the Miscellaneous Construction Contracts Training document to include the requirements for departments to print the rotation emergency list providing the names of the firms contacted as a part of the project file. The Miscellaneous Construction Contracts Training document will be provided to all users and will be posted on the Policies & Procedures section of CIIS.

Observation 2: MDFR limited the response time for contractors to respond to some emergency RPQs.

As part of the requirement to participate in the ERT Pool, contractors are required to be available 24 hours a day, seven days a week, and to respond to the department's emergency call within two hours of the call. If a response is not received within the two-hour window, the department will proceed to call the next contractor on the CIIS rotation list until a contractor response results in an award. IO 3-53 also requires departments to report to SBD contractors who fail to respond two consecutive times within two hours of being contacted for an emergency. These nonresponsive contractors may be subject to a six-month suspension and will have to reapply to be part of the ERT Pool when the suspension period has expired.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects

In our review of the 13 RPQ project files, we noted four instances where MDFR staff had attempted contacting the contractor by phone but noted in the file that a voicemail was left. The duration of contacting the contractors and making a selection for award, however, was less than the two-hours allotted for a contractor to respond. In two of the four RPQs, the contractors who were left voicemails were given 15 and 30 minutes to respond. While the other two RPQs did not state a requested time to respond. One of the two RPQs, with no required response time, resulted in eight firms being contacted with three of the contacts resulting in voicemails. The duration time between calls and eventual award was 67 minutes. The second RPQ had no stated contact or given response time, however, MDFR's email correspondences with SBD, from the email notification of the emergency to the email identifying the awarded contractor, had a duration of 17 minutes. None of these four RPQs noted a callback from the contractors who were left voicemails.

MDFR procurement staff advised the OIG that decisions to allow for contractor voicemail response times are determined on a case-by-case basis. MDFR procurement staff noted that each of the four instances noted above was of urgency, as each one dealt with a roof repair. MDFR procurement explained that priority 1 emergencies (such as roof repairs, water intrusion, and mold) impact the fire stations that serve as the firefighters' home away from home. Water intrusion alongside with roof damage can produce mold, which in turn can impact the health of the firefighters, thus, MDFR cannot wait extended periods of time for each contractor to respond to a voicemail. MDFR procurement staff further added that in severe cases no response time is allotted and MDFR calls the next contractors on the rotation list until one respond. For other emergency repairs, MDFR's Facilities Lead Worker will confirm that the emergency is under control and additional time may be allowed for contractor's response; however, this is decided on a case-by-case basis. MDFR procurement staff further added that they maintain documentary support evidencing the nature of the emergency, such as photographs. For the four emergency RPQs noted in this observation, the OIG Auditor saw the photographs evidencing the roof leaks in need of emergency repair.

As for the "within two hour" response time, the SBD Section Chief advised the OIG that IO 3-53 provides departmental guidance; however, whether or not to limit contractor response time is ultimately the department's decision. The SBD Section Chief further stated that the contractor response time limit is dependent on the urgency of the situation that needs to be addressed. SBD recognized that sometimes even short delays can lead to added cost if damage, such as water intrusion or mold, is not timely mitigated. The SBD Section Chief further added that MDFR collaborates closely with SBD concerning emergency repairs and promptly communicates the contact details through email for each emergency and keeps SBD up to date on all progress.

As for whether a firm is suspended when it fails to respond two consecutive times to a department's request, the SBD Section Chief advised that in instances where a

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
*Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects*

contact with the contractor results in a voicemail, the contractor is considered non-responsive. The SBD Section Chief further explained that before a firm is suspended or made inactive in the ERT Pool, SBD staff follows up with the firm to understand why it failed to respond or were not able to meet the project requirement. If the firm's lack of response is justified, a note is placed in the contractor's file. The SBD Section Chief added that MDFR's project documentation confirms that SBD was made aware of each instance where the contractor did not respond and that notations are added in CIIS. The OIG Auditors noted that MDFR project files evidenced that SBD was notified of all contractors contacted, their responses, and whether a voicemail was included. Of the 13 projects files reviewed, no contractor that failed to respond to MDFR's emergency RPQs was suspended or removed from the ERT Pool.

Recommendation No. 3 to MDFR

MDFR should augment its project file by noting why the limited contractor response time was necessary due to the specific emergency.

MDFR Response

MDFR will begin to include contractor response time based on each specific emergency. The Department Division will draft a procedure for time limit responses from emergency contractors under MCC ERT pursuant to the Department's Policy and Procedure II C Facilities Management Procedures and Procedure and Policy, which defines Priority 1 Request (High Priority) service requests as a facility maintenance problem, which jeopardizes the health and safety of personnel, prevents the delivery of fire rescue service or securing of the facility as well as Policy and Procedure II-C-15, Reporting, Management and Mitigation of Moisture Drainage in Stations/Facilities), which defines all water intrusion and mold related issues as emergencies.

Recommendation No. 4 to SBD

Because there appears to be a disconnect between the IO's requirement of responding within two hours of the call and actual practice, and based on the SBD's own position on response time, SBD should seek guidance from the County's Attorney's Office to determine whether IO 3-53 should be amended to address the timeliness of a contractor's response.

SBD Response

Contractors failing to respond to an emergency call in the required amount of time are not considered non-responsive, but instead "non-compliant" with the Miscellaneous Construction Contracts Emergency Response Team pool requirement. Per the OIG's

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects

recommendation, SBD conferred with the County Attorney's Office who advised that an amendment of I.O. 3-53 was an administrative decision. SBD does not agree with a revision at this time, however, we will add additional language to the MCC training document to reemphasize the requirement to follow the response time as noted in the I.O. of two (2) hours. In extreme emergencies when the response time is not feasible, departments may go to the next available ERT contractor.

Observation 3: Several payments to contractors did not comply with the County's Prompt Payment Policy.

Miami-Dade County has established, since the 1990's, a policy of prompt payment to certified SBE firms.⁶ This policy requires payment to be made within 14 days of receipt of the bill or invoice on those amounts not in dispute.

For the 13 emergency projects files reviewed, OIG Auditors determined that payment on five of the 13 project invoices complied with the County's Prompt Payment Policy. For the remaining eight projects, six were paid between 15 and 24 days of invoice receipt date and two were paid 32 days and 44 days of the invoice receipt date. All 13 contractors were certified SBE firms. Table 3 below further details the payment time frames.

Table 3: MDRF Prompt Payment Delay

Item	Contractor Name	MCC 7040 Project	Invoice Amount	Invoice Receipt Date	FAMIS Payment Date	Invoice Receipt Date vs Payment Date
1	Golden Fence Company	598-63-EF	\$ 2,400	7/23/2019*	9/5/2019	44
2	Enforcer Roofing Corporation	567-9-ER	9,500	10/4/2018	11/5/2018	32
3	Bofam Construction Company	582-43-ER	23,250	4/1/2019	4/25/2019	24
4	Florida Building & Supply Inc.	644-14-ER	18,748	8/4/2020	8/26/2020	22
5	Tequesta Construction Services Group Inc.	642-55-ER	16,840	6/18/2020	7/8/2020	20
6	Florida Building & Supply Inc.	648-66-ER	11,878	7/1/2020	7/17/2020	16
7	911 Protection Corp	605-60-MR	37,500	10/7/2019	10/22/2019	15

⁶ See Section 2-8.1.1.1(3)(i) of the Code of Miami-Dade County for the general premise of prompt payment and Section 10-33.02(3)(b)(1)(a) for the specific codification of the prompt payment policy as it applied to SBE construction firms.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects

Item	Contractor Name	MCC 7040 Project	Invoice Amount	Invoice Receipt Date	FAMIS Payment Date	Invoice Receipt Date vs Payment Date
8	SK Quality Contractor Inc	637-3-ER	8,522	6/25/2020	7/10/2020	15

Source: CIIS and MDFR-provided support

* The date of invoice was actually July 16, 2019, however, MDFR considered the work incomplete and requested that the contractor come back to the site to complete/correct its work. July 23, 2019 (the date used for determining the payment turnaround time) was the date MDFR was satisfied as to the work's completion and accepted the invoice for processing.

Our review further revealed that several components of the payment process contributed to the delays, such as the time spent for invoice approval, review of insurance documentation, and the accounts payable process. For example, the payment that was made in 32 days (Item #2), the time duration from the invoice receipt date to the invoice approval date took 21 days, which included four days to verify the contractor's insurance with the ISD's Risk Management Division and an additional six days for MDFR to approve the invoice. MDFR staff concurred that the insurance verification contributed to the delay. The other payment which was made in 44 days (Item #1) included 37 days from the accounts payable voucher date to the payment date. MDFR staff did not have an explanation for the excess account payable processing time.

As it relates to insurance verification, MDFR explained that the request to review contractor insurance documents has been a long-standing practice. While this step is not required by ISD's Risk Management at the departmental level, MDFR requests these documents prior to issuing the NTP and prior to approving payment. MDFR staff emphasized that this process has helped them avoid problems in the past, as they have identified gaps in insurance coverage. While we laud MDFR's verification efforts, given the quick completion timeframes for these emergency repairs, typically under 30 days, insurance verification prior to NTP issuance and invoice approval might be redundant. Payment delays may discourage contractor participation in the ERT Pool, which can be adversely affect the County's need to promptly remediate unforeseen and unanticipated emergencies.

Given the transition to the accounts payable module, there may be opportunities to expedite payment processing across the board for all departments accessing the ERT Pool. As this multi-department audit progresses, OIG Auditors will explore these avenues with the Finance Department and ISD, including its Risk Management Division, to streamline and expedite the payment process.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT
*Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects*

Recommendation No. 5 to MDFR

MDFR should look for steps in the payment processing workflow that can be completed more quickly in order to meet the 14-day turnaround time required of the County's Prompt Payment Policy.

MDFR Response

MDFR works closely with Miami Dade County Internal Services Department Risk Management Division, MDFR Finance Bureau and Miami Dade County Accounts Payable and will look for opportunities to create efficiencies in expediting the payment process of contractor invoices.

IX. CONCLUSION

Overall, the OIG is pleased with MDFR's documentation of its emergency project files. Documentation was consistent, organized and very detailed in RPQs. MDFR files include pictures of the damage, measurement of the affected area, and contained detailed scopes of work to be completed. We noted that the Facilities Division reviewed the contractor's proposal and price estimates to determine if the contractor's price was in line with internal estimates. During the audit, MDFR acknowledged opportunities for improvement and observations identified were promptly explained and addressed upon notification. Accordingly, we expect to see improvements in MDFR's RPQ solicitation practices and heightened compliance.

* * * * *

The OIG has no additional requests from the Administration and considers this segment of our MCC audit closed. We would like to thank MDFR for the courtesies extended to the OIG throughout this audit. We would further like to thank SBD/ISD for its continuing cooperation as the OIG conducts additional audit testing at other departments.

MIAMI-DADE COUNTY
OFFICE OF THE INSPECTOR GENERAL



FINAL AUDIT REPORT
APPENDIX A

**MDFR's Response to the OIG Draft Report
(2 Pages)**

*Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects*

**IG21-0002-A
May 16, 2022**

Memorandum



Date: March 10, 2022

To: Felix Jimenez
Inspector General

From: Alan R. Cominsky 
Fire Chief

Subject: Response to OIG Draft Audit Report - MDFR Department's Utilization of the MCC
Emergency Response Team Pool for Emergency Construction Projects
Ref. IG21-0002-A

Thank you for providing a draft copy of the subject report for the Miami-Dade Fire Rescue Department's (MDFR) review. Below are MDFR's responses to the observations.

OIG Observation No. 1 – The first audit observation notes the absence of documentation in two MDFR project files that demonstrates compliance with the ERT rotational policy. In the remaining 11 files reviewed, MDFR had a copy of the CIIS rotation list, which was utilized for contractor communication and project award. The inclusion of the CIIS rotation list in the project files is not a requirement of IO 3-53, however, the OIG believes it should be included as an authoritative document that demonstrates that the rotational policy was adhered to.

- **Response:** While IO 3-53 does not require the inclusion of the CIIS MCC ERT listing, MDFR will ensure documentation identifying the MCC ERT listing will accompany every file as an authoritative document that demonstrates that the rotational policy was adhered to.

OIG Observation No. 2 – The second observation involves MDFR's ERT quotation practices concerning the response time allotted to contractors to respond to a Request for Price Quote (RPQ). IO 3-53 provides that contractors wishing to participate in the Pool must "respond to the user department's emergency call within two (2) hours of the call, by communicating with a live person from said user department." In four of the 13 project files reviewed, OIG Auditors noted where MDFR's contact attempts to contractors went unanswered and resulted in a voicemail. In two of the four RPQs, MDFR left voicemail messages for the contractor requesting a return call within 30-minutes or less. The other two RPQs did not state a requested time to respond. However, for these four projects, MDFR did not afford the contractor two hours to respond before contacting the next contractor on the list. While we are aware of the emergency nature of these repairs, there is a disconnect between the wording in the IO and actual practice.

- **Response:** MDFR will begin to include contractor response time based on each specific emergency. The Department Division will draft a procedure for time limit responses from emergency contractors under MCC ERT pursuant to the Department's Policy and Procedure II-C-9 Facilities Management Procedures and Procedure and Policy, which defines Priority 1 Request (High Priority) service requests as a facility maintenance problem, which jeopardizes the health and safety of personnel, prevents the delivery of fire rescue service or securing of the facility as well as Policy and Procedure II-C-15, Reporting, Management and Mitigation of Moisture Damage in Stations/Facilities), which defines all water intrusion and mold related issues as emergencies.

Memo to Felix Jimenez

Response to OIG Draft Audit Report - MDFR Department's Utilization of the MCC Emergency
Response Team Pool for Emergency Construction Projects - Ref. IG21-0002-A

Page -2-

OIG Observation No. 3 – The third observation addresses MDFR’s noncompliance with the County’s Prompt Payment Policy, which requires payment to SBE contractors within 14 days of receipt of the invoice on amounts not in dispute. OIG Auditors noted that only five of the 13 projects reviewed were paid within 14 days. Six of the remaining eight projects were paid between 15 days and 24 days and two were paid between 32 days and 44 days. The audit revealed several process components that each contributed to added processing time, such as processing time for invoice approval, review of insurance documentation, and the accounts payable process.

- **Response:** MDFR works closely with Miami Dade County Internal Services Department Risk Management Division, MDFR Finance Bureau and Miami Dade County Accounts Payable and will look for opportunities to create efficiencies in expediting the payment process of contractor invoices.

Miami Dade Fire Rescue Department remains committed to ensure processes are followed pursuant to IO 3-53. Should you have questions or require additional information, please do not hesitate to contact me at 786-331-5112 or via email alan.cominsky@miamidade.gov.

c: Alfredo Ramirez III, Chief Public Safety Officer
Arthur Holmes, Deputy Fire Chief
Raied Jadallah, Deputy Fire Chief
Greg Rubin, Assistant Fire Chief
Marianela Betancourt, Bureau Manager

MIAMI-DADE COUNTY
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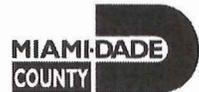
FINAL AUDIT REPORT
APPENDIX B

**SBD/ISD's Response to the OIG Draft Report
(2 Pages)**

*Audit of the Miami-Dade Fire Rescue Department's Utilization of the
MCC Emergency Response Team Pool for Emergency Construction Projects*

IG21-0002-A
May 16, 2022

Memorandum



Date: May 9 , 2022

To: Felix Jimenez, Inspector General

Thru: Alex Muñoz, Director
Internal Services Department

From: Gary Hartfield, Division Director
Small Business Development Division
Internal Services Department

Subject: **Response** - OIG Draft Audit Report of the Miami-Dade Fire Rescue Department's utilization of the MCC Emergency Response Team Pool for Emergency Construction Projects – Ref.IG21-0002-A

This serves as the Internal Services Department (ISD) Small Business Development Division's (SBD) review of the draft Audit Report of Miami-Dade Fire Department (MDFR) use of Miscellaneous Construction Contracts-Emergency Response Team pool. We are pleased that the audit results were noted as compliant and agree with the Office Inspector General's (OIG) two (2) recommendations as noted below:

Recommendation No. 2 to SBD:

- "...incorporate the CIIS rotation list as part of its training documents and require that departments maintain the printed list in all project files."

SBD's Response: Miscellaneous Construction Contracts

- SBD agrees with the OIG's recommendation and has updated the Miscellaneous Construction Contracts Training document to include the requirements for departments to print the rotation emergency list providing the names of the firms contacted as a part of the project file. The Miscellaneous Construction Contracts Training document addressing the updated Emergency Response Team Pool Policies and Procedures will be provided to all users. Also, the updated Miscellaneous Construction Contracts Training document will be posted on the Policies & Procedures section of the Capital Improvement Information System.

Recommendation No. 4 to SBD

- "...seek guidance from the County Attorney's Office to determine whether the I.O. 3-53 should be amended to address the timelines of a contractor's response when contacted for an emergency to be considered as responsive."

SBD's Response:

- Contractors failing to respond to an emergency call in the required amount of time are not considered non-responsive, but instead "non-compliant" with the Miscellaneous Construction Contracts-Emergency Response Team pool requirement. Per the OIG's recommendation, SBD conferred with the County Attorney's Office to determine whether

I.O. 3-53 should be amended to revise the current time specified for contractors to timely respond to an emergency call. The County Attorney Office advised that it is an administrative decision. As such, SBD does not agree with a revision at this time, however, we will add additional language to the Miscellaneous Construction Contracts Training document advising departments to reemphasize the requirement to follow the response time as noted in the I.O. of two (2) hours. In extreme emergencies when the response time is not feasible, departments may go to the next available ERT contractor. Examples of extreme emergencies may be a roof leak with water intrusion damaging County property, emergencies resulting in security breach or life and safety issues.

SBD Division remains committed to ensuring that administration of the Miscellaneous Construction Contracts Program that includes the policies and procedures of the Emergency Pool access are followed. If there are any questions, please feel free to contact Gary Hartfield, Small Business Division Director at 305-375-3152.

C: Edward Marquez, Chief Financial Officer, Office of the Mayor