



Memorandum



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To: The Honorable Carlos A. Gimenez, Mayor, Miami-Dade County
The Honorable Esteban L. Bovo, Jr., Chairman
and Members, Board of County Commissioners, Miami-Dade County

From: Mary T. Cagle, Inspector General

Date: August 7, 2018

Subject: OIG Oversight on RFP No. 00953, Design, Build, Finance, Operate, and Maintain
Civil and Probate Courthouse, Ref. IG-18-0012-O

Attached please find a letter from the Office of the Inspector General (OIG) that was sent to the Chief Judge of the Eleventh Judicial Circuit concerning the above-captioned RFP. This particular RFP has a special provision regarding Key Stakeholders (i.e., the judiciary). Intended proposers to the RFP must refrain from communicating with these key stakeholders. Our letter was sent to the judiciary to advise them of this RFP's special provision, and to request that they report any attempted communications in violation of this provision to the OIG.

The OIG will continue to monitor and provide contract oversight to the Request for Proposal P3 procurement process for a new Civil and Probate Courthouse.

Attachment

cc: Abigail Price-Williams, County Attorney
Edward Marquez, Deputy Mayor
Tara C. Smith, Director, Internal Services Department



Miami-Dade County
OFFICE OF THE INSPECTOR GENERAL
Mary T. Cagle, Inspector General
Accredited by the State of Florida Commission on Law Enforcement



August 7, 2018

The Honorable Bertila Soto, Chief Judge
Eleventh Judicial Circuit of Florida
175 NW 1st Avenue
Miami, FL 33128

Dear Chief Judge Soto:

On August 1, 2018, Miami-Dade County released Request for Proposals No. 00953 entitled *Design, Build, Finance, Operate, and Maintain Civil and Probate Courthouse* (hereinafter the RFP). Pursuant to Section 2-11(t) of the Code of Miami-Dade County, the release of the RFP began a period of what is commonly referred to as the “Cone of Silence.” This provision, which is part of the County’s Code of Ethics, places severe restrictions on communications between County officials, including elected officials and the County’s professional staff; Selection Committee members; and proposed respondents to the RFP. The Office of the Inspector General (OIG), however, is exempt from the Cone of Silence as this allows us to proactively monitor the process and gather information as needed.¹ The Cone will remain in effect until the Mayor makes a recommendation to the Board of County Commissioners for an award of a contract pursuant to that RFP.

The Cone of Silence is intended to ensure that the County’s procurement process is conducted in an equitable and transparent manner and is shielded from undue influences. This RFP, however, is unique, in that the one of the key stakeholders, who will also be the occupants of the resulting project—the judiciary—is not covered by the Cone of Silence. Thus, to further ensure the transparency of the procurement process, a special provision has been included in Section 1.6 of the RFP to address this unique situation. The section, in its entirety, is shown below:

1.6 Key Stakeholders

This Project will be accomplished through the commitment and coordination of several key stakeholders.

- Miami-Dade County is responsible for providing and operating a courthouse.
- The State of Florida, Eleventh Judicial Circuit will be the primary user of the Courthouse.

¹ Staff of the Commission on Ethics (COE) is also exempt from the Cone of Silence for the same reasons; furthermore, Cone violations are prosecuted by the COE.

- The Miami-Dade County Clerk of the Courts and Administrative Office of the Courts will occupy offices and serve the public in the Courthouse.

Respondents and all firms or members of the Project Team ("Team Members") shall refrain from communications with key stakeholders. All proposed communications and questions to key stakeholders shall be submitted in writing to the County's contact person for this RFP ("Procurement Manager") (see RFP, Part A, Section 4.6). A communication in violation of this Section which is determined by the County, in its sole discretion, to constitute an attempt to obtain an unfair competitive advantage may result in the disqualification of the Respondent. (Emphasis added by OIG)

Aside from the potential for disqualification, any attempts by interested respondents to seek information, comments, or preferences from key stakeholders may result in unwarranted delays to the procurement process. Thus, I would appreciate it if you were to share this information with members of the Eleventh Judicial Circuit as they may not be aware of this special provision. Furthermore, should there be any attempt by potential respondents to communicate with members of the judiciary, those attempted contacts should be reported to the OIG as we are fully authorized to investigate all such matters involving this procurement project. Specifically, any attempted contact should be reported to OIG Contract Oversight Specialist Peter Liu at 305-375-1946.

The release of this RFP marks an exciting new beginning for the legal community, as well as for all residents of Miami-Dade County. Please do not hesitate to contact me should you have any questions about the OIG's oversight role on this project.

Sincerely,



Mary T. Cagle, Inspector General

cc: Hon. Harvey Ruvlin, Clerk of Courts, Miami-Dade County
Hon. Judge Jennifer Bailey, Administrative Judge, Civil Division
Joseph Centorino, Executive Director, Commission on Ethics
Tara C. Smith, Director, Internal Services Department