

**City of Coral Gables City Commission Meeting  
Agenda Item J-1  
July 10, 2018  
City Commission Chambers  
405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Raul Valdes-Fauli  
Vice Mayor Frank Quesada  
Commissioner Pat Keon  
Commissioner Vince Lago  
Commissioner Michael Mena**

**City Staff**

**City Manager, Cathy Swanson-Rivenbark  
Assistant City Manager, Peter Iglesias  
City Attorney, Miriam Ramos  
City Clerk, Walter J. Foeman  
Deputy City Clerk, Billy Urquia**

**Public Speaker(s)**

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Agenda Item J-1 [2:26 p.m.]  
Presentation on the Procurement Code Update.

Mayor Valdes-Fauli: Okay, J-1, presentation of Procurement Code update.

City Manager Swanson-Rivenbark: And we'll ask Celeste Walker to come forward.

Commissioner Lago: Before Ms. Walker gives us a great presentation and an update, I want to tell you that I had a great meeting with her the other day. We sat down for probably what, like

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30 minutes or so, and we went over a few different issues that we had discussed at the previous Commission meeting in reference to the high/low standards and implementing that into future RFQs and RFPs. And I think that, you know, we were able to find some common ground.

Assistant Finance Director Walker: I thank you for taking the time.

Commissioner Lago: Along with your memo. Your memo was very thorough.

Assistant Finance Director Walker: Thank you.

City Manager Swanson-Rivenbark: So, this is -- we have a PowerPoint and this is the paper copy.

Assistant Finance Director Walker: Yes.

City Manager Swanson-Rivenbark: Pass them down, sir.

Commissioner Lago: Thank you.

City Manager Swanson-Rivenbark: Go ahead. There's a quorum present.

Commissioner Lago: Yeah. We're good. Let's just start.

Assistant Finance Director Walker: Okay. Well, again, this is the Procurement Code update on the project that we're moving along. As far as the project's goal itself, we are making the evaluation based on trying to make sure that we're doing procurement principles and making sure that we're fair and open as far as transparency in our process that we use. So, that's pretty much the objective of what the project was supposed to be. So, taking that in mind, the City engaged a review and update of our Procurement Code and the regulations, keeping in mind that

we may have to make changes to support some of the findings that we found. The project goal initially was to review the procurement statutes and ordinances to see if our policy was compliant with other state statutes and see if we were in line with some of the best practices throughout the city and the country. We also identified relevant benchmarks and any potential impediments or modifications that we may have to make to our code. The firm that we chose was NIGP. They are the National Institute of Governmental Purchasing. They are a nationally recognized public sector organization. And, my division is a member of the national and the local chapters of the organization. Specifically, they have done projects with state, counties and city, school governments. So, they are well versed in this type of environment with giving advice and knowing what the best practices are so that we can make some changes and updates. Specifically, the consultant that was assigned to us was someone who has an extensive background in this particular area. She's done a number of engagements with some major organizations. Some of them include some aviation organizations, Raleigh-Durham, and also the City of Hollywood, locally, here, so she is someone who is well versed and has the experience. Her name, in particular, is Maria De Lourdes Coss. She is someone who's been in various positions throughout her career, has 25 years of relevant experience and she's been in the trenches. She understands the importance of best practices, and she also understands the importance of relationships between solicitation and our role as procurement and its function. Specifically, the project approach that was used was four-tiered, had four phases. The initial phase was the preparation to start the actual review. So, what they did was gather documents to actually review as far as our Procurement Code and regulations, just so that they can get an understanding of what they were actually going to make an assessment of. The next phase was the data collection. They actually came on site, did actual consultations and meetings with staff, and that staff ranged from the Finance Director, Procurement staff, the City Manager, City Attorney, and also, the auditor, so they can get some one on one information from the actual City staff. The third phase was the analysis. They made an assessment based off of the conversations, and also, the information that was actually gathered. So, during that assessment evaluation, they also defined some areas where they thought that we could do some actual improvements. The last was the report and deliverables, which we're sort of still in that phase.

The phase is for them to actually update the Procurement Code. They are doing that based, again, on best practices, information that they learned, and also timing and making sure that we're compliant with state requirements as far as what is utilized throughout the state. So, keeping that in mind, they did reveal some areas for improvement. Those specific areas are specifically relevant to the organizational structure, best practices and efficiencies through the use of technology. The proposed recommendations to the Procurement Code are to modernize and align the directives with best practices and transparency. The recommendations that they may were -- or proposed at this time was to update the code definitions to achieve consistency and alignment with NIGP standards. They also wanted to address the authority limits that's reflected, so that they're aligned with current markets so we can make the thresholds consistent, so consistent between Good & Services and Construction, since they're both different as far as the Code is listed now. They wanted to address the Procurement Code exemptions, restructure the protest process so that we can be in line with, again, best practices that are used through other governmental entities, so just sort of like streamline that process. We also want to -- they recommended addressing unauthorized purchases. Inserting living wage requirements for applicable contracts, updating our Cone of Silence, updating the Bid Security language, updating our methods of procurement, so that we can be inclusive of some other methods that are used throughout the City and the country as far as procurement practices are concerned. We're addressing the contract administrative responsibilities and addressing collusion and the handling of resolutions -- disputes, sorry. The next steps is we're going to finalize the internal review of the proposed changes and that's with the City Attorney and the City Manager. We're hoping for that to take place sometime between July and August of this year. The next is that we do want to conduct a Commissioner workshop, so that we can share with you the actual proposed changes and recommendations that were not only made by the actual consultant, but also, staff's input. So, we're hoping to do that sometime in September. And then, of course, once that is finalized, then we will submit the updated Code for First and Second Reading in October.

Mayor Valdes-Fauli: Let me ask you a question.

Assistant Finance Director Walker: Yes, sir.

Mayor Valdes-Fauli: And this is very impressive, what you've done here, but how will this have prevented the outlier and the votes on the hurricane pickup efforts, you know, somebody giving somebody such a low score that they were totally out of range? How could this have prevented that?

Assistant Finance Director Walker: The Code changes wouldn't, but the memo that I submitted on, I believe, July 2...

Commissioner Lago: Yeah.

Assistant Finance Director Walker: Were some of the recommendations that I put in place with that. Specifically, I am going to streamline the process with giving detailed instructions to the actual committee members and even offering training, specifically, asking them to adhere to the actual criteria and scoring guidelines we have put together for them. And to also offer sub-scoring as far as subcategories. Typically, right now, we have four categories and the points are assigned to those categories. However, in each one of the categories, there are sub sort of questions and requirements. And so, we're going to be assigning points at the sublevel so that you can actually see the specific outlier, and that'll make it easier for us to point that out. And also, prior to us finalizing the scoring, it's also going to be part of our conversation with finalizing the scores with the evaluation committee members, so that we can point out those types of discrepancies and also have some additional conversation to make sure everybody's aware of if there's any discrepancies in scoring.

Commissioner Mena: I had a -- Does that answer your question?

Mayor Valdes-Fauli: Yeah.

Commissioner Mena: One of the bullet points here was to update the Cone of Silence. I had a question on that, which was -- I know, for example -- or, at least, I've been told that the Cone of Silence, like in the County, for example, is a little more limiting than ours.

City Attorney Ramos: That's correct.

Commissioner Mena: I just -- as far as my view is concerned, I would not want to limit our -- as a Commission, Cone of Silence further than what it is now.

City Attorney Ramos: And so, remember, that since it's an ordinance, ultimately, it'll come to you and if there's anything in our proposed changes that you don't like, it's up to you to change it.

Commissioner Mena: Well, I just want to articulate...

Commissioner Lago: Well, I made it clear...

Commissioner Mena: Now...

Commissioner Lago: I don't even want to -- I would like...

Assistant Finance Director Walker: That is one of the recommendations from the actual...

Commissioner Mena: Right.

Assistant Finance Director Walker: Consultant based on best practices.

Commissioner Lago: But what is their recommendation?

Assistant Finance Director Walker: Their recommendation is that the Commission be included in the Cone of Silence.

Commissioner Keon: In the Cone.

Commissioner Lago: I don't know why -- I disagree, wholeheartedly. I disagree. I want to make sure that we have as much opportunity to get both sides of the story in every case that we're dealing with. So, you know, especially like I've mentioned before -- and I'll mention it again. Sunshine is great, but again, Sunshine only allows us to have conversations via memos or on this Commission floor, so it becomes a problem to actually be able to get information out -- disseminate information, or to listen to the residents, or to listen to individuals who have a little bit more information on that certain topic that we're talking about. So, I want to -- like Commissioner Mena said, I would not like to see that at all. Anything that limits our ability on that aspect gives me great concern.

Commissioner Keon: You know, I'd asked...

Assistant Finance Director Walker: Any questions?

Commissioner Keon: In -- with regard to what the Mayor was just asking about, you know, if the scoring and how people score. I really would like to see people that have subject matter knowledge on those -- on the panels that do the scoring. I mean, I think it's, you know, nice to have the public represented, but if it's going to be the public, then have it -- someone from the public that has knowledge of the item for the RFP.

Assistant Finance Director Walker: That's also one of the recommendations that was actually included in the memo as well, so we're trying...

Commissioner Keon: Okay. I thought I had seen it.

Assistant Finance Director Walker: To align the actual...

Commissioner Keon: I just wanted to make sure.

Assistant Finance Director Walker: The actual experience of everyone on the evaluation committee with the actual proposal...

Commissioner Keon: Right.

Assistant Finance Director Walker: Topic.

Commissioner Keon: Okay.

Assistant Finance Director Walker: Yes, ma'am.

Commissioner Keon: Alright, thank you. This is wonderful.

Mayor Valdes-Fauli: Thank you.

Commissioner Keon: Thank you.

Mayor Valdes-Fauli: Any other questions?

Commissioner Mena: Thank you.

Commissioner Keon: And your memo was great.

Mayor Valdes-Fauli: Thank you very much.



Assistant Finance Director Walker: Thank you.

Commissioner Keon: Thank you.