

Meyers, Robert (COE)

INQ 10-182

From: Meyers, Robert (COE)
Sent: Monday, November 08, 2010 3:30 PM
To: Singer, Miriam (DPM)
Subject: RE: US Communities Advisory Board- Consultation

Dear Miriam:

Thanks for the information and I apologize for not responding sooner. The critical question is whether the entity covering the costs connected with your business trip as a member of the US Communities Advisory Board falls under the definition of County contractor, vendor or service provider. If US Communities were so defined, you would be prohibited from accepting travel or travel-related expenses from this purchasing cooperative. It would be a real stretch to conclude that US Communities should be held to the same standard as companies transacting business directly with Miami-Dade County. Therefore, based on your explanation of the relationship between US Communities and Miami-Dade County, I find that Section 2-11.1(w) would not be violated if your travel expenses were underwritten by US Communities.

If you wish to discuss, feel free to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust

From: Singer, Miriam (DPM)
Sent: Friday, October 29, 2010 4:29 PM
To: Meyers, Robert (COE)
Cc: Hudson, Celia (DPM)
Subject: US Communities Advisory Board- Consultation

Hello Robert:

As a follow up to our talk last week, I would like your advice of the following.

I have been invited to serve as a member of the US Communities Advisory Board. US Communities is a national purchasing cooperative founded by five national associations.. including National League of Cities, NIGP and NACO. US Communities was established by a company named HB Capital Resources in Walnut Creek, California. I have attached the nomination letter from Rick Grimm, Chief Executive of NIGP. Individual jurisdictions that serve on the Advisory Board act as lead agencies in issuing contracts that are accessed by other public procurement agencies across the US. Miami Dade County accesses some of the competed contracts, where best value is confirmed, that are established by these jurisdictions. Lead agencies also receive a small percentage of the sales generated by the purchases made from contracts established by their respective jurisdictions. US Communities staff is funded by a percentage of the revenue from the purchases made by jurisdictions. These funds come from the vendors that are selected through competitive processes.

Each year, the Advisory Board meets to conduct business. The expenses associated with this business trip are covered by US Communities. The participating advisory board members are not responsible for any of the travel or lodging costs associated with this meeting. Based on your review of the Code in regard to acceptance of funded travel expenses by a county employees, is it proper to accept the airfare and lodging from this organization, or shall we cover the expense? Should you have any questions, please do not hesitate to call me.

P.S. Below is an e-message that my colleague Art Hanby of San Diego shared with me that was prepared for his School Board attorney who inquired as to the legal structure of US Communities in regard to Art's service as an Advisory Board Member. As far as I know, all other purchasing directors accept the travel and lodging. I want to make sure that I comply with our Code of Ethics and all appropriate county policies. << File: Letter from Rick Grimm (NIGP).pdf >>
Thanks,

Miriam

From: Richard Watson [<mailto:rwatson@uscommunities.org>]
Sent: Thursday, May 08, 2008 9:43 PM
To: Hanby Arthur
Subject: U.S. Communities

U.S. Communities is a California nonprofit public benefit corporation that has received Section 115 determination from the IRS. We thus refer to it as a nonprofit instrumentality of government. It serves as the marketing and administrative manager of certain contracts that have been competitively solicited by local government entities and made available by those agencies for piggyback use by other public agencies. U.S. Communities does not itself solicit or award these contracts. In the case of the GTSI offering, this is a contract awarded by Fairfax County, VA to GTSI that is made available for use by Fairfax to other public agencies under the U.S. Communities moniker. From a legal use perspective, the U.S. Communities association is irrelevant--when you use this contract you are simply piggybacking on a Fairfax County competitively-solicited contract.

Richard

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Visit our website at: <http://www.miamidade.gov/dpm>