

Meyers, Robert (COE)

IND
04-114

From: Meyers, Robert (COE)
Sent: Tuesday, September 21, 2004 5:52 PM
To: Scher, Ray (OSBM)
Subject: RE: Ethics Question - User Conference

Ray,

This is to confirm that we conversed about an annual conference that Active Strategy (a County bidder) is holding and whether it would be proper for this company to waive your registration fee. The Conflict of Interest and Code of Ethics Ordinance specifically prohibits County employees from accepting travel expenses, including but not limited to, transportation, lodging, meals, registration fees and incidentals from any county bidder or proposer. In the instant case, Active Strategy meets the definition of a bidder and, therefore, is prohibited from waiving your registration. This is based on the fact the registration fee is not being waived for all attendees and its value can be calculated. Under the circumstances, it is perfectly acceptable for you to attend to conference, but the County ought to pay all travel-related expenses, including the registration fee of \$295.

Finally, because the bid process is still open and Active Strategy remains an active bidder, it would be a violation of the Cone of Silence for you to discuss the RFP process with any employee of Active Strategy.

If you have any additional questions, feel free to contact me at your convenience.

Robert Meyers

-----Original Message-----

From: Scher, Ray (OSBM)
Sent: Tuesday, September 21, 2004 11:04 AM
To: Meyers, Robert (COE)
Subject: Ethics Question - User Conference

Background:

- Miami-Dade County was seeking to procure and implement an enterprise-wide performance management system to capture and manage performance data across all departments and develop executive performance tracking and reporting with respect to the County's Countywide Strategic Plan goals and desired outcomes and supporting business plan objectives. The initiative is a critical component that is essential to effectively manage our strategic management approach.
- The County issued a Request for Proposals (RFP) for Performance Management Software (RFP434) in June 2004. Six vendor proposals were received by the RFP submission deadline of July 9, 2004.
- There was a Black Business Enterprise (BBE) selection factor provision in the RFP, however, none of the six proposing vendors were eligible for the selection factor (they were not certified).
- The Evaluation Selection Committee (which I was a member of) evaluated the proposals in July and early August; on August 19, the final scoring was completed by the Committee (all six vendors were awarded 0 points for the BBE selection factor); Active Strategy was awarded the highest points on total criteria, including price.
- Arrangements for contract negotiations were being made between the County and Active Strategy when the federal court ruling regarding selection factors halted all pending contract awards. No final decision for moving forward has been made at this time.
- Active Strategy is holding their annual conference in Philadelphia this week; I made tentative travel arrangements (airline and hotel reservations) which the County is paying; the registration fee (\$295 per attendee has been waived by the vendor).

I would like to attend the conference as it provides an important and unique learning opportunity to network with other organizations that have implemented an automated performance management system.

Given the entire scenario however, I am seeking an Ethics opinion prior to attending the conference. If you need any additional information, you may contact me directly at 375-1374; if you have additional information regarding the RFP or Procurement, Rogelio Anasagasti is the Procurement Contracts Officer for this project and can be reached at 375-5663.

Thanks for your prompt response.

Ray A. Scher
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