

OFFICE OF THE INDEPENDENT ADVOCATE
REPORT OF INVESTIGATION

K #:10-035

Date Opened: 3/11/10

Date Closed: 10/19/10

Name of investigator: Breno Penichet and Kennedy Rosario
.....

Allegation:

Reference is made to the Miami-Dade Police Department Public Corruption Investigations Bureau (PCIB) report #10-020 incorporated into this report as attachment 1.

Said report was forwarded to COE Investigator Rosario as “information” and for “additional assessment.”

According to the report, Ray Davalos (Davalos), Building Management Systems Support Manager for the Miami-Dade County Aviation Department, is alleged to have violated the Miami-Dade County Cone of Silence.

The allegation was brought forward to PCIB by Miami-Dade County Department of Procurement Management (DPM) Director Miriam Singer and members of her staff.

Investigation:

The report chronicles the efforts of PCIB to corroborate the allegations by Basia Pruna, the Supervisor of DPM Bids and Contracts Unit, that Davalos, while the Cone of Silence period was in effect regarding the awarding of a contract entitled Contract #7580 Door-O-Matic Door Repair and Maintenance, may have “revealed specific details”....to representatives from Dash Door and Close Service, Inc., (DDCS) a vendor/bidder.

PCIB concluded that Davalos did not benefit in any means by official misconduct or unlawful compensation and further concluded that "the allegation has been addressed in an administrative manner".

This "administrative manner" in which the situation was addressed consisted of Davalos receiving "verbal counseling" by Aviation Department Director Jose Abreu. The report further quotes Director Abreu's opinion that "Mr. Davalos may have disclosed details of the contract to vendor representatives in an inadvertent manner while in the process of securing specifications required by the contract".

The COE met with DPM staff as complainant, during the course of this meeting DPM made reference to an issue of concern....An assessment of the current contract involves the repair and maintenance of the automatic doors It is usual that Aviation discovers a door in need of repair, often times during other than normal business hours, Aviation calls out to DDCS for the repairs, DDCS upon completion of the repairs, submits an invoice for payment that includes the number of labor hours, number of employees and cost of parts. DPM commissioned an "audit" of these invoices and in their opinion felt that this was an area that needed further scrutiny.

The audit was compiled by Neivy Garcia, Aviation Commodities Management Division Director.

Garcia met with the COE and, in anticipation of the subject matter, supplied the COE with copies of the documents, i.e. invoices, utilized to complete the DPM requested audit.

Garcia stated that her division is not the Aviation entity that oversees the actual work order and/or supervision of the actual repair/maintenance done by DDCS.

The COE subsequently spoke with the OIG MIA office in regards to these invoices. The OIG indicated that they would reach out to Aviation's Standard & Compliance Division for a possible review.

Note: PCIB was also advised.

As to the Davalos inquiry, Garcia explained her role in the contract process and her concern that DPM did not fully engage her in formulating the contract specifications. Garcia however did not have any pertinent information as to a possible cone of silence violation.

DPM staff supplied both PCIB and later the COE with a summary of what they believe indicates Davalos cone of silence violation, attachment 2.

The COE Investigators met with Davalos and fully explained the concerns DPM voiced. Davalos was also given a copy of attachment 2 which he used to, in written form, explain / rebut allegations. Davalos rebuttal has been incorporated into this report as attachment 3.

The Davalos rebuttal was later discussed with DPM Director Singer and her staff, DPM decided not to further respond.

CONCLUSION:

The COE Investigators, after speaking with most of the parties involved, PCIB Detectives and reviewing submitted documents including electronic communications construe this incident as an inter-departmental squabble. In the PCIB report it is stated that Davalos 'may have disclosed details of the contract.....in an inadvertent manner'. The report also states that Davalos was removed from the contract process by the Aviation Director.....therefore it is recommended that no further action by the COE is warranted.