

Commission on Ethics & Public Trust

Miami-Dade County, Florida Memorandum of Investigation

Case Number: K 05-12 RFP478 Palmetto Golf Course - Keg South

Ordinance:

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1t Cone of Silence.

Background:

This investigation began as a result of an e-mail that was faxed on February 10, 2005 from Isabel del Pino, President of IJK Corporation.

Investigation:

On February 11, 2005, this investigator contacted Ms. Isabel Del Pino at her cellular phone to discuss the above referenced e-mail. She explained the following:

- * The Parks Department may have by passed the RFP process for RFP #478, Palmetto Golf Course Food and Beverage Services.
- * The pre-proposal conference for the above referenced RFP was held on January 5, 2005. Karl Allen of UK and other firms attended the pre-proposal conference see attendance sheet attached.
- * The proposals were due on February 12, 2005. UK Corporation and Toby's Frozen Lemonade were the only companies that submitted a proposal. However, Del Pino noticed that Keg South of Kendall, whom did not submit a proposal, is fixing up the place, installing the phones today and opening up next week.
- * Butch Labuzan of Sports Grill attended the pre-proposal conference. He has a business relationship with Keg South. Did someone in Parks violate the "Cone of Silence"? by having engaged in negotiations with Keg South when Mr. Labuzan was a potential proposer, under Sports Grill.
- * She has asked the above questions to Ms. Miriam Singer, Director of Procurement and J.C. Romano, Procurement Contracting Officer, but has received no response.

On February 23, 2005, investigators Yolanda Bielovucic and Manuel Diaz met with Miami- Dade's Park and Recreation MDPR Department Director, Vivian Rodriguez, Assistant Director, Allison Diego, and Operations Coordinator Operations Management, William Irvine to discuss the RFP process for RFP #478, Palmetto Golf Course. They explained the following:

- * The lease agreement for Palmetto Golf Course expired on January 30, 2005 and MDPR has been working closely with the Department of Procurement in issuing the RFP. The RFP process was extended and MDPR was unable to expeditiously award a new contract without interrupting service to the patrons. Subsequently, in order to provide continuity of service to patrons, MDPR opted to utilize the Permit process until the RFP process is completed.
- * Administrative Order No.: 8-5, Permission to Conduct Private Business on Public Property allows the County to enter into permits for a specific time period not to exceed one 1 year in duration and may be revoked at any time at the discretion of the County Manager. Permits have the option for renewal once for a second year, upon approval by the County Manager.
- * Roger Lewis, Contract Manager for MDPR negotiated the permit.

Copies of the existing lease agreement and permit were requested from MDPR.

On February 28, 2005, investigators Yolanda Bielovucic and Manuel Diaz met with Roger Lewis, Contract Manager for MDPR. He explained that in order to process the permit he did the following:

- * He met with Sports Grill on January 5, 2005 to discuss the permit.

On February 1, 2005, MDPR issued a permit to Sports Grill to provide temporary services until the

RFP process is completed. The permit expires on April 30, 2005.

On March 7, 2005, investigators Yolanda Bielovucic and Manuel Diaz met with J.C. Romano, Procurement Contracting Officer to verify the delay of the RFP process. He explained the following:
* The proposals were due on February 2005. The evaluation/selection process has been completed. However, the committee has requested oral presentations which are scheduled for January 21, 2005.

Findings:

The lease agreement for Palmetto Golf Course expired on January 30, 2005 and MDPH was unable to expeditiously award a new contract without interrupting the service to the patrons. In order to provide continuity of service to patrons, MDPH opted to utilize the Permit process until the RFP process is completed. Based on this, on February 1, 2005, MDPH issued a permit to Sports Grill to provide temporary services until the RFP process is completed. The permit expires on April 30, 2005. Based on the above, there is no evidence that the Parks Department may have bypassed the RFP process for RFP #e78, Palmetto Golf Course Food and Beverage Service. I recommend this case be closed. If additional information is developed the case may be reopened.

Date: 04/15/05

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