

**MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
OFFICE OF THE INDEPENDENT ADVOCATE**



REPORT OF INVESTIGATION

#K11-094

Date Opened: 07/05/11

Date Closed: 08/04/11

Investigator: Sylvia Batista

On July 1, 2011, the COE received an e-mail from an anonymous source regarding a possible violation involving the renewal or awarding of contracts by South Florida Workforce to operate additional One Stop Centers in Miami-Dade County.

The e-mail sets forth information regarding Juan Hernandez who is the Adult Program Manager for South Florida Workforce, and allegedly has been involved in the scoring process for the upcoming contracts along with several members of his staff. The source advises that a bidder for the contracts is Adults Mankind Organization, Inc. (AMOR). AMOR already holds Refugee and Youth Program contracts with South Florida Workforce, and currently employs Juan Hernandez's spouse.

The COE's issue relates to a violation of the Conflict of Interest and Code of Ethics Ordinance Section 2-11.1(d) *Prohibition on transacting business with the County*.

Investigation:

7/27/11 – Juan Hernandez, Program Manager for South Florida Workforce

OIA investigator contacted Hernandez and informed him of the questions raised in the e-mail. Hernandez advised that his spouse, Ana Hernandez, is an employee of AMOR, and has no financial interest in the company. Hernandez explained that AMOR has the contract for the Youth Program and his wife is in charge of it. Hernandez said that he manages the Adult Programs only. Hernandez also stated that neither he nor his staff were involved in the selection process. Hernandez explained that the selection is made by Rick Beasley, Executive Director of South Florida Workforce, and Philip Edwards, Policy Coordinator.

7/29/11 – Rick Beasley, Executive Director -

OIA investigator interviewed Rick Beasley. Mr. Beasley said that a similar e-mail was also sent to the South Florida Workforce offices raising questions about Juan Hernandez's role in the selection process. Mr. Beasley stated that 3 or 4 years ago, knowing that such questions could come up, he asked Juan Hernandez to recuse himself from the RFP process. Mr. Beasley said that he saw that there might be a problem and did not want anyone questioning Juan Hernandez because his spouse works for one of their providers.

Mr. Beasley explained that their RFP process is a blind bid process in that the scorers do not know the identity of the person being scored. Only he and

Philip Edward, his policy coordinator, know the identities of the applicants. Mr. Beasley advised that he put a rating tool in place to take out the subjectivity from the process. Once the rating tool is drafted, it is given to the people selected as raters.

Mr. Beasley explained that Juan Hernandez was involved in the selection as a rater in a blind bid process which conceals the bidders' identity. Mr. Beasley advised that the bidders identity is not known until the scores are released and certified by the designated person. Mr. Beasley said that after the scores are finalized, he makes the recommendation as to who should be awarded the contract. Mr. Beasley said that he did not recommend anyone for this last RFP because no one scored a minimum of 80 points. Eighty points is the minimum that a bidder must score in order to win the contract.

Mr. Beasley explained that once the scores are in, the identity of the bidder is disclosed in a public forum. The document submitted by the raters is notarized and cannot be changed once it is submitted. Mr. Beasley stated that he is the only person making the award recommendation.

Conclusion:

OIA investigator did not find any evidence indicating that Juan Hernandez or his spouse, Ana Hernandez, violated the Conflict of Interest and Code of Ethics Ordinance. For that reason, no further action will be taken by the OIA on this matter.