



CASE CLOSED
Date 3/16/18

Miami-Dade Commission on Ethics & Public Trust

Report of Investigation

Investigator: Larry Lebowitz

Case: PI16-05	Case Name: Carvalho	<u>Date Open:</u>	<u>Date Closed:</u>
Complainant(s): COE [Referral via Miriam Singer, ISD]	Subject(s): Alberto M. Carvalho, Superintendent of Schools	2/9/2016	

Allegation(s):

Whether the Superintendent of Schools violated the Cone of Silence by calling the Mayor to discuss the School District's role in the redevelopment of the Liberty Square and Lincoln Gardens public housing projects. The call occurred at a time when the competition was still under the Cone and the school district had submitted a letter of endorsement for one of the six teams vying for the redevelopment project.

Relevant Law:

Miami Dade County Code of Ordinances, Sec. 2-11.1 (t) Cone of Silence. (a) Prohibition on any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist or consultant and the County's Mayor and his or her staff during a defined period. Procedures are found at (b)(i-iii)

Investigation:

Interviews:

Alberto M. Carvalho, Superintendent,
Miami-Dade County Public Schools (MDCPS)
March 30, 2016.

The superintendent was interviewed by this Investigator and the Advocate at his office. The superintendent's lawyer, Roberto Martinez, and several members of the superintendent's staff, were

present. A copy of the interview is burned to a disc and included in this file.

Carvalho said he was unaware that MDCPS personnel had actually submitted an endorsement letter under his signature for one of the competing bidders on the Liberty Square project, the Miami Waymark 2.0 JV LLC team. The letter, dated June 25, 2015, was signed by autopen. Carvalho says he "signs" lots of documents in this automated manner given the volume of work requiring his signature. The letter was requested by Dr. Jocelyn Lawrence of the University of Miami School of Medicine. Dr. Lawrence's husband, Matthew, was one of the developers in the Miami Waymark joint venture.

Carvalho testified that he was unaware the letter had been included in the Miami Waymark package when he called Mayor Carlos Gimenez in late January 2016 to discuss the school board's anticipated role in providing services for whichever team won the Liberty Square proposal.

It should also be noted that Miami Waymark had already been eliminated from the high profile competition at the time Carvalho attempted to contact the mayor. [The calls were made from Carvahlo's personal cell phone to the Mayor's personal cell phone]. Only two teams remained at the time of the attempted call: Related Urban Development Group (RUDG) and Atlantic-Pacific Communities (APC).

Carvalho further testified that he was unaware which teams were still in the competition at the time and that he only had some general questions and concerns he wished to discuss with the mayor regarding the Liberty Square redevelopment. MDCPS, he said, would have a role in providing services regardless of which team eventually was selected to redevelop Liberty Square and Lincoln Gardens.

Interviews:

Alex Ferro, Chief of Staff

Office of the Mayor

Via phone and text message on Feb. 16 and 17, 2016

Ferro was asked to find out if the Mayor still had a record on his personal cell phone, or some other record, exactly when Carvalho attempted to contact the Mayor.

According to Ferro, the call was received in the late afternoon/early evening of Jan. 27, 2016, and was approximately 1 minute long. The mayor tried to find the call in his call history but it didn't go back that far by the time of the COE inquiry.

Interviews:

Antonio Prado, Executive Director,

Collective Empowerment Group (CEG)

March 8, 2016

Prado is executive director of CEG, a faith-based non-profit that provides services in low-income Miami communities. A CEG affiliate, Miami 2.0 Inc., was partnering with three local developers and Community Housing Partners of Christiansburg, VA to redevelop Liberty Square. The group's submittal included the June 25, 2015 endorsement letter signed by Carvalho on MDCPS letterhead.

The group's application didn't make the final cut with the selection committee.

The Community Housing Partners/Miami Waymark 2.0 Joint Venture LLC proposal included a variety of endorsements and solicited letters of support from various "partners" --- including Carvahlo/MDCPS and the University of Miami... [Dr. Joycelyn Lawrence, head of the UM Department of Family Medicine and Office of Community Health Affairs, is the wife of Matthew Lawrence, one of the lead developers on the Waymark team]

UM and MDCPS already partner on delivering health care services and health education in nine schools in the county over the last 15 years. Carvalho and UM were essentially committing to the Waymark team to provide similar services at a school to be built inside the Liberty Square redevelopment. They were

still discussing whether to build a clinic inside a school or as a standalone facility; the important piece, at the proposal phase, was to show the commitment to provide these necessary services in the community.

Prado said there was no formal contract at this stage, simply a letter of support or intent. [He said in process of soliciting support from the community, the proposers were seeking letters of support, Memoranda of Understanding or fleshed-out “teaming” agreements]

Interviews:

Indira Rajkumar-Futch, Procurement Contracting Manager,
Miami-Dade Public Housing and Community Development
Several conversations in February and March 2016
and followups in June 2016 (see PI 17-25)

Rajkumar-Futch is the non-voting chair of the large evaluation, selection and negotiating committee that was charged with evaluating, selecting and ultimately negotiating a developer’s agreement with the winning team for the highly contested Liberty Square redevelopment project.

She provided extensive background on the various submitting teams, plus a copy of the disputed letter from the Miami Waymark proposal, plus the scoring sheets that had been in the news and other background regarding the initial scoring problems and the rescoring involving Sara Alvin Smith, appointed to the selection committee because she was chair of the Liberty Square Residents Council.

Rajkumar-Futch confirmed the timeline for when the Cone of Silence started with the advertisement to proposers in May 2015. [The Cone was lifted in April 2016 when the mayor’s office recommended that the BCC adopt the proposed award and contract to RUDG]. She also confirmed that Miami Waymark 2.0 was among the teams that was no longer in consideration after the initial scoring in October 2015, and subsequent controversies that led the mayor’s office to seek Best and Final Offers (BAFOs) from the two finalists – RUDG and APC – in January 2016.

Document(s) Reviewed:

Various documents provided by PHCD regarding the selection process for RFA-2015-01

Document(s):

See closed COE file PI-16-25/IG 16-14

Document(s):

See originating case email. Case was referred to COE by Miriam Singer, Assistant Director ISD-Procurement after a conversation with Mayor Carlos Gimenez.

Document(s):

Miami Herald, Miami Times and Miami New Times clippings regarding the proposed redevelopment of Liberty Square / “Pork ‘n Beans.”

Document(s):

Endorsement letter dated June 26, 2015 from Miami-Dade County Public Schools Superintendent Alberto M. Carvalho to Dr. Jocelyn Lawrence, University of Miami Miller School of Medicine, Department of Family Medicine and Office of Community Health Affairs.

Conclusion:

The mayor and his administration were being extra vigilant to assure that a Cone of Silence violation wasn't about to occur on a coveted, high-profile project such as Liberty Square when Singer contacted COE in February 2016.

To violate the Cone, Subject Carvahlo, or MDCPS, would have had to be part of one of the teams competing for the Liberty Square contracts. At best, MDCPS provided an endorsement letter to the Miami Waymark 2.0 team for its submittal package with Carvalho's signature. It would be a stretch to say that MDCPS was a participant in the lobbying effort for Miami Waymark – or any other team.

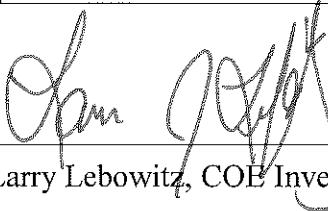
Even though the Cone of Silence was still in place in late January 2016 when Subject Carvalho called the Mayor regarding Liberty Square, the Superintendent testified that he was unaware that MDCPS had submitted the auto penned endorsement letter for the Miami Waymark team.

There is no evidence that Carvalho was lobbying on behalf of Miami Waymark, or any other team when he called the mayor. Further, given the need for educational and other social services in the redeveloped community, MDCPS would have likely had to "partner" with any of the prospective winners of the county competition.


Further, the Miami Waymark group was already on the sidelines. With the mayor's blessing, the selection committee was seeking "Best and Final Offers" (BAFO's) from the two top-ranked teams vying for the Liberty Square redevelopment: RUDG and APC.

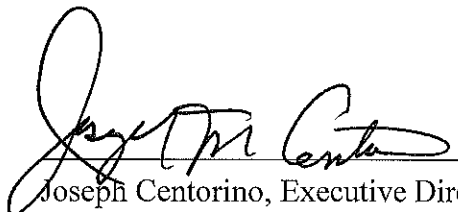
There is no evidence that Carvalho attempted to lobby on behalf of Miami Waymark to get them back in the competition, nor is there any evidence that he was attempting to persuade the mayor or his staff to influence the committee's decision regarding the BAFOs submitted by the two remaining finalists.

Recommend that the case be closed.

 3/6/18
Larry Lebowitz, COE Investigator

Approved by:

 3/6/18
Michael Murawski, Advocate

 3/6/18
Joseph Centorino, Executive Director