



**CASE
CLOSED**

Miami-Dade Commission on Ethics & Public Trust

Date: 11-25-19

Investigative Report

Investigator: Karl Ross

Case: K19-36	Case Name: CAD Services RFP	<u>Date Open:</u>	<u>Date Closed:</u>
Complainant(s):	Subject(s): Thomas Gross, Miami-Dade ITD Division Director; Larry Helms and Clark McCall, sales reps for Motorola Solutions Inc.	Sept. 9, 2019	

Allegation(s):

Concerns were brought to the attention of COE that Thomas Gross (Gross), Radio Division Director for the Miami-Dade Information Technology Department ("ITD"), may have improperly interfered in an ongoing procurement (RFP No. 00589) to replace the County's existing Computer Aided Dispatch ("CAD") Services program for the Police and Fire-Rescue departments.

Between 2011 and 2016, Gross was employed by Motorola Solutions ("Motorola") – the County's incumbent CAD vendor – and has been involved in negotiations with the top-ranked proposer to replace Motorola for the pending RFP, as well as negotiations with Motorola to temporarily extend its services under the expiring "legacy" contract. Such an extension was viewed as necessary to maintain 9-1-1 services during the transition to a new provider.

Concern was raised as to whether Gross may have violated the County's "reverse 2-year rule," found in Subsection (x) of the ethics code, banning involvement with the administration of contracts for a County employee's former employer, in this case, Motorola.

Relevant Ordinances:

The Miami-Dade ethics code states in Subsection (x) that no person ... who was previously employed by or held a controlling financial interest in a for-profit firm, partnership or other business entity shall for a period of two years following termination of his or her prior relationship with the business entity, perform any County contract-related duties regarding the business entity, or successor in interest, whether the business entity is a County bidder, proposer, service provider, contractor or vendor. As used in this subsection, "contract-related duties" include, but are not limited to, service as a member of the County certification, evaluation, selection, technical review or similar committee; approval or recommendation of award of contract; contract enforcement, oversight or administration; amendment, extension or termination of contract; or forbearance regarding any contract ..."

Miami-Dade County Code, Sec. 2-11.1(g), titled *Exploitation of official position prohibited*, stating in applicable part that no person ... "shall use or attempt to use his official position to secure special privileges or exemptions for himself or others ..."

Investigation:

Interviews

Fred Simmons, procurement officer
Internal Services Department
Miami-Dade County, FL
Oct. 1, 2019

Mr. Simmons responded to COE offices on the above date at the request of this investigator to provide information about the ongoing procurement to replace the County's computer assisted dispatch system, presently supplied by Motorola Solutions – a.k.a., the "legacy" system.

Simmons advised that Motorola was one of the initial proposers to a \$32 million bid from the County to update or replace the existing CAD system; however, Motorola's proposal was deemed "unresponsive" by the County Attorney's Office due to excessive use of "propriety" and "confidential" information in its RFP documents. He also said that, in his view, Motorola's Statement of Work (SOW) was "inadequate."

Motorola services the existing CAD system for both the County's Police and Fire-Rescue departments. He stated there have been concerns about the level of support provided by Motorola, and that proposer Intergraph was chosen in large part because it was expected that the level of service would be much improved. He said that Deputy Mayors Ed Marquez and Maurice Kemp – the County's acting fire-rescue chief, as well – are involved in the process.

Simmons said that Motorola sought to obligate the County to upgrade its existing system by installing its "Premier One" package and indicating that it would no longer service the legacy system after Dec. 31, 2019, if the County did not upgrade the system on its terms. He said that

since that time, Motorola has agreed to a 9-month extension, but added that it would take as long as four years to phase in a new CAD system using another vendor.

He noted that Intergraph (a.k.a., Hexagon) is the top-ranked proposer and that negotiations are very far advanced. He said that, as far as he was aware, Thomas Gross was not a technical advisor for the RFP but noted that Gross is part of the negotiations team with Intergraph. (Note: Subsequent review determined that Gross did serve as a technical advisor.) He further advised that ITD Director Angel Petisco placed Gross in charge of negotiating an extension with Motorola so that Motorola would continue to support the legacy system during the transition to the new system – to be provided by Intergraph, if the deal closes.

Simmons said it is widely known that Gross is a former Motorola employee and very supportive of the company. He said that members of the County's negotiations team with the new prospective vendor, Intergraph, have complained about Gross's overall negative demeanor when it comes to negotiating with Intergraph. He said they have further detected a "bias" on Gross's part in support of Motorola and antipathy toward its rivals. "Many times, during negotiations they feel like Tom is hindering the process," he said.

In response to these concerns, Beth Goldsmith of ISD was named as a co-negotiator with Gross as it relates to the contract extension with Motorola, Simmons said. He said that County officials are hopeful a final agreement can be reached with Intergraph by the end of October, and that the negotiations team is awaiting final contract documents by Oct. 7. He said that the documents will likely trigger a final round of negotiations. He said it is likely that the new system will be implemented first with Fire-Rescue and, a year or so later, Police.

Gregory Rubin, Chief
Communications Division
Miami-Dade Fire Rescue
Oct. 4, 2019

Chief Rubin was interviewed on the above date at Miami-Dade Fire Rescue headquarters. Chief Rubin serves on the Negotiation Team representing the County in its discussions with Intergraph, the top-ranked proposer in response to RFP No. 00589 for CAD services. He is the Fire Rescue Department's lead negotiator and the head of its Communications Division.

With respect to ongoing negotiations, Chief Rubin stated that, in his opinion, Thomas Gross, Radio Division Director for ITD, was working at cross-purposes with other Negotiation Team members. He said he worries that Gross is seeking to improperly influence the outcome of the RFP process to benefit his previous employer, Motorola. He added Motorola is the incumbent vendor but was disqualified after it was deemed "non-responsive" to the RFP for CAD Services back in 2017. "The impression is there," Rubin said. "I don't have a smoking gun."

Chief Rubin noted that Gross "bragged about going on vacation with the sales rep for Motorola and spending a lot of time with [him]." He identified the Motorola rep as regional sales manager, Clark McCall.

Chief Rubin said one of the main concerns is that, until recently, Gross was the only County official assigned to negotiating an extension with Motorola to provide continued support during the RFP process and the implementation phase of the new CAD system. He described Gross as the County's exclusive "point of contact" with Motorola during this time.

Rubin said ITD Director Angel Petisco praised Gross' performance in this capacity during a meeting several months ago on the 29th floor of the SPCC building to update senior County officials on the status of the RFP. Present were Police Chief Juan Perez, Deputy Mayor Ed Marquez, Deputy Mayor Jennifer Glazer Moon, Petisco, Gross and himself.

He said Petisco commended Gross for "working with Motorola to extend our maintenance agreement." He said Petisco stated that Gross has been serving as liaison for the past "couple of years," or dating back to sometime in approximately mid-2017. "Angel said, 'Thomas Gross has been working with Motorola over the past couple of years, and it's because of Thomas Gross that we've been able to extend maintenance and support for so long.'"

Rubin said the County had received a letter from Motorola announcing that it planned to discontinue all support for the County's existing CAD system.

Rubin said that Beth Goldsmith of Miami-Dade ISD was assigned to work with Gross as point person with Motorola about two to three weeks ago. He said that since that time, he and Goldsmith have experienced difficulties with Gross as it relates to Motorola. He said that Gross, for instance, supports Motorola's insistence that in order to continue receiving support for Motorola's legacy system, the County should adopt its Premier One ("P1") package. He said that Gross and others have mischaracterized this as a system "upgrade," but in reality, the move to P1 would be the same as implementing "a whole new system."

He said the effect would be a "forklift" approach, to use an industry term connotating the replacement of one system with another system. He said "it's a completely new CAD" with new servers and software and would also involve re-training dispatchers. He said Gross and other supporters of staying with Motorola portray this as a \$2 million alternative to going to a new system at an estimated cost of approximately \$32 million. He said the new contract with Intergraph would include Options to Renew (OTRs) for up to 15 years. He said Intergraph is highly respected within the industry and counts the NYPD among its clientele. "Angel (Petisco) and Tom (Gross) have been selling the move to P1 as an upgrade that is very cheap," Rubin said, adding that Petisco "has fought us on the new CAD all along."

Rubin said he doesn't know why Petisco has been opposed to bringing in a new vendor for the CAD. He said that Police Director Juan Perez has remained neutral on the matter, but noted that Gross' wife, is the CAD administrator for MDPD, and that she has been vocal in her support of keeping Motorola in place as the County's vendor. Rubin said that Motorola has never met the County's performance standards, and its CAD system was never officially "accepted" by the County and that Petisco brokered a "settlement" agreement.

Chief Rubin provided another example of what he felt was an attempt by Gross to undermine the negotiations with Intergraph. He noted that the cost of the prospective contract with Intergraph is influenced by the number of "licenses" provided under the agreement. He said

that each end-user requires a license in order to use the CAD program from the dispatcher to the firefighter or police officer responding to the emergency call.

He said that Gross has told him and Beth Goldsmith during their discussions about extending Motorola's existing contract that there would be no need to worry about obtaining a proper "license count" for Motorola because Motorola, he said, never checks the number of licenses. He said the effect would be to depress the cost and make Motorola seem less expensive. He said that he and Goldsmith told Gross they did not feel comfortable with this approach.

Chief Rubin said that, in the interest of transparency, they wanted to "true up" the number of licenses regardless of whether or not Motorola elected to monitor the number being used. "The red flag," he said ... "We're sitting there (with Gross) and he says, 'Don't worry about the license count. Motorola's never going to count them.'" By contrast, Chief Rubin stated that during a recent negotiation session with Intergraph, Gross advocated that the County use what amounted to an inflated license count, which would serve to increase the cost of the CAD contract to the County "exponentially."

Rubin said Gross stated during a negotiating session with Intergraph that the County included "all seats" in its control center when calculating the count. He said Gross did this even though he knows the County rarely uses every available seat during normal operations. He said that the County generally uses about half the available "seats" and suggested Gross advocated using the higher number in order to make the prospective deal with Intergraph more expensive and less appealing. "Tom has been pushing higher-pricing on that side," he said.

Chief Rubin noted Gross was not present during an Oct. 2 meeting of the Negotiation Team, and that ITD Director Petisco announced that Gross was the subject of an investigation by the County's ethics office. He said he doesn't know if Gross is still involved with the RFP.

In a follow-up interview on Oct. 7, 2019, Chief Rubin advised that as Radio Communications director for the County, Gross effectively oversees all communications contracts, including those held by Motorola Solutions. This would include, not just the CAD system, but also contracts for hand-held Motorola radios used by County police and fire rescue personnel and a Motorola microwave communications system used by ITD. He said he believes Gross has been active in overseeing and administering all such contracts.

Beth Goldsmith, Chief Negotiator
Internal Services Division/ Procurement
Miami-Dade County, FL
Oct. 7, 2019

Ms. Goldsmith responded to COE offices on the above date at the request of this investigator. She advised that she was appointed in late June of this year to assist Thomas Gross with ongoing negotiations with Motorola Solutions regarding a CAD service agreement/ extension. She said she was not aware at that time that Gross had previously worked for Motorola. She said somebody other than Gross later alerted her to this situation. She said that her interaction

with Gross has raised concerns with respect to his involvement with Motorola.

Goldsmith said that she was asked to work with Gross on the extension, noting that Gross had already received a 120-page proposal from Motorola to “upgrade” the County from its existing CAD system to Motorola’s P1 system. She said she assumed Gross had already vetted the system, but said that, in her view, the move from Motorola’s legacy system to P1 “was really more than an upgrade ... It’s really like a new product.” She said it would involve new, servers, software and substantial training. (She said the County would have to go through the same process all over again if Intergraph or another firm is selected to replace Motorola.)

Asked whether she felt the upgrade to P1 could potentially affect or undermine the RFP process, Goldsmith stated she was concerned that “this is a back door in ... Someone could say, ‘Look at how well it (P1) is functioning ... Why do we need to change it?’”

Goldsmith further advised that Gross seemed to be behind a “hard push” to close the proposed P1 deal with Motorola by Friday September 27 – the last day of the Fiscal Year and Corporate 3rd Quarter. She said that she didn’t realize there was a rush to close until she arrived at work that day and everything was being done on an expedited basis. She said that after the contract was drawn up her boss (Namita Uppal) declined to sign off because she felt uncomfortable with the process. The contract was later approved after October 1.

Goldsmith recalled that after she and Gross had had several meetings to discuss the P1 proposal from Motorola, that Gross was out on vacation. She said that following Gross’ return, they were at a meeting and someone else from the County asked Gross if he had had a good time with Motorola rep Clark McCall during their vacation. She said she was aware McCall was also out on vacation, but she never suspected that he and Gross were vacationing together. She said that Gross replied that his vacation with McCall went well but didn’t elaborate. (Note: Goldsmith later stated she heard Chief Rubin ask Gross about vacationing with Clark McCall of Motorola but added that she had no independent knowledge of this.) Ms. Goldsmith expressed that, if true, she would be surprised Gross would be vacationing with a Motorola rep while negotiations between the County and Motorola were ongoing.

She noted that Motorola had a lot of leverage over the County, with respect to the CAD system because the County can’t have an unsupported 9-1-1 call system, which is why Motorola was able to get the County to agree to P1 at a cost of \$1.9 million. She said the decision came from Deputy Mayors – Ed Marquez and possibly Fire Rescue Chief Maurice Kemp.

Goldsmith advised that Clark McCall participated in a September 18 negotiating meeting with the County fire rescue headquarters. She said that Gross, Chief Rubin and herself represented the County, while McCall, Steve Dobie and Larry Helms represented Motorola.

By way of background, Goldsmith noted she drafted the RFP for CAD services back in 2017 before she left on maternity leave. She said Gross was not involved in providing input for the RFP but noted that his wife was “a stakeholder” and helped draft RFP documents. She said she did not feel Gross’ wife attempted to unduly influence the process in favor of Motorola at that time.

Ms. Goldsmith agreed to provide relevant documentation and records, which she did by email later that same day. They included the following text messages:

- Series of text messages between Goldsmith and Tom Gross on Sept. 27, 2019, regarding finalizing agreement with Motorola to upgrade to P1 and extend legacy contract for CAD Services. Messages show Gross seeking to expedite getting the agreement signed by the County Attorney's office, even though the Assistant County Attorney whose signature is required was not available at that time. Goldsmith noted in one message that Oren Rosenthal – the ACA assigned to ITD – was leaving the office early to go on “holiday” and Gross was trying to get him to wait until the documents arrived. Gross contacted Rosenthal and asked him to wait until copies of the revised agreement from Motorola could be delivered to his office. (Note: The County did not sign off on the agreement officially until after end of the fiscal year.)

Margaret Brisbane, assistant director
Miami-Dade Information Technology Department
Nov. 6, 2019

In a telephone interview, Ms. Brisbane advised that she had requested that Gross replace her on the Selection Committee for the CAD Services RFP, but that this request was not approved and that she served on the committee throughout the entirety of the selection process.

Asked about how Gross was named as a technical advisor to the selection committee, she said that consideration was given to Gross' past employment with Motorola, but that given that Motorola had already been eliminated as a proposer that it became a non-issue. “If they [Motorola] were in the running at all, he would not have been considered,” she said.

Brisbane described Gross' role in the selection process as passive and went on to state that Gross was not a voting member of the selection committee; that Gross was not involved in scoring any of the proposals; and noted, “If he did have an opinion” about which of the proposers were viable, “it was not shared” with member of the selection committee.

She further added that she did not detect any bias on Gross' part at any point throughout the process, including his handling of the contract extension with Motorola.

Brisbane further indicated that she was the “contract manager for Motorola” and that Gross had no oversight of the CAD Services contract in question. She said that, as far as the decision to extend the legacy contract and upgrade to P1, she said that the decision was made upon the request of the acting Fire Chief and that, to her knowledge, Gross had no input. She said that she didn't see the extension/ upgrade to P1 in any way affecting the RFP process moving forward. She described it as a “stop-gap measure” and said that failure to extend the contract with Motorola exposed the County to a “big risk” if the 9-1-1 system failed.

Thomas Gross, director
Radio Communications Division
Information Technology Department
Miami-Dade County, FL
Oct. 30, 2019

Gross replied to an email requesting information about the dates of his employment with the County and Motorola to establish a timeline, as well as the dates of any assignments relating to RFP No. 00589 for CAD Services. He replied as follows:

- Gross indicated he left Motorola in June 2016
- He returned to County service on June 27, 2016
- County issued RFP No. 00589 on June 1, 2017
- County received five (5) proposals on Aug. 11, 2017
- Motorola was deemed non-responsive on Sept. 27, 2017
- Gross assigned to the Selection Committee on Oct. 20, 2017
- Gross assigned to work as Technical Advisor on Nov. 28, 2017
- Two-year ban for Gross expires on or about June 27, 2018
- Gross appointed to Negotiations Team on July 31, 2018
- Motorola submitted proposed extension on Nov. 2, 2018

Gross responded to COE offices on Nov. 7, 2019, for a voluntary interview and advised as follows as relates to the issues raised during the investigation into RFP No. 000589:

- He said he left Motorola in early to mid-June of 2016 and started with the County shortly thereafter as Radio Division Director for ITD. He said that Motorola only has one contract with ITD and that is the CAD Services contract. He said that Assistant ITD Director Margaret Brisbane administers that contract and that she reports to ITD Director Petisco. He said he has no contract oversight or administrative authority over the Motorola "legacy" contract. He said the only other contract Motorola has is for hand-held radios used by the Fire-Rescue Department. He said that Fire-Rescue is the contracting agency and that ITD's only involvement is in maintaining the microwave system that allows the hand-held devices to function. "We don't manage that contract; we manage the infrastructure," Gross said. He noted that Harris provides hand-held radios for the Miami-Dade Police Department and other County agencies.
- With respect to his appointment to any committees relating to RFP No. 000589, Gross said that he was only appointed as a technical advisor to the Selection Committee in November 2017 after Motorola was deemed non-responsive and eliminated from consideration. He emphasized he never voted on anything, never drafted any contract documents and added that he "didn't create the functional matrix" for the RFP. He said he knew he was still within the 2-year window under Subsection (x), but felt it was not applicable since Motorola had already been eliminated. "I was aware that Motorola had been disqualified as a proposer and didn't feel the 2-year rule applied any longer. "I would not have taken up the sword for them because I was under the 2-year rule."

- Gross noted that the process to replace the outdated Motorola legacy system began in 2013 and has taken nearly seven years to complete. He said Motorola put the County on notice at that time that it had until 2017 “to get off this platform.” He said Miami-Dade County and Los Angeles both launched the same Motorola system in 2005, and that Los Angeles has since transitioned to another Motorola system. He said that, “We were the last public safety agency in North America to have that version of the software.” He described the legacy system as being in its “end-of-life” phase and said that the only way for Motorola to continue to provide service was to upgrade the system to the P1 version, which was also adopted by Los Angeles.
- Gross denied that the upgrade to P1 is being pushed as a “back door” procurement intended to derail the pending RFP. He said that this was made clear during “meetings with the deputy mayors.” He added: “The story that’s been told is that this is an interim step, with the winner of the RFP being the final step” to a new CAD system.
- Gross denied vacationing with Clark McCall. He said he has known McCall professionally since 2004, but that he didn’t work in the same division as him during his tenure at Motorola. He said that he didn’t recall seeing McCall at an industry conference, sponsored by the National Emergency Number Association or “NENA,” he attended in Orlando this past June at his own expense, and similarly did not run into McCall while vacationing in the Florida Keys and Tampa area last August. He said he didn’t recall being asked or responding affirmatively to any question from Fire-Rescue Chief Rubin about vacationing with McCall earlier this year.
- Gross said that he and Chief Rubin have had “a running friction” as it relates to 9-1-1 services, and countered that Chief Rubin is unhappy with him because, as a member of the County’s Negotiations Team, he has been trying to hold the top-ranked proposer Intergraph (Hexicon) to account, based on a “matrix that he (Chief Rubin) created.” He questioned why the proposed cost of the new CAD system has escalated from \$10 million to \$34 million since the process began. He said he has raised these and other issues during internal discussions, and that he wrote an email memo to this effect. He later provided a copy of the Nov. 4, 2019, email to COE for the file.
- Gross was asked about any issues surrounding Motorola’s 3rd Quarter corporate earnings deadline and whether he sought to expedite approvals on Sept. 27, 2019, to allow Motorola sales reps to meet their quotas for bonuses. He said that two junior sales reps working for Motorola (not McCall or Larry Helms) had sought to tack an additional year’s worth of revenues onto the deal so that they could meet their respective quotas and stated that he “reamed them a new one” for doing so. He said that he did contact Assistant County Attorney Rosenthal to ask if he was in the office, as Motorola was trying to deliver contract documents to him for legal review. He said he was aware that Rosenthal was leaving early for vacation, but added that: “I asked him (Rosenthal) if he was still there ... I didn’t ask him to stick around.”

- He said that any urgency he felt with respect to getting the contract documents signed had to do with the fact that the legacy system was in its “end-of-life” phase and that the new P1 system would take 14 months to implement. He said that beginning in 2020 the legacy system will no longer have the necessary support to ensure its viability.

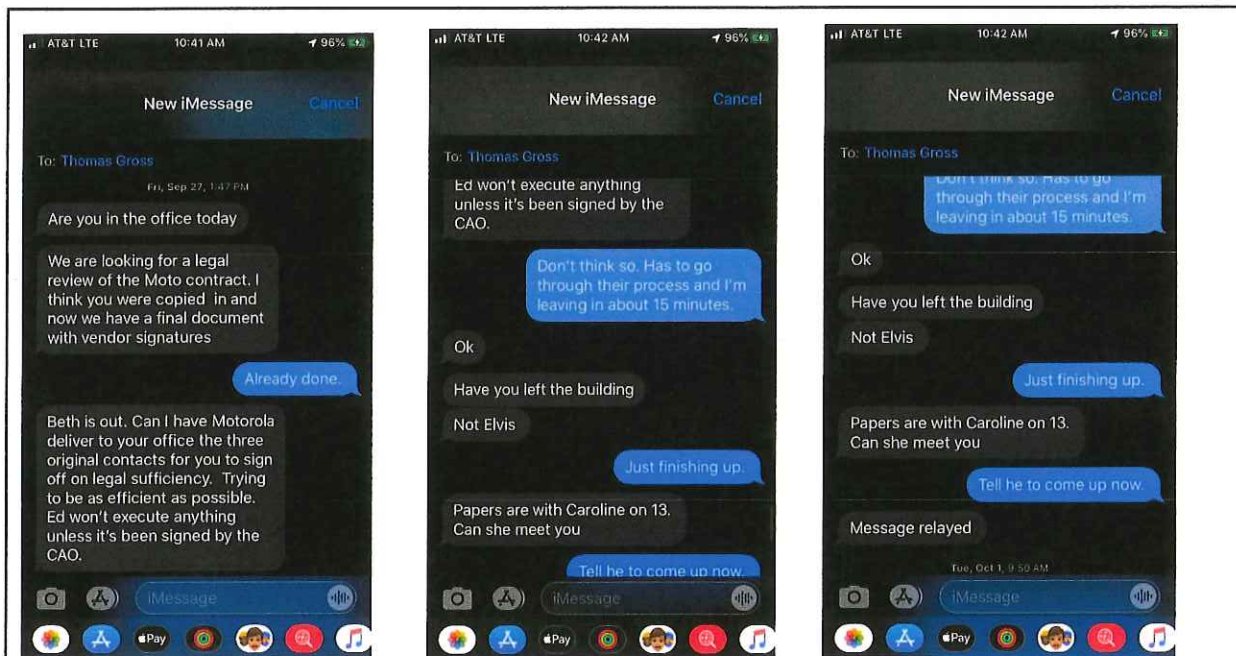
Ed Marquez, Deputy Mayor
Miami-Dade County
Nov. 7, 2019

Mr. Marquez said he was aware of Gross’ past employment with Motorola and that the issue was considered and fully vetted at the time he was named as a technical advisor to the selection committee. He said he had no concerns with respect to the two-year prohibition regarding his past employer, Motorola. He said that at no time did Gross suggest that the RFP process should be subverted due to the upgrade to Motorola’s P1 system. He said the P1 system is seen as a short-term solution, and that all decisions have been made by following the RFP process in consultation with two deputy mayors, the fire and police chiefs, department heads and top-level procurement staff. “It’s been painstaking to say the least,” he said.

Oren Rosenthal, Assistant County Attorney
Miami-Dade County Attorney’s Office
Nov. 15, 2019

Mr. Rosenthal advised, after consulting his records, that he had a meeting at the office of Mayor Gimenez at 2 p.m. on the date in question, September 27. He further advised that he had hoped to leave work early that day in preparation of the Rosh Hashanah holiday. He said he received an email that morning at 11:10 a.m. from ISD’s Beth Goldsmith advising him she was under “considerable pressure” to finalize contract documents for the Motorola extension and asking him to complete his review of the documents for legal sufficiency. He said that he responded to her email at 1:25 p.m., advising her that he was satisfied with the proposed revisions. He said that sometime after (1:47 p.m.) he received text messages from Gross asking if he was available to sign the contract documents prior to leaving.

He provided those messages to COE, as shown below:



Mr. Rosenthal said he couldn't recall if he waited to sign the contract documents. He said it is not unusual for him to receive requests from County staff to expedite such matters. "That kind of request comes to me maybe one to five times each day. Did I feel unduly pressured, 'Absolutely not.' Was it typical for this kind of contract? 'Yes.'"

Document/Audio/Video Review:

A LinkedIn profile of Thomas Gross retrieved on Sept. 26, 2019, identified Gross as Radio Division Director for Miami-Dade County ITD since June 2016 (3 years, 4 months). Prior to that, Gross worked at Motorola Solutions from July 2011 to June 2016 as "Director – Command Center Solutions." Prior to that, he spent 19 years with the Miami-Dade County Police Department, the final seven years as "Police Major, Communications Bureau."

A LinkedIn profile of Clark McCall describes him as a 17-year Motorola Solutions employee, who oversees Public Safety clientele in Florida, Georgia and the Carolinas.

Also added to the file was a LinkedIn profile of Gross's wife, the Miami-Dade Police Department's Police Communications Coordinator.

Documents provided by Chief Negotiator Fred Simmons, also Chairperson of the selection committee for the CAD service RFP, included a memo he wrote dated July 31, 2018, describing the selection process. According to the memo, Thomas Gross was a member of the county's 7-member negotiating team with top-ranked firm, Intergraph/ Hexagon.

The memo also describes why Motorola was deemed “non-responsive” and is accompanied by a Sept. 27, 2017, memo from Assistant County Attorney Miguel Gonzalez supporting that determination, and stating: “Motorola’s refusal to waive asserted confidentiality in its proposal, however, is fatal and renders its proposal non-responsive.”

Simmons also provided a copy of a memo from Miami-Dade County Mayor Carlos Gimenez dated June 7, 2018, that identifies Gross as a “technical advisor” for the RFP.

The above-cited memos indicate that Gross served variously as a member of the County’s negotiation team and as a technical advisor to member of the selection committee. (It should be noted that the mayor’s June 2018 memo coincides with Gross’ two-year anniversary since his return to county service after leaving Motorola Solutions on or about June 2016.

Added to the file on Oct. 7, 2019, were copies of text exchanges between Beth Goldsmith and Thomas Gross occurring on September 27, 2019, which was the cut-off date for the end of the fiscal year and the third-quarter for corporate reporting purposes.

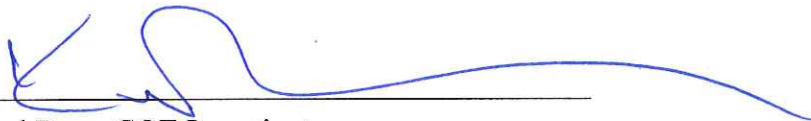
Added to the file on Oct. 30, 2019, was an email exchange between COE and Mr. Gross in which Gross responded to questions regarding the timeline for his employment variously with the Motorola, Miami-Dade County and the dates he was appointed to serve in connection with the RFP for CAD Services and the subsequent extension/ upgrade to P1 with Motorola. He stated that he left Motorola in June 2016, returned to county service as head of ITD’s Radio Communications Division on June 27, 2016, and was first appointed as a Technical Advisor to the Selection Committee in November 2017. He said he was asked to negotiate a contract extension on the legacy system with Motorola on or about early 2019. He further indicated in his email that he had never vacationed with Motorola rep Clark McCall. He later provided additional detail about the time and place of his vacations this year. With respect to McCall, Mr. Gross indicated that he may have coincided with McCall at an industry conference in Orlando on April 18-19, the NENA Conference at the Gaylord Hotel. He said he stayed with his wife at a different hotel, and that he did not recall seeing McCall at the conference but allowed that “it would be an event he (McCall) would attend.” Mr. Gross also provided numerous emails between himself, McCall and other Motorola representatives pertaining to the contract extension negotiations. The emails were reviewed and added to the file.

Added to the file on Nov. 5, 2019, was an email response from ITD Director Angel Petisco regarding Mr. Gross’ involvement with the RFP for CAD Services. He responded to questions about the dates that Gross was assigned to participate in the RFP and the related contract extension with Motorola. He attached a number of records for further documentation. All of the above items were added to the file. In a follow-up email exchange, Mr. Petisco advised that Gross was appointed to the RFP Selection Committee as a Technical Advisor on or about November 2017 but said this was done at the request of assistant ITD Director Margaret Brisbane. He provided an email exchange dated Nov. 17, 2017, in which Ms. Brisbane requested that Gross replace her on the Selection Committee, citing concerns about her availability due to other demands. The emails show that Mr. Petisco denied this request, noting

that: "It was very difficult to get you on in the first place, asking for a change would not be viewed positively and bring up negative noise. We can't afford that ..." Ms. Bribane was subsequently contacted by COE to request clarification (see interview notes above).

Conclusion(s):

After discussion with the Ethics Advocate it was determined that this matter would be closed with no further action. The evidence adduced did not show that Gross violated the "reverse two-year rule." Neither did the investigation show that Gross was seeking to exploit his official position in any way to benefit Motorola.

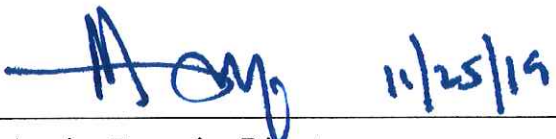


Karl Ross, COE Investigator

Approved by:



Michael Murawski, Advocate



Jose Arrojo, Executive Director