

June 9, 2005

Ms. Perla Tabares Hantman, Member

SUBJECT: THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, DIRECT THE SUPERINTENDENT TO REVIEW EXISTING SCHOOL BOARD RULES CONCERNING CONTRACTS AND DOCUMENTS AND INITIATE RULEMAKING PROCEDURES TO AMEND SUCH RULES TO DEVELOP SAFEGUARDS STRENGTHENING THE CONTRACT DRAFTING, NEGOTIATION, ADMINISTRATION AND PAYMENT PROCESS

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS

On May 13, 2005, the Miami-Dade County Public Schools Inspector General issued a report on OIG Case 04-05/3#017 regarding the contracting and performance issues involving Professional Assessment and Comprehensive Evaluation System (PACES). The report noted deficiencies and weaknesses in the contracting process. In a memorandum addressed to the School Board Chair and Board Members dated June 2, 2005, the Superintendent of Schools addressed and expanded upon the issues raised by the Inspector General's report.

In order to strengthen the weaknesses noted in the above-mentioned report, the contracting process should be reviewed and amended to include certain safeguards to prevent similar deficiencies in the future, particularly in Professional Services contracts of such magnitude and importance to the District.

School Board Rule 6Gx13-3F-1.01, Contracts and Documents, Approval by School Board Attorney, specifies that "...all contracts involving expenditure of tax funds, as well as other contracts of such nature that a prudent business man would consult an attorney, be submitted to the Board Attorney for drafting or approval as to form and to determine if such contracts meet all relevant and applicable legal requirements as to form and content." (Specific Authority: 230.222 F.S.) This Rule should be made more specific and clarified by adding the review and approval by the School Board Attorney of contracts as to form and content to determine if such contracts also comply with School Board Rules, including any intellectual property and copyright issues. The School Board Attorney's office policy for reviewing contracts should be in alignment with such rule. Additionally, the School Board Attorney's role in the contracting process should be expanded to include involvement and assistance to staff in the drafting, negotiating, administration and payment process of contracts. The School Board Attorney's involvement at the beginning of the contract process will be of value in preventing errors and discrepancies in the drafting, negotiation, administration and payment process.

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Other deficiencies noted in the Inspector General's report involve the appropriate use of computers and the payment of a contract for a sum significantly in excess of the bid amount. School Board Rule 6Gx13-3F-1.021, Requests for Proposals and Professional Services Contracts should include language that contracts requiring MDCPS to provide computing equipment will specify that such equipment be limited to network-based use. Language should also be added that on a rare occasion that a contract is submitted for an amount greater than the bid, a full explanation be submitted to the Board Attorney when the contract is submitted for review and also be submitted for approval to the School Board.

ACTION PROPOSED BY

MS. PERLA TABARES HANTMAN:

That The School Board of Miami-Dade County, Florida, direct the Superintendent to:

1. initiate rulemaking to amend School Board Rule 6Gx13-3F-1.01 to expand the School Board Attorney's involvement in the contracting process to include the review and approval as to form and content to determine compliance with School Board Rules and any intellectual property and copyright issues as appropriate;
2. initiate rulemaking to amend School Board Rule 6Gx13-3F-1.021 to include language specifying that any computing equipment provided by MDCPS as part of a contract be limited to network-based use and to provide a full explanation to the Board Attorney and to the School Board when a contract is submitted for an amount greater than the bid; and
3. review other rules as applicable regarding the contracting process and return to the School Board at its meeting of October 19, 2005.

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