Administrative Order

MIAMI-DADE

Administrative Order No.: 3-39

Title: Standard process for construction of Capital improvements, acquisition of professional services, construction contracting, change orders and reporting

Ordered: 6/17/2003 **Effective:** 6/23/2003

AUTHORITY:
Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter and Charter Section 2-10.4 of the Code Of Miami-Dade County Section 287.055 of Florida Statutes and Sections 2-285, 2-8.2.6 and 2-8.2.7 of the Code of Miami-Dade County and; Resolutions Nos. R-754-97, R-1403-97 and R-1404-97.

SUPERSEDES:
This Administrative Order supersedes: Administrative Order No. 3-33 - Acquisition of Professional Services, ordered June 5, 2001 and effective June 15, 2001; Administrative Order No. 3-14 - Procedures for the Review of Construction Change Orders and Modifications to Architectural/Engineering Professional Service Agreements Regardless of Dollar Amount or Time Period, ordered and effective October 5, 1993; and Administrative Order No. 3-28 - Classifying, Tracking, Monitoring, and Reporting All Change Orders on Miami-Dade County Construction Projects, ordered February 2, 1999 and effective February 12, 1999.

SCOPE:
This Administrative Order establishes the standard procedures for user departments to implement, classify, track, monitor and report capital construction projects unless specifically exempted by state or federal law. The Office of Capital Improvements Construction Coordination (CICC) shall be responsible for ensuring the consistency, transparency, and integrity of these processes. Additionally, CICC shall implement standards for status reporting throughout each project's life cycle via an integrated management database comprised of existing systems and Web based software managed by CICC.

This Administrative Order does not apply when valid public emergencies have been formally declared. The provisions of this Administrative Order may be suspended, in whole or in part, at the discretion of the County Manager until normalcy has been restored.

APPLICABILITY:
This Administrative Order shall be applicable to Miami-Dade County projects funded in whole or in part by County funds, solicitations pursuant to Florida Statutes, Section 287.055 or where the County is the contract agency for construction contracting departments including, but not limited to, Aviation, Department of Environmental Resources Management, General Services Administration, Fire-Rescue, Miami-Dade

Housing Agency, Miami-Dade Transit Agency, Office of Public Transportation Management, Park and Recreation, Public Works, Seaport, Solid Waste, Water and Sewer, Public Health Trust and the Performing Arts Center Management Office.

EXCEPTION:
The rules contained in this Administrative Order are advisory in that they are intended to provide guidance to County departments in the conduct of an orderly administrative process. Any deviation from these rules shall not constitute grounds for protest by the participants in the affected procurement. Chapter 2 of the Code of Miami-Dade County shall govern the County's actions at all times. This Administrative Order applies to all capital improvement professional service agreements and construction contracts except where restricted by federal, state or external regulations.

POLICY:
This Administrative Order shall govern all phases of the capital improvement construction process including, but not limited to planning, design, and construction. CICC shall be responsible for facilitating the quality and cost-effective implementation of County capital improvement construction projects from initiation through planning, design, construction and project closeout; monitoring and reporting on project adherence to budgets and schedules; and monitoring critical sequencing of linked projects in accordance with County regulations.

Each user department shall be required to utilize a centralized information system to provide real-time project status. CICC shall provide a system for the implementation of countywide capital improvements policy and procedures relating to all aspects of project management and contract compliance. These policies and procedures shall provide the necessary operational guidance to ensure consistency in documentation, reporting, accountability, and management of construction projects (See Exhibit "A" – Sample Checklist). In conjunction with this effort, CICC shall coordinate the training of related personnel, including but not limited to, construction managers, project managers and contract and specifications unit staff to ensure timely and effective implementation of these requirements. CICC shall be responsible for providing a capital project information system to track the life cycle of capital improvement projects. Such system shall interface with existing departmental systems whenever possible and allow real-time access to information via a Web enabled application.

CICC shall develop and maintain standardized contract language and related forms. Standardized interpretation and enforcement of County contracts shall foster more consistent and equitable project management for all contractors among County departments. The County Manager may grant written exemptions from the standards where the protection of life, health, safety or welfare of the community, operational necessity or the preservation of public properties is concerned.

CICC shall ensure adequate advance public notice and citizen participation on County projects, including receiving specifications to ensure minimal adverse impact

to the community and adherence to the Countywide Business Road Impact Assistance Loan Program.

CICC shall ensure that user departments utilize the capital improvement system to provide real-time status of projects. CICC shall conduct random inspections to verify that high quality construction and project management takes place both administratively and in the field during construction. CICC shall monitor consultant, contractor, and departmental performance on contracts and provide the BCC with reports on responsibility and responsiveness. CICC shall also provide the BCC with reports on controversial projects and recommend strategies to improve the process.

CICC shall administer the ratification process for expedite contracts, change orders and amendment or modifications, and shall prepare a ratification list and submit it to the BCC on a quarterly basis in January, April, July and October of each year (See Exhibit "B" – Sample Project Ratification List).

DEFINITIONS:
The following definitions, as well as additional terms necessary for understanding the provisions of this Administrative Order, shall apply:

A&E means professional architectural, engineering, landscape architecture, land surveying and mapping services.

Adjusted Bid means an evaluation process where proposals are evaluated and assigned point values according to a rating system. Qualitative aspects are scored and totaled on a scale of 0 to 100 points and price is divided by that score to yield an "adjusted bid".

Affiliates mean business concerns, organizations, or individuals which are affiliates of each other if directly or indirectly, (i) either one controls or has the power to control the other, or (ii) a third party controls or has the power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment and common use of employees.

BCC means Board of County Commissioners.

Capital Construction Project or Capital Project means a grouping of activities from planning through construction uniquely identifying a constructed or modified fixed asset involving the construction trades.

Change Order means a written amendment executed by the County, the Prime Contractor and the Prime Contractor's Surety, covering modifications to the Contract.

CICC means the Miami-Dade County Office of Capital Improvements Construction Coordination or the Capital Improvements Coordinator.

Code means the Code of Miami-Dade County, Florida.

Community Business Enterprise or CBE means a firm as defined in Section 2-10.4.01 of the Code.

Community Small Business Enterprise or CSBE means a construction related enterprise as defined in Section 10-33.02 of the Code.

Compensation means monies paid to a firm by Miami-Dade County for professional services rendered.

Competitive Selection Committee or CSC as defined in Section 2-10.4(5) of the Code, shall be the committee appointed by the County Manager to evaluate qualifications and performance of the firms requesting consideration for the specific project and select the most qualified firm(s) to perform the services.

Construction Manager-at-Risk or CM-at-Risk, as defined in Section 10-33.02 of the Code, replaces the general contractor, bids the work out to local trade contractors and is compensated to work cooperatively through the design phase to guarantee the project budget and schedule. The CM-at-Risk may provide a guaranteed maximum price and manage the trade contractors for quality, price and schedule. In most instances, the CM-at Risk firm is qualified under a general contractor's license.

Continuing Contract shall mean the term "continuing contract" as defined in Section 2-10.4(1)(f) of the Code and Chapter 287 of Florida Statutes, as the same may be amended.

County means Miami-Dade County.

County Manager means the executive or administrator responsible for the day-to-day operations of County government or his/her designee.

County Regulations means a County ordinance, resolution, administrative order or specification.

Countywide Business Road Impact Assistance Loan Program means the loan program established by Resolution R-161-01 as amended by Resolution R-742-02, to provide relief to businesses adversely affected by County funded infrastructure improvement projects, by making available loans with reasonable interest and payment terms. Such projects may include but are not limited to: drainage, road resurfacing, road reconstruction, water and sewer improvements or other major repairs where County roads are disrupted and traffic is rerouted or access to businesses is blocked.

DBD means County Department of Business Development.

Debar or debarment means to exclude a consultant or contractor, its individual officers, and its shareholders with significant interests, its qualifying agent and/or its affiliated businesses from County contracts, whether as a prime consultant or sub consultant pursuant to Section 10.38 of the Code - Debarment of Contractors from County Work.

Departments and Agencies mean departments, instrumentalities or branches of County government under the supervision of the County Manager.

Design-Build Contract means a single contract with a design-build firm for the design and construction of a public construction project.

Design-Build Firm means a partnership, corporation or other legal entity that:

a. Is certified under Section 489.119 of Florida Statutes, to engage in a contract through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or

b. Is certified under Section 471.023 of Florida Statutes, to practice engineering; certified under Section 481.219 to practice architecture; or certified under Section 481.319 to practice landscape architecture.

Design Criteria Package means concise, performance-oriented drawings and or specifications of the public construction project. The design criteria package shall contain information regarding the County's expectations of a finished project. For a design-build project, the design criteria package shall contain sufficient information to permit design-build firms to prepare a bid or a response to an agency's request for proposal, or to permit an agency to enter into a contract. The design criteria package may be as brief as referencing the applicable standards for utility design to specifying performance-based criteria for a public construction project, including, but not limited to, the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, storm water retention and disposal, and parking requirements, as may be applicable to the project.

Design Criteria Professional means an individual or a firm who holds a current certificate of registration under Chapter 481of Florida Statutes, to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under Chapter 471 of Florida Statutes, to practice engineering and who is employed by or under contract to the agency for the provision of professional architectural services, or engineering services in connection with the preparation of the design criteria package.

Equitable Distribution Program or EDP represents the process to streamline solicitations for continuing contracts by distributing Architectural, Engineering and Landscape Architecture Professional Services to eligible firms on a rotational basis.

EDP Firms represent a group of A&E professional firms that hold a County Pre-Qualification Certificate and are approved by the County to participate in the Equitable Distribution Program.

Expedite Process means contracts, change orders and amendment/modifications processed utilizing the authority stated in Sections 2.8.2.5 through 2.8.2.8 of the Code. Contract documents not eligible for processing under the expedited procedure shall be submitted through the normal process in accordance with Section 2.8.3 of the Code.

Firm means any individual, firm, partnership, corporation, or other legal entity permitted by law to practice architecture, engineering, landscape architecture, design-build, land surveying and mapping services and may be used synonymously with the term team.

Florida Statutes, Section 287.055 means "The Consultant's Competitive Negotiation Act". The County may apply any state approved professional services solicitation methodology that is in compliance with this Statute.

Miscellaneous Construction Contract or MCC means a type of contract established to procure competitive, cost effective, quality construction services for miscellaneous and emergency construction projects through the creation of a pre-qualified pool of contractors as approved by the Board of County Commissioners.

Modification means a written amendment executed by the County, the Professional Firm and the Firm's Surety, covering modifications to the agreement.

Notice to Professional Consultants or NTPC means a document soliciting professional services which includes but it is not limited to a description of the scope of services, technical certification requirements, notice of selection criteria and methodology, Review Committee contract measures established for the subject project, data sheets or forms to be completed and submitted as part of the proposal, and submission deadline date.

Pre-Qualification Certification or PQC means the annual certification process that includes, but may not be limited to, technical certification, affirmative action plan verification, vendor registration, and supplemental forms. All prime consultant or sub consultant firms are required to hold a County Pre-Qualification Certificate at the time of proposal submission deadline date and throughout the contract term if selected, without any lapses.

Prime Consultant refers to the firm, which enters into a contract with the County and

is responsible for coordinating the concerted and complementary input of several firms, individuals or related services to produce a complete study or facility. The prime consultant shall have full responsibility and liability for quality of performance by itself, as well as by sub consultant professionals under its jurisdiction.

Professional Services means those services within the scope of the practice of architecture, engineering, landscape architecture, land surveying and mapping, as defined by the laws of the State of Florida; or those performed by an architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.

Professional Service Agreement or PSA means a contractual relationship to provide those services within the scope of the practice of architecture, engineering, landscape architecture, land surveying and mapping, as defined by the laws of the State of Florida; or those performed by an architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.

Qualifier means the individual who qualifies the firm for technical certification purposes to do business with the County and holds a license as required by Florida Statutes.

Respondent means a firm or team of firms in a prime/sub relationship submitting a proposal in response to a properly advertised Notice to Professional Consultants.

Responsibility means that the standards pertaining to the determination of contractor, consultant or vendor responsibility shall be governed by procedures established by administrative order approved by the BCC. The County shall solicit offers from, award contracts to, and consent to subcontracts with responsible contractors only.

Review Committee or RC means the committee established by the County Manager to review proposed projects for the application of contract measures.

Schedule of Participation or SOP means a form contained in the bid documents to report the planned participation of sub contractors to meet a prescribed goal established in the contract.

Sub Consultant refers to a firm having significant input and responsibility for certain aspects of a project as a team member and provides such services under the guidance of the prime consultant.

Suspension means an administrative action less severe than debarment, taken by the County Manager to exclude a consultant and/or contractor on a temporary basis from participating in County contracts.

Technical Certification means a comprehensive review by the County Technical Certification Committee affirming a firm's eligibility to provide professional services to the County in various technical categories.

SECTION I - CAPITAL CONSTRUCTION PROJECT TRACKING AND REPORTING

A. Initial Planning and Scheduling

All capital construction projects are subject to the Board of County Commissioners prioritization and budget approval. The planning and scheduling functions are key to the success of a project and shall be an element of the initial phase of project development. Upon approval of a capital construction project by the BCC, the user department shall provide CICC with all relevant project data including but not limited to the following:

1. Capital Budget assigned project number
2. Departmental project tracking number(s)
3. Project description
4. Project location
5. Commission district(s)
6. Needs assessment document
7. Funding source including time and use constraints when applicable
8. Initial project schedule including, but not limited to:
    a. Planned completion of design criteria documents
    b. Planned land acquisition if applicable
    c. Planned start of the Architectural and Engineering design
    d. Planned start of construction
    e. Planned completion of project

B. Design Criteria

To the greatest extent possible, capital construction projects require that a

design criteria document be prepared prior to the actual design creation. Larger or more complex projects may require a design criteria professional service agreement to prepare these documents. The procedure to utilize a professional service agreement for the creation of the design criteria document is described in SECTION II - ACQUISITION OF PROFESSIONAL SERVICES. The completion of the design criteria document is the first milestone in the capital construction process.

For a miscellaneous design project the design criteria package may be as simple as stating the applicable standards while for a building construction project it may include, but is not limited to, the following:

1. Function of the project

2. Design capacity requirements both short-term and long-term

3. Project constraints including, where applicable:

    a. Funding

    b. Time schedules

    c. Footprint or proposed site plan

    d. Land availability

    e. Existing structures

    f. Location of existing utilities

    g. Ongoing operations impact

    h. Permitting and zoning issues

    i. Traffic planning

    j. Demographics

    k. Architectural style

    l. Landscaping

    m. Interagency/intergovernmental coordination of on going/future/ planned projects.

If a professional service agreement is used for the acquisition of architectural

and engineering services, the design criteria document should be part of the solicitation package. If it is anticipated that a professional service agreement will be utilized for the design effort, then approximately thirty (30) calendar days prior to the anticipated advertisement the department should have completed the scope of services and design criteria package. The scope of services and technical classifications for the project should be submitted to DBD for the setting of Community Business Enterprise (CBE) goals.

C. Land Acquisition

The appropriate Administrative Orders, the Code of Miami-Dade County and Florida Statutes shall govern land acquisition.

D. Architectural and Engineering Design

Upon completion and review of the design criteria document, the user department shall enter the design phase of the project. When the design has to be accomplished through the use of a professional service agreement, the procedure specified in Section II - Acquisition of Professional Services, shall apply.

Project progress reporting shall include, but is not limited to:

1. Planned commencement of design effort or notice to proceed to consultant
2. Planned thirty percent (30%) completion (50% for utility design)
3. Planned dry run plans review submission or seventy percent (70%) completion
4. Planned completion of construction specification documents
5. Planned start of construction ground breaking
6. Planned completion of project

E. Construction

Approximately thirty (30) calendar days prior to the anticipated advertisement date the user department should have completed the construction specifications package. The user department should create and submit the project data sheet with appropriate trade recommendations to DBD for Review Committee consideration, to establish Community Small Business Enterprise (CSBE) goals. Also, the user department shall initiate the Request to Advertise obtaining required signatures and budgetary approvals. Information to be included on the Request to Advertise and Award Recommendation documents is provided in Section III - Construction Contracting.

The Request to Advertise Project Memorandum shall include, but is not limited to, the following:

1. Pre-bid Meeting Date if applicable
2. Bid opening date
3. Planned Bid Award date
4. Planned pre-construction meeting
5. Planned Notice to proceed
6. Planned groundbreaking
7. Planned completion date

SECTION II – ACQUISITION OF PROFESSIONAL SERVICES

POLICY:
It is the policy of the County to have a fair and equitable selection and distribution process for the solicitation and award of contracts for the performance of professional architectural, engineering, landscape architecture, land surveying and mapping, and design-build services.

PURPOSE:
This section of the Administrative Order establishes procedures for administering the selection process for the solicitation and award of contracts for professional architectural, engineering, landscape architecture, land surveying and mapping, design-build services, and CM-at-Risk.

The acquisition of professional architectural, engineering, landscape architecture, land surveying and mapping, and design-build services follow the basic process as outlined in this Administrative Order. All forms and formats referenced herein shall be promulgated by CICC and adjusted based on policy and procedure directives issued by the appropriate funding authority and may be modified to meet the specific requirements of the funding authority on projects so governed.

Professional service requests that are below the threshold for continuing contracts as established by Florida Statutes, Section 287.055, shall be procured through the use of the Equitable Distribution Program (EDP), unless specifically granted exemption by CICC due to the unavailability of the required technical expertise within EDP or the existence of other consultant agreements established for a specific purpose.

A. Request to Advertise for Professional Services

County departments shall request professional services under Florida Statutes, Section 287.055, applicable County ordinances, resolutions and administrative orders. When professional services are required in excess of the Florida Statutes, Section 287.055 thresholds for continuing contracts, user departments shall:

1. List the project and associated sites in the Automated Budget Development System, as referenced in the County's Capital Budget and Multi-Year Plan or the funding authority and approval allocated for the project.

2. Pursuant to Section 2-10.4.01 of the Code, submit project's relevant data for Review Committee consideration to establish project measures or set aside as deemed appropriate.

3. Prepare the Request to Advertise for Professional Services (RTA) form or electronic facsimile and forward it to the Office of Management and Budget (OMB) to certify funding availability unless exempted by OMB.

4. Upon certification from OMB that funding is available and assignment of project goals by the Review Committee, the user department shall prepare the Request to Advertise Project Memorandum, and submit the package to the County Attorney's Office (CAO) for approval as to legal sufficiency unless exempt by the CAO. The complete package, along with a detailed scope of work and design criteria document shall be submitted to CICC for review. Scope of services and design criteria may differ significantly based on the nature and complexity of the desired professional service agreement.

5. If CICC reviews and recommends that the project qualifies to be processed under the Expedite Ordinance, CICC shall submit the package to the County Manager's Office for concurrence and approval. Conversely, if the Capital Improvements Coordinator recommends that the contract is not eligible or deems it controversial or holding a special interest to the BCC, such recommendation shall be documented and the RTA documentation shall be returned to the user department for processing as a conventional Board Agenda item.

6. The County Manager's approval of the Request to Advertise shall constitute concurrent approval of the goals established by the RC. Upon approval, CICC shall file the documents with the Clerk of the Board, forward a copy to the user department and to the Architectural and Engineering (A&E) Division of CICC to proceed with advertisement.

7. CICC shall include all Requests to Advertise approved by the County

Manager by the authority granted under the Expedite Ordinance No. 00-104 on a Project Ratification List, which shall be prepared on a quarterly basis and presented to the appropriate committee for approval, and subsequent submission to the Board for ratification.

B. Solicitation for Professional Services

The Architectural and Engineering (A&E) Division of CICC shall review the scope of work and design criteria package and, as applicable, incorporate this information in a Notice to Professional Consultants (NTPC) for the solicitation of professional services. Florida Statutes, Section 287.055 and the Code Chapter 2-10.4, stipulate a public announcement for projects. The announcement shall be an abstract of the NTPC issued by the County Manager when a department requires professional services. CICC shall prepare the public announcement for publication in a newspaper(s) of general circulation and on the Internet. The announcement and the NTPC shall be available at the Vendor Information Center. The public announcement shall contain information on obtaining the NTPC, which details scope of services for the project and the procedures to be followed by any firm wishing to be considered to perform such services.

To ensure equity and adherence to all appropriate regulations governing the selection of a professional service provider, CICC shall coordinate and oversee the solicitation as follows:

1. Prepare and publicize the NTPC of solicitations for architectural, engineering, landscape architecture, land surveying and mapping professional services, and design-build services for the County.

2. Schedule, advertise, coordinate and conduct audiotaping of the meetings of selection and negotiation committees in accordance with Administrative Order No. 3-31.

3. Prepare reports, including findings, supporting data and summary meeting minutes for the Competitive Selection Committee (CSC).

C. Selection Process

The selection process shall be performed by the CSC, appointed by the County Manager upon the recommendation of DBD, pursuant to Chapter 2 Section 2-10.4(5) of the Code. The process shall adhere to Florida Statutes, Section 287.055 and is typically composed of a two-tier system: First and Second-Tier. For the selection of professional services the (CSC) may waive the Second-Tier selection process by a majority vote and base their selection on the results of the First-Tier ranking only. Local preference shall be considered where applicable and in compliance with Section 2-8.5 of the Code. During the selection process, CICC shall monitor the points awarded to

each firm by the individual CSC members and investigate and recommend a corrective action by the CSC for any variation in excess of thirty-three percent (33%) of the average score award by all CSC members by criteria. Any such disparities must be resolved prior to continuing the selection process and finalization of the rating.

CICC shall be responsible for verifying that all respondent firms hold a County issued and approved Pre-Qualification Certification at the time of proposal submittal and throughout the contract term if selected, without any lapses (SECTION II, I, 1. Pre-Qualification Certification). Respondents who do not comply with the pre-qualification requirements shall be deemed unresponsive.

1. **First-Tier Selection: (Maximum 100 points)**
   In accordance with the selection process, each Competitive Selection Committee member shall complete his or her evaluation sheet for each proposer based on the following selection criteria:

   a. Criteria 1A: Qualifications of firms including the team members assigned to the project (50 points)

   Evaluation of the qualifications of the firm and individuals to be assigned to the project, quality and availability of the manager and staff of the firm to be assigned (if any). The qualifications shall also include, but not be limited to, familiarity with County regulations and experience level of professional and management staff.

   a. Criteria 2A: Knowledge and past experience of similar type projects (20 points)

   Evaluation of the respondent's understanding of the scope of work, which may include but not be limited to, studies performed that may affect the specific project being evaluated for: key design elements, contract, approach to the project, understanding and awareness of the permitting requirements involved with the project and health and safety programs as applicable.

   b. Criteria 3A: Past performance of the firms (20 points)

   Evaluation of the firms on the team, overall interrelationship with proposed sub consultants and responsiveness, experience in scheduling projects, and timely submittal of deliverables on past projects. Respondents shall submit a minimum of three (3) evaluations completed by professional references for work performed within a three-year period or another period stated within the NTPC. For respondents with previous County work experience, CICC shall provide the CSC the available performance evaluation data for each

firm. The firms may be provided a standard performance questionnaire to augment the County's data.

c. Criteria 4A: Amount of work awarded and paid by the County (5 points)

The value for services awarded and paid to each prime consultant or sub consultant firm(s) on the team including current County contracts for a three-year period from the submittal date of the solicitation shall be considered, with the consultant with the least dollars paid receiving the highest point value. The firm's prior years net compensation and/or potential compensation for professional services rendered on County's projects shall also be considered. When reporting the dollar value of services performed as a prime consultant, the dollar value shall exclude the sub consultant agreement or fees associated with the subject professional services performed.

d. Criteria 5A: Ability of team members to interface with the County (5 points)

Communication ability, proximity to the project, commitment to satisfy the County's requirements and familiarity with County guidelines.

A minimum of three (3) firms shall be selected. The CSC, by majority vote may determine the maximum number of firms to advance from the First-Tier selection to the Second-Tier selection (short-listed).

If three (3) or more firms are tied for the final position to advance to Second-Tier collection, the firms with the highest score on Criteria 1A shall advance. If a tie still exists, the CSC shall consider the firm with the highest score for Criteria 2A, then 3A, then 4A and so on until the tie is broken to determine which firm shall be advanced to Second-Tier selection.

2. Second-Tier Selection: (Maximum of 100 points)

Second-Tier evaluation provides the opportunity for the top firms identified in the First-Tier selection to submit additional information and may involve an oral presentation. CICC shall schedule a public hearing and invite each team to make an oral presentation not to exceed a specified duration. Oral presentations, when required, shall be followed by a question and answer period.

The CSC shall evaluate the firms advancing to Second-Tier selection based on the following selection criteria:

a. Criteria 1B: Knowledge of Project Scope (50 points)

Evaluation of the respondent's understanding of the scope of work, which may include but not be limited to, studies performed that affect this project, key design elements, (a design scheme may be required) and effects on the community involved. The managerial approach to the advertised solicitation shall also be evaluated, including the implementation of systems that shall be utilized to keep track of the project schedule, cost control, quality assurance and quality control, understanding and awareness of permitting requirements and health and safety programs.

b. Criteria 2B: Qualifications of team members assigned to the project (40 points)

Evaluation of the qualifications of the individuals to be assigned to the project, including the project manager and staff of the firm to be assigned (if any). The qualifications shall include, but not be limited to, experience with similar projects, management experience, and familiarity with County regulations.

c. Criteria 3B: Ability to provide required services within schedule and budget (10 points)

Evaluation of the respondent's overall management approach including experience in scheduling projects, systems that will be used to keep track of the project schedule, cost control, quality assurance, and quality control, issues and methods employed to avoid cost overruns and project delays

At the conclusion of the respondent's proposal review and oral presentation, the CSC shall recommend to the County Manager, in order of preference, the most highly qualified respondents determined as follows:

1. Each CSC member shall assign points on a written ballot in accordance with the established evaluation criteria factors.

2. CICC staff shall record the totals for each respondent and read the information into the record. Final ranking shall be determined by the highest overall Second-Tier score and shall be forwarded to the County Manager for approval.

3. In the event of a tie vote, the first tiebreaker shall be the summation of the First and Second-Tier score totals. The firm

with the highest total point value shall be the top-scoring firm. In the event a tie still remains, the CSC shall consider the firm with the highest points for Criteria 1B, then 1A, then 2B, then 2A until a top ranking firm is identified.

CICC staff shall assist the CSC to report its findings, specifically the three (3) most highly qualified firms, including supporting data, to the County Manager and shall file a copy with the Clerk of the Board.

D. PSA Contract Negotiations

The County Manager shall select, in order of preference, from the firms recommended by the CSC, the firm with whom the County shall enter into negotiations for each proposed award contract. CICC shall develop standard ranges for A&E fees to include multiplier, principal in charge, key professional personnel rates and additional service fees. For all Lump Sum Cost or Cost Plus a Fixed Fee contract in which a fee shall exceed one hundred and fifty thousand dollars ($150,000), the County shall require the firm receiving the award to execute a Truth-In-Negotiation Certificate as mandated by Chapter 287 of the Florida Statutes. Negotiations shall be conducted as follows:

1. The County Manager shall appoint a negotiation committee, comprised of a minimum of three (3) members from the CSC. Two (2) members shall be representatives of the user department. The negotiation committee shall attempt to negotiate a Professional Service Agreement for the project with the firm that was ranked first by the County Manager for an amount of compensation, which the negotiation committee determines to be fair, competitive and reasonable. The chairperson shall be a representative from CICC and shall be responsible for scheduling, coordinating and audiotaping the meetings, in accordance with Administrative Order No. 3-31. CICC may delegate the responsibility for across the table negotiation to the user department's representative.

2. Should the negotiation committee be unable to negotiate a satisfactory contract with the firm that the County Manager ranked first, at a price that the committee deems to be fair, competitive and reasonable, negotiations with that firm shall be formally terminated by the County Manager. The negotiation committee shall then undertake negotiations with the firm which the County Manager ranked second. Failing accord with this firm, such negotiations shall terminate, and negotiators shall then undertake negotiations with the firm ranked third by the County Manager.

3. Should the negotiation committee be unable to negotiate a satisfactory contract with any of the selected firms, the County Manager may

choose to negotiate a professional service agreement with the next highest nominated firm until a satisfactory contract is reached, or the County Manager may reject all proposals and re-advertise the project.

E. PSA Contract Award

1. Upon successful negotiation of the professional service agreement, the user department shall prepare the Award Recommendation form or electronic facsimile for the selected firm with the recommended contract amount and forward it to OMB for certification of funds availability. If the contract amount differs from the user department's estimated cost by more than ten percent (10%) (increase or decrease), the user department shall justify the variance in the Award Recommendation Memorandum.

2. Once OMB approves funding, the user department shall prepare the Award Recommendation, Project Memorandum, including the Contract Award Recommendation, the DBD pre-award compliance review, along with other supporting documentation, and submit it to the County Attorney's Office for approval as to legal sufficiency. The complete package shall then be submitted to CICC for review and further processing.

3. CICC shall review the package and submit a recommendation to the County Manager's Office for final review and approval signature.

4. Upon approval by the County Manager of the award recommendation, CICC shall file the documents with the Clerk of the Board and forward a copy to the user department to notify all respondents of the award recommendation. If not approved for expedite processing, the package shall be returned to the user department for conventional processing.

5. The user department shall forward originals of the executed contract package to CICC for the County Manager's execution.

6. CICC shall prepare the Expedite Ordinance No. 00-104 Project Ratification List on a quarterly basis and present it to the appropriate committee for approval and subsequent submission to the BCC for ratification.

7. The user department shall provide CICC with copies of the Notice to Proceed, all work authorization information, and progress payment information on a timely basis.

F. Rejection of All Respondents

If either the selection process or negotiations fail to result in a contract award, the user department shall prepare a memorandum to Request to Reject all Proposals and Authorization to Re-Advertise.

G. Managing the Professional Service Agreement

Professional service agreements typically consist of a series of deliverable items with scheduled due dates on each. The key to a successful project is good planning and documentation, as such, a pre-work conference shall take place between the selected consultant and the project manager to outline expectations and review reporting and billing procedures and minutes of this meeting shall be retained in the project file. It is important to closely monitor the consultants' performance and adherence to schedules as well as monitoring quality and the need for rework. To ensure that the project manager and the consultant have a clear understanding of the work product, all work authorizations, revisions, and instructions must be in writing, include the method of payment calculation and schedule of deliverables.

1. User departments shall submit copies of all work issuances to CICC on a timely basis, within five (5) days of issuance, and periodically report on project status.

2. Collect and submit copies of monthly utilization reports for all awarded professional service agreements to DBD. Project invoices may be held if monthly utilization reports are not current.

3. Notwithstanding the County Manager's change order authority, the user department shall notify CICC and DBD in writing of any post-award changes of team composition, scope of services or costs.

4. Notify CICC and DBD promptly when either the contract has expired and/or the budget has been fully expended in the Certificate of Completion or electronic facsimile required by CICC and DBD.

5. User departments shall submit to CICC a performance evaluation for each professional service agreement within thirty (30) calendar days of issuing the certificate of completion. Professional service agreements shall include language advising the firm(s) that a performance evaluation of the services rendered shall be completed by the user department and utilized by the County as evaluation criteria for future solicitations.

6. CICC shall collect performance evaluations for past County work for each applicable firm. Firms shall have the right to review their evaluations and submit a notice of appeal letter and a detailed rebuttal of the ratings contained therein, within thirty (30) days of the issuance

date. If an evaluation is appealed by the applicable firm, then the County shall not utilize that evaluation when selecting a consultant until the appeal process has been resolved.

H. Alternative Methods of Acquiring Professional Services

1. Equitable Distribution Program (EDP)

The EDP objective is to procure and distribute A&E continuing contract work assignments as defined in Florida Statutes, Section 287.055, for County departments and agencies among all pre-qualified and interested firms. The EDP shall be the County's standard method to obtain such services, unless exempted in writing by the County Manager.

CICC in coordination with DBD, shall implement procedures for the EDP based on the following criteria:

a. Qualification criteria

   i. The firm is required to be in business for a minimum of one (1) year and may be required to have a place of business in the County.

   ii. A business owner, alone or as a member of a group, shall own or control only one (1) firm including affiliates in the EDP.

   iii. An individual design professional can only qualify one (1) firm pursuant to the respective Licensing Governing Boards of the State of Florida.

   iv. EDP firms issued a service order shall be required to submit utilization reports to the user department on all new and existing County contracts, including new work authorizations issued after the effective date of the EDP continuing contract.

   v. Firms shall submit an affidavit affirming three (3) years past history of dollars awarded and paid for by the County as a prime and/or sub consultant.

   vi. Upon written notice, a firm shall execute the EDP agreement and submit the required documents and insurance certificates within ten (10) calendar days or lose their position in the EDP listing for a period of one hundred and eighty (180) days.

b. After gaining admission into the EDP, each firm shall be ranked in all

of the categories for which the firm is technically certified. Eligible firms shall participate in the EDP for the specified term stipulated in the contract.

c. Each firm's initial EDP position under the qualified technical certification category is based on the firm's prior years net compensation and/or potential compensation for professional services rendered on County projects.

EDP Work Assignment Procedures

The County Manager shall ensure that the EDP and existing miscellaneous continuing contracts for professional services are utilized appropriately.

a. The user department shall submit the work assignment request including a detailed scope of work to CICC for assignment of appropriate design professionals in the EDP, or shall obtain written authorization from CICC to utilize an existing continuing contract.

b. CICC shall review the work assignment request, verify the prime technical certification category required for the scope of work and any additional technical certification categories or specialty requirements that may be needed to complete the scope of work. The next available firms, three (3) primes and four (4) sub consultants per supporting technical certification category, based on their position in the EDP shall be provided to the user department.

c. The user department shall review the qualifications of the next available prime firms and select the most qualified firm. The selection process may include review of submitted qualifications and telephone interviews. The user department must document the factors utilized to determine most qualified firm. If a prime firm is certified in all of the required technical certification categories, it may perform the required services with its own work force otherwise the prime shall select EDP sub consultants from the top of the rotation. Upon the firm(s) acceptance of the offer of work assignment, the names of the prime firm and sub consultants shall be forwarded to CICC.

d. A firm acting as a prime or as a sub consultant shall be allowed to decline an offer of work assignment without a reasonable justification only twice per calendar year. After the second time, the firm shall be suspended until further review.

e. CICC shall have the authority to bypass a firm in the EDP rotation based on the volume of work or unique expertise requirements within a category if deemed to be in the best interest of the County. The

rationale for any such bypass action shall be fully documented.

f. If negotiations fail, the user department shall notify CICC of such failure and begin negotiations with the next most qualified firm.

g. If the user department determines that the next available firm(s) is not qualified to perform the services, the user department shall provide in writing to CICC an explanation for the disqualification. The user department shall request from CICC the next available grouping of firm(s) for consideration.

h. CICC may, upon the written request of the user department director, hire a specific firm qualified in the appropriate technical areas when deemed in the best interest of the County.

i. CICC shall also have the authority to limit the user department's timeframe to obtain acceptance of work assignment, request additional firms and negotiate a service order.

j. Simultaneous with the completion of the service order and submittal of final payment request, the user department shall forward to CICC the EDP Closeout Report and the performance evaluation.

k. In the event that any service order shall be cancelled or changed, the user department shall forward such notification, along with a copy of the change or cancellation notice to CICC.

2. Design-Build

CICC shall be responsible for coordinating the development of design-build solicitations with the user departments and ensuring compliance with Section 287.055 of Florida Statutes. The requested documentation shall be prepared as follows:

Design Criteria

a. The design criteria package shall be prepared by:

i. Licensed professional engineers for engineering projects; licensed professional architects for architectural projects, and licensed professional landscape architects for landscape architecture projects, employed by the County; or

ii. Licensed engineering, architectural, or landscape architecture firm(s) selected pursuant to Section 287.055 of Florida Statutes.

b. The design criteria professional shall have the following responsibilities in the completion of the project:

   i. Evaluation of the responses received from design-build firms.

   ii. Supervision and approval of the detailed construction documents of the project, assuring compliance of project construction and design criteria package.

c. The design criteria professional shall not be eligible to render services under a design-build contract executed pursuant to the design criteria package. This prohibition against rendering services under design-build contracts shall extend to all architectural, engineering, landscape architecture, and land surveying and mapping sub consultants of the design criteria professional.

d. The design-build request documentation shall contain any other items as required by procedures, laws, ordinances, or prevailing circumstances.

Design-build Evaluation/Selection

The evaluation process for the selection of the best-value design-build proposal shall be based on the adjusted bid process, or as determined by the County Manager based on specific project requirements.

The qualitative aspects of the evaluation shall be based on the First and Second-Tier selection criteria as defined in this Administrative Order. Following the completion of the Competitive Selection Committee's (CSC) evaluations, "price" estimates may be considered to the extent specified in the NTCP. The CSC in reaching a final recommendation may consider significant disparities in the price estimates. The firms with the three (3) lowest "adjusted bids" may then be recommended to the County Manager. The firm with the lowest adjusted bid or the firm providing the best value to the County shall be recommended for negotiations. In the event two (2) or more firms receive identical lowest adjusted bids, the tiebreaker shall be based on the criteria detailed in the Second-Tier evaluation process.

Should the negotiation committee be unable to negotiate a satisfactory contract with the firm with the lowest adjusted bid, at a price, which the committee deems to be fair, competitive and reasonable, the negotiation committee shall recommend that the County Manager authorize to formally terminate negotiations with that firm. Upon the County Manager's concurrence, the negotiation committee shall then undertake negotiations with the second ranked firm. Failing accord with this firm, such negotiations shall terminate and the committee shall then undertake negotiations with

the third ranked firm.

3. Construction Manager-at-Risk

The Construction Manager-at-Risk (CM-at-Risk) method of contracting is typically applied to highly complex projects where the value of obtaining expert oversight of the design phase and contracting phase justify the increased cost and administrative burden.

The County Manager shall approve the use of the CM-at-Risk contracting method based on a review of each individual application. The user department shall include the following documents as part of the Request to Advertise for a CM-at-Risk contract:

a. Submit the design criteria package along with an explanation identifying the reason for using CM-at-Risk. Include an explanation for the current status of the project design.

b. Identify the user department's project management team in the form of a functional table of organization.

c. Identify the user department's recommended representatives to the Guaranteed Maximum Price negotiation committee. Provide an explanation if different from those recommended for the CSC.

d. Identify method of tracking and responding to Requests for Information (RFI), Value Engineering items, payment processing, and budget and schedule adherence.

e. Ensure compliance with DBD review for CM-at-Risk projects, in accordance with Section 10.33-02 of the Code as amended on May 6, 2003.

I. Professional Service Requirements

1. Pre-Qualification Certification (PQC)

a. Firms interested in providing professional services for the County must have an active PQC, issued by the County through DBD, prior to the submittal deadline of any solicitation, which shall be maintained without lapse throughout the course of the project.

b. The user department, along with the certifying committee, shall review the statement of qualifications and supporting documentation to ascertain whether a firm is fully qualified to render the services they are seeking to be certified in.

c. The PQC is the culmination of the various certification processes. It shall be applicable to the general selection methodology or a specific project and shall include, but may not be limited to, technical certification, affirmative action plan verification, vendor registration, execution of the basic County affidavits, supplemental forms, and any further requirements established by the BCC.

d. Application packages for PQC may be obtained from and submitted to DBD. It shall be the sole responsibility of interested firms to obtain and complete required forms and submit their PQC application packages to DBD. Furthermore, firms shall be responsible to ensure that their PQC information is current and active by renewing in advance of the expiration date. Incomplete application packages shall not be reviewed until the correct submission has been received.

e. The PQC shall be valid for a one (1) year, provided all eligibility requirements are current.

f. By applying for and being issued the PQC, a firm agrees to allow the County access to review and verify information relating to the applicant's PQC application during normal business hours, commencing on the day after the PQC has been issued until its expiration date.

g. All applicants shall execute an affidavit attesting to the fact that all statements submitted in their PQC application are true and correct and that documentation and information regarding actual work performed on any project, payment thereof, number of employees, etc., are accurate.

2. Responding to a Professional Services Solicitation

Firms responding to an advertisement for professional services must adhere to the following requirements:

a. Respondents, including prime consultants and sub consultants in a prime/sub relationship, must maintain an active PQC from the time of proposal submission to completion of the professional service agreement without lapse.

b. Except where restricted by federal, state laws or external regulations, respondents must submit and respond either as a prime consultant or sub consultant. Failure to comply with this provision shall result in all affected firms to be considered unresponsive. A firm shall only respond once for the role of prime consultant for each solicitation.

c. Sub consultants teaming restrictions shall not be imposed unless

extensive availability of technically certified firms in the technical categories requested exist. In such cases, CICC may limit sub consultants to participating on a fixed number of teams. Any such limitation shall be published in the NTPC.

d. Respondents shall allow the County reasonable access, during normal business hours and for a specific purpose; to audit the books and records relating to the respondent's submitted proposal commencing on the day after the proposal submission date to the date a firm is selected. The selected firm shall permit right of access throughout the term of the contract.

e. Prime consultants shall submit completed monthly utilization reports in the form specified by the County to user departments as outlined in Administrative Order 3-32, Section XII, Contract Administration, Compliance and Monitoring.

f. Respondents must submit any change or deviation from the approved team composition as presented in the selection process to the County for approval.

g. If at any time, the County has reason to believe that any person or firm has provided incorrect information or made false statements in a submittal, proposal or oral presentation before a selection committee, the County Manager shall refer the matter to the Office of the Inspector General and in addition to pursuing any other legal remedies, may recommend termination of the contract, and inform the State Attorney's Office and/or other investigative agencies. Further, the County may initiate suspension and or debarment proceedings in accordance with County policy and or applicable federal, state and local laws.

J. Sanctions for Contractual Violations

Proposal and contract documents shall provide that, notwithstanding any other penalties for firms that have discriminated in violation of Article VII of Chapter 11A of the Code, the County may terminate the contract or require the termination or cancellation of the sub consultant contract. In addition, a violation by a respondent or sub consultant to the respondent, or failure to comply with this Administrative Order may result in the imposition of one or more of the following sanctions:

1. Suspension of any payment or part thereof until such time as the issues concerning compliance are resolved.

2. Issuance of fines to prime consultants for violations of this

Administrative Order or lapses of required insurance, which may be up to two percent (2%) of the contract amount to be deducted directly from future payments.

3. Termination, suspension, or cancellation of the contract in whole or in part. For EDP firms, ranking adjustment for an amount two (2) times that of the non-utilized sub consultant or placement in an inactive status shall apply.

4. In the event that a firm attempts to comply with the provisions of this Administrative Order through fraud, misrepresentation, or material misstatement, or is found to have committed such acts, the firm and its principals may be suspended, debarred or subject to criminal prosecution based on the specific circumstances.

5. In addition, and as a further sanction, the County Manager may impose any of the above stated sanctions on any other contracts or sub consultant contracts the firm has with the County. In each instance, the firm shall be responsible for all direct and indirect costs associated with such termination or cancellation including, but not limited to, attorney's fees and costs. The firm may also be subject to suspension or debarment.

6. Some of the violations that may result in the imposition of the sanctions listed above include, but are not limited to, the following:

   a. Failure to comply with Pre-Qualification requirements, not reporting organizational and operational changes, providing inaccurate or false information, and other related violations.

   b. Deviation from the Schedule of Participation, or equivalent, without prior approval from DBD and notice to CICC.

   c. Reduction of the scope of work of a sub consultant contract without prior approval from CICC.

   d. Modifications to contract terms and/or fees paid without prior approval from CICC.

   e. Failure to comply with program requirements.

   f. Subcontracting work to a non-EDP member without written authority of the County.

K. Administrative Penalties

For violation of or non-compliance with this Administrative Order, proposal(s), and/or consultant selection documents, the County Manager may impose the loss of eligibility to participate in County contracts for a specified period of time, not to exceed five (5) years, for an applicant, its individual officers, its shareholders with significant interests, and its affiliated businesses.

L. PSA Support Functions

In addition to the functions outlined in SECTION II, ACQUISITION OF PROFESSIONAL SERVICES, CICC shall:

1. Maintain consultant performance evaluation records for consideration of County departments or selection committees.

2. Conduct workshops for employees participating in the County's CSC pool to describe the role and responsibilities of members and review pertinent legislation affecting the selection process.

3. Record the user department's utilization of authorized continuing contracts to monitor fair and equitable utilization.

4. Administer the Equitable Distribution Program (EDP) including the review of service orders and the appropriate selection of firms.

DBD responsibilities include, but may not be limited to, the following:

1. Administer the Pre-Qualification process for architectural, engineering, landscape architecture, land surveying and mapping firms and provide related information to CICC.

2. Administer the pool of County employees available to serve on the CSC. Update the CSC membership roster bi-annually.

3. Review proposals for pre and post compliance with participation measures, requirements and issuance of performance memorandums.

4. Provide work history, data and reports to CICC reflecting the amount awarded, and or paid to the prime and sub consultants for selection ranking and/or EDP rotation.

SECTION III - CAPITAL CONSTRUCTION CONTRACTING

POLICY:

This section of the Administrative Order governs capital contracts and the expedite process authorizing the County Manager to advertise, negotiate and award uncontested contracts for funded capital improvement construction projects and certain unanticipated funded capital repair or rehabilitation projects as well as qualifying professional service agreements.

Ordinance No. 00-104 adopted on July 25, 2000, amended expedite procedures already enacted by the Board of County Commissioners to promote efficiencies for processing construction projects funded by the Safe Neighborhood Parks Bond and the Quality Neighborhoods Improvement Program, and to proceed with contracts related to natural disaster or declaration of an emergency by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Sections 2-8.2.6 and 2-8.2.7 of the Code, as amended, authorize the County Manager, subject to BCC ratification, to approve and expedite capital projects authorized therein.

Eligible projects and contracts may include:

- Approved funded capital construction projects involving the expenditure of more than $500,000 where no protest is filed within the timeframe specified in Section 2-8.4 (b) of the Code, and all associated professional service agreements.

- The negotiation and settlement of contractor claims, change orders issued for additional work and amendments/modifications to professional service agreements, if specified in the bid specifications and the contract document. Change orders and amendments/modifications shall not exceed five hundred thousand dollars ($500,000) in cumulative dollar amount and shall not exceed fifteen percent (15%) of the contract price in the cumulative percentage amount, unless related to environmental remediation or health requirements.

The County Manager is authorized by the Code, Section 2-8.1(b) to advertise for bid, award, and reject bids or proposals for contracts and purchases when the transaction involves the expenditure of five hundred thousand dollars ($500,000) or less without the need for further action by the BCC.

All eligible capital construction contracts shall be processed utilizing this procedure and standard forms developed by CICC. Contracts deemed controversial in nature or holding special interest to the BCC, shall be processed as a Board Agenda item.

A. Capital Construction Contracting

1. **Request to Advertise**

   a. The user department prepares the Request to Advertise (RTA) form or electronic facsimile, which constitutes a solicitation for construction activity and forwards it to the Office of Management and Budget (OMB) to certify funding availability.

   b. Once funding is approved, the user department is responsible for submitting the RTA form along with project data including departmental recommendations as to Community Small Business Enterprise (CSBE) measures, and any other relevant documents related to the project to the Department of Business Development Review Committee (RC) for consideration of contract measures.

   c. The RC and its Chairperson shall execute the DBD Project Worksheet, obtain concurrence from the County Manager's Office and then return the document to the user department.

   d. The user department shall prepare a package including the RTA form, DBD Project Worksheet and Project Memorandum. The Project Memorandum must include OMB certification of funds availability and must be reviewed and approved by the County Attorney's Office as to legal sufficiency. The complete package shall be submitted to CICC for review and further processing.

   e. CICC shall review and analyze the solicitation and shall submit a recommendation to the County Manager's Office relating to contracting issues including the applicability of the Expedite Ordinance.

   f. If CICC recommends that the project qualifies to be processed under the Expedite Ordinance, the package shall be submitted to the County Manager's Office for concurrence and approval. Conversely, if CICC determines the contract is not eligible or deems it controversial or holding a special interest to the BCC, the documentation shall be returned to the user department for processing in a conventional manner. The County Manager's approval to advertise the project shall constitute approval of the goals established by the RC. Upon approval, CICC shall file the documents with the Clerk of the Board and forward a copy to the user department to proceed with advertisement. For projects requiring BCC approval, the user department shall complete the BCC version of the Project Memorandum, a transmittal letter addressed to the County Manager and the County Manager's Recommendation Memorandum to the BCC to initiate standard

contract processing.

g. Upon the County Manager's approval of the RTA, CICC shall file the documents with the Clerk of the Board and forward a copy to the user department to proceed with advertisement.

h. CICC shall include all Request to Advertise approvals made by the County Manager by the authority granted under the Expedite Ordinance No. 00-104 on a Project Ratification List, which shall be prepared on a quarterly basis, presented to the appropriate committee for approval and subsequently shall be submitted to the BCC for ratification.

User Departments shall:

a. Include a "Terminate For Convenience" clause in the bid specifications and contract document.

b. Utilize the standard bid specifications and contract documents, which include a clause indicating the County Manager may negotiate and settle contractor claims, issue change orders for additional work and amend/modify PSAs, which do not exceed five hundred thousand dollars ($500,000) in cumulative dollar amount and do not exceed fifteen percent (15%) of the contract price in the cumulative percentage amount or the criteria established in the Code Section 2-8.2.7, as amended.

c. Ensure that all contingency and allowance accounts conform to the requirements of the Code, Section 2-8.1(h) as amended.

d. Notify DBD and CICC of changes in scope of work subsequent to recommendation by the RC and prior to advertisement. DBD shall review the change and recommend to the County Manager via CICC, whether the contract requires further review by the RC.

e. Notify DBD and CICC of any contract advertisement dates that are in excess of one hundred and twenty (120) days of the initial RC recommendation allowing DBD to identify any changes in availability. After six (6) months, all contracts should be resubmitted to DBD to establish current availability. CICC shall be notified of the revised RC recommendation and shall submit the revised documentation to the County Manager for approval.

2. Construction Contract Award

a. Upon opening of bids, the user department shall obtain verification

of contractor compliance with the CSBE program, prepare the Award Recommendation form or electronic facsimile with the selected bidder and forward it to OMB for certification of funds availability.

b. If the contract award recommendation amount differs from the user department's estimated cost provided in the RTA by more then ten (10%) percent (above or below estimate), the user department shall justify the variance in the Project Memorandum. Larger variances shall require additional explanation and support including a statement from the design engineer or architect.

c. Once funding is approved, the user department shall prepare a package including the Award Recommendation, the DBD Verification of Contractor Compliance, the Bid Tabulation form or electronic facsimile, the DBD Project Worksheet, the OMB approval form, the Project Memorandum form or electronic facsimile, with the approval of the County's Attorney's Office as to legal sufficiency and any other relevant documentation. The complete package shall be submitted to CICC for review and further processing.

d. CICC shall review the package and submit a recommendation to the County Manager's Office for final review and approval.

e. Upon approval by the County Manager of the award recommendation, CICC shall file the documents with the Clerk of the Board and forward a copy to the user department to notify all firms of the award recommendation .for the project and proceed with the contract award. The award recommendation shall not constitute an executed contract until approved by the BCC or executed by the County Manager under the authority granted by the BCC.

f. If a protest is filed with the Clerk of the Board within ten (10) calendar days of filing the documents approved by the County Manager, existing procedures for processing bid protests shall govern. The filing of a protest nullifies the County Manager's approval and requires the user department prepare and submit a formal Board Agenda item unless the Hearing Examiner concurs with the County Manager's recommendation.

g. Upon expiration of the bid protest period without a bid protest being filed, the user department shall proceed with the execution of the contract. The user department shall forward a copy of the executed contract package to CICC for the County Manager's execution.

h. CICC shall prepare the Expedite Ordinance No. 00-104 Project

Ratification List on a quarterly basis and present it to the appropriate committee for approval and subsequent submission to the BCC for ratification.

i. If all bids are rejected, the user department shall prepare the Project Memorandum, Request to Reject all Bids and Authorization to Re-Advertise for Bids, including detailed justification for rejection of all bids and the rationale to re-advertise without modifying original specifications. If the reason for rejection is related to the allotted budget for the particular project, the user department should demonstrate changes that would affect pricing.

j. The user department shall forward the Project Memorandum to OMB for approval and once approved, shall submit documentation to DBD to initiate the re-advertising process following the procedures outlined in this Administrative Order.

3. Execution of Contract Options

If options to extend or increase funding are provided for in the contract, the user department may recommend exercising the contract option as follows:

a. The user department shall prepare the amendment identifying the specific contract and options being executed. The amendment must be signed by the contractor, reviewed and approved by the County Attorney's Office as to legal sufficiency, then submitted to CICC for further processing. If the contract option being executed involves an increase of the contract amount, the user department shall obtain an Increase Rider and an Executed Payment and Performance Bond and submit these forms to CICC along with the amendment.

b. CICC shall review the documentation and submit a recommendation to the County Manager's Office for final review and approval.

c. Upon approval by the County Manager, CICC shall file the documents with the Clerk of the Board and forward a copy to the user department.

B. Unanticipated Funded Capital Repair and Rehabilitation Projects

Unanticipated funded capital projects not specified in the Annual Proposed Capital Budget and Multi-Year Capital Plan for fiscal year 1999-2000, or subsequent fiscal years may be included in the expedite process by approval of a resolution by the BCC. Upon BCC approval, the process shall be as follows:

1. The user department shall submit the project to OMB for approval of funding source and level of funding intended for use on the project.

2. The user department shall prepare the resolution and accompanying documentation for BCC approval to process the project(s) under Expedite Ordinance No. 00-104.

3. Upon BCC approval of the resolution, the project may proceed in accordance with the procedures outlined in this Administrative Order.

C. Alternative Methods of Acquiring Construction Contracts

1. Miscellaneous Construction Contracts (MCC)

MCCs are developed to obtain competitive, cost-effective, quality construction services for miscellaneous and emergency construction projects, within specified parameters as approved by the Board of County Commissioners. County departments and agencies participating in this type of contract are required to maintain licensed, well-trained, knowledgeable staff to manage these construction activities, unless exempted by the County Manager.

The County Manager shall ensure that MCCs are utilized as approved by the BCC and that work assigned under this type of contract, is fairly and competitively awarded to the targeted business sector.

CICC shall implement procedures for MCCs based on, but not limited to, the following criteria:

a. Each qualified contractor shall submit an application based on the criteria established for each MCC solicitation.

b. Participating contractors are required to register with the Miami-Dade County Department of Procurement Management.

c. A business owner, alone or as a member of a group, shall own or control only one company affiliated in a MCC.

d. An individual qualifying agent can only qualify one (1) company pursuant to the respective Licensing Governing Boards of Miami-Dade County.

e. Contractors shall submit and maintain insurance policies as stated in the contract and approved by the General Services Administration, Risk Management Division.

f. Contractors shall submit all applicable executed responsibility affidavits as required by the County.

Upon qualifying to participate in a Miscellaneous Construction Contract, the contractor shall be listed in all of the trade categories for which the contractor is licensed and certified to perform.

MCC Request for Price Quotation (RPQ)

a. The user department shall submit the RPQ including a detailed scope of work, required trade qualifications and project cost estimate to CICC.

b. CICC shall review the RPQ and the noted trade category required for the scope of work, as well as any sub-trade categories or specialty requirements that may be needed to complete the scope of work. Based on the constraints of the specific MCC to be accessed, CICC shall provide the user department a list of eligible participating contractors.

c. The user department shall review the qualifications of the available contractors and invite all firms provided by CICC as qualified contractors to participate in the invitation to bid.

d. If the user department determines that the available contractors are not qualified to perform the services, the user department shall provide to CICC a written explanation for the disqualification for the particular RPQ. The user department shall request from CICC additional contractors to invite to bid.

e. Upon the user department's acknowledgement of the lowest responsible bidder, a recommended Bid Award and Notice to Proceed and the names of the prime contractor and any sub contractor(s) shall be forwarded to CICC. If a contractor is certified in all of the required trade categories, it may perform the required services with its own work force.

f. Upon the user department's recommendation of an award, a copy of the award letter shall be forwarded to CICC and DBD.

g. Upon completion of the project and submittal of final payment request, the user department shall forward the certificate of completion and completed performance evaluation to CICC.

h. In the event that any project shall be cancelled or changed, the user

department shall forward such notification to CICC and DBD.

i. The user department shall immediately notify CICC and forward a copy of any notice to cure, notice of non-payment, breach of contract or any other adverse condition or delinquency notification issued to or by a contractor.

2. **Design-Build** [Refer to SECTION II, H, 2 of this Administrative Order]

3. **Construction Manager-at-Risk** [Refer to SECTION II, H, 3 of this Administrative Order]

SECTION IV - CHANGE ORDERS AND PSA AMENDMENTS/MODIFICATIONS

SCOPE:

This section establishes the procedures for user departments to implement and maintain on a timely basis an internal formalized classifying, tracking, monitoring and reporting system for all change orders or amendments to design and construction projects. Specific construction change order information shall be supplied to DBD and CICC, who shall be responsible for maintaining and integrating this information into a countywide construction award and change order database for quarterly reporting to the County Manager.

PROCEDURE:

The user department shall prepare a change order for additional work or time extension or an amendment/modification to a PSA, if such authority is specified in the bid specifications or contract, for approval by the County Manager, subject to BCC ratification under the Expedite Ordinance No. 00-104, for:

- Compensation for time extensions and contractor claims which shall not exceed five hundred thousand dollars ($500,000) in cumulative dollar amount and shall not exceed fifteen percent (15%) of the contract price in cumulative percentage amount.

- Environmental remediation or health requirements in any amount.

- Reduction of contract scope and contractor compensation.

- Granting time extensions without compensation or waiver of liquidated damages.

A. Change Orders and Amendments/Modifications

1. The user department shall prepare a package including the change

order, amendment or modification form or electronic facsimile with the appropriate approvals from DBD, OMB and the County Attorney's Office, the change order or amendment/modification memorandum, and the following exhibits: Exhibit "A" DBD Firm History Report, Exhibit "B" Summary of Bids and Exhibit "C" Detail of Contingency and Contract Usage. The package shall be submitted to CICC for review and further processing.

2. CICC shall review the package and submit a recommendation to the County Manager's Office for final review and approval. If the County Manager determines that, based on CICC's recommendation, the change order, amendment or modification is not eligible to be processed under the Expedite Ordinance No. 00-104, or deems it controversial or holding a special interest to the BCC, the documents shall be returned to the user department for processing as a regular Board Agenda item.

3. Upon approval by the County Manager, CICC shall file the documents with the Clerk of the Board and forward a copy to the user department.

4. CICC shall prepare the Expedite Ordinance No. 00-104 Project Ratification List on a quarterly basis, present it to the appropriate committee for approval and subsequent submission to the BCC for ratification.

B. Change Order Memorandum Requirements

Change Order Memorandum requirements shall include, but not be limited to, the following:

1. The original cost estimate for the construction of the project.

2. A copy of the original Bid Tabulation for all bids received for the contract.

3. The time impact to the contract period (in days).

4. The cost impact to the contract value.

5. The classification of the type of change order in at least one of the following categories (multiple classifications are allowed):

    a. **Regulatory Change:** change caused by revisions in federal, state or local regulations after contract award.

    b. **Other Agency Requested Change:** change requested by other

county, state or federal agency.

c. **Design Errors Change:** change caused by design errors on the part of the architect or engineer. The identity of the party believed to be responsible for the design error shall be stated.

d. **Design Omission Change:** change to include items necessary for the project that were inadvertently not included in the contract. This type of change differs from Design Errors Change, in that the County would have paid for such items if included in the original bid. The identity of the party believed to be responsible for the design omission shall be stated.

e. **County Requested Change:** change caused by revision in the County's programmatic requirements, operational requirements, or occupancy schedule after contract award.

f. **Unforeseen or Unforeseeable Change:** change such as differing sub-soil conditions, variation in location of hidden or underground utilities, unforeseeable environmental requirements or unavailability of specified product(s) due to manufacturer's discontinuance.

g. **Force Majeure:** an unexpected or uncontrollable event.

6. Cost Overruns or Underruns: a final balancing change order of those costs, which exceed or fall below the estimated contract amount.

7. The change order number (i.e., Change Order No. 1).

8. The word 'Final' when applicable (i.e., Change Order No. 2 and Final).

9. The history of previous change order requests to the contract.

10. Indication of the timely submittal by the contractor. If the change order was not timely submitted, the following statement should be included in the County Manager's memorandum: "The contractor did not submit this claim during the time provided in the contract for making claims. The Board of County Commissioners has no legal obligation to consider this claim."

11. The status of the allowance account including the original amount, any increases or decreases and the current balance.

This Administrative Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Steve Shiver
County Manager