



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Infrastructure and Land Use**  
**Committee**

February 9, 2011  
2:00 P.M.  
Commission Chamber

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**Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor**

**Legislative Notes  
Infrastructure and Land Use Committee  
Meeting Agenda**

**February 09, 2011**

Written analyses and notes for the below listed items are attached for your consideration:

<b>Item Number(s)</b>
4(C)
4(D)

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR



Legislative Notes

**Agenda Item:** 4(C)

**File Number:** 110070

**Committee(s)  
of Reference:** Infrastructure and Land Use Committee

**Date of Analysis:** February 7, 2011

**Commission District:** Countywide

**Type of Item:** Ratification

### Summary

This resolution ratifies the County Manager's execution of 17 Equitable Distribution Program (EDP) Professional Services Agreements (PSA) in the last three quarters of FY 2010 for architectural, engineering and landscape architectural firms.

- Of the 17 firms seeking ratification, seven (7) are existing EDP consultants and 10 are first time Professional Service Agreements.
- Six (6) of the firms who received their first EDP contract do not have evaluations yet because they have not completed their first County work assignment.
- Two (2) existing EDP consultants with completed EDP assignments do not have performance evaluations.
- **According to Office of Capital Improvement (OCI) staff, some work assignments are active or have not been closed by the capital departments. Capital departments are tasked with completing contract performance evaluations at the completion of an EDP project.**

According to OCI staff:

- *There are 342 firms that were active in the program as of 10/1/2010. OCI has processed over 430 firms in the program but many are no longer active because: (1) vendors have not maintained their technical certification(s) with Miami-Dade; (2) vendors closed their offices; (3) vendors no longer maintain a office in Miami-Dade; and (4) vendors changed their name.*

### Background and Relevant Information

The EDP was created in June 2001 when the Board of County Commissioners (BCC) adopted Administrative Order 3-33. The purpose for establishing the EDP was to fairly and equitably distribute Architectural and Engineering (A/E) professional services for all miscellaneous type projects in which construction costs do not exceed the thresholds required by Section 287.055, Florida Statutes. Due to the development of various computer programs, databases, development of the pre-qualification pool, and forms, full implementation of the program did not take place until July 2002 when the first work assignment was made.

- OCI is tasked with overall administration of the EDP.
- New participants are not required to execute the Professional Services Agreement (PSA) until such time they are selected for a work assignment.
- Pursuant to Administrative Order 3-39 (AO), Capital departments are only required to complete one EDP performance evaluation at the completion of the assignment.
- The EDP is not a minority and/or small business program.
- The EDP provides work assignment opportunities to firms by employing a rotational selection process based on a firm's past 3 year award and payment history on County projects. The qualified EDP firms that have had fewer opportunities to provide services to the County over the past 3 years are primarily given the first opportunities for an EDP project assignment.
- In order for a firm to participate in the rotational process (EDP program), the firm must meet all pre-qualification process criteria and meet the EDP eligibility requirements, pursuant to AO 3-39.

#### Equitable Distribution Program/Professional Services Agreement

	Firm	EDP Assignments	A&E PSAs	Average Performance Evaluation	EDP Past Performance Evaluations (PPE) are required when a department closes their project <sup>1</sup>
1	Camp Dresser & Mckee	3	7	3.6	Six performance evaluations were provided.
2	Carlab, Inc.	1	0	0	EDP project not completed.
3	Hufsey Nicolides Garcia Suarez Associates, Inc.	1	0	0	EDP project not completed.
4	RC Group, LLC	3	0	3.8	One performance evaluation was provided.
5	S.E.T. Engineering & Testing Lab, Corp.	Project was cancelled	3	0	No EDP assignments.
6	Sun-Tech Engineering, Inc.	1	0	0	EDP project not completed.
7	Tierra, Inc.	16	2	0	No performance evaluation was provided for the firm.
8	Vanus, Inc.	0	0	0	EDP project not completed.
9	WRS Infrastructure & Environment, Inc.	3	0	3.2	Three performance evaluations were provided.

<sup>1</sup> Some of the firm's EDP assignments are still active and/or have not been closed by the Capital departments. Some performance evaluations may not be reflected in this table.

	Firm	EDP Assignments	A&E PSAs	Average Performance Evaluation	EDP Past Performance Evaluations (PPE) are required when a department closes their project <sup>1</sup>
10	ATC Associates, Inc.	1	3	3.0	One performance evaluation was provided.
11	V.E. Alvarez & Partners, LLC	1	0	0	EDP project not completed.
12	Fanjul & Associates, LLC	2	0	4.0	One performance evaluation was provided.
13	Siddiq Khann & Associates, Inc.	5	1	0	No performance evaluation was provided for the firm.  According to OCI staff, this vendor had four EDP Assignments in 2005 and 2006 to assist the Bldg Dept's Aviation Office with plan reviews. The MDAD supervisors, at the time, did not complete evaluations and are no longer involved with the office.  One EDP project active.
14	Selllek Architectural Consultants, Inc.	3	0	3.2	One performance evaluation was provided.
15	Environmental Regulatory Compliance, Inc.	8	0	0	EDP project not completed.
16	Maurice Gray Associates, Inc.	3	0	2.6	Two performance evaluations were provided.
17	Schindler Architects, Inc.	3	0	2.5	Interim performance evaluations provided.

**Source:** Office of Capital Improvements Staff/CIIS System

#### Comments

**According to OCI staff, OCI has requested that participating capital department Project Managers close out their projects timely and complete the performance evaluations.** Administrative Order 3-42 - *Evaluation and Suspension of Contractors and Consultants*, states that "all contractors and consultants shall be evaluated for their performance at least once on each capital improvements contract or agreement."

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item:** 4(D)  
**File Number:** 110224  
**Committee(s)  
of Reference:** Infrastructure and Land Use Committee  
**Date of Analysis:** February 8, 2011  
**District:** 4

**Summary**

This resolution approves the Development and Grant Agreement and accompanying Rental Regulatory Agreement between the County and Waterford I Associates, Ltd. Waterford will consist of 8 affordable rental townhomes and 64 mid-rise apartment residences.

Pursuant to the Regulatory Agreement, the Developer shall, among other provisions, develop seventy-two (72) affordable rental units to be leased to individuals, four (4) of which will be rented to families whose income is equal to or less than 30% of the annual area median income; 61 of which will be rented to families whose income is equal to or less than 60% of the annual area median income; and 7 of which will be rented to families whose income is equal to or less than 140% of the annual area median income all adjusted for family size established by HUD (the "AMI").

- *Does this meet the minimum project requirements as set forth in R-1336-09?*

**Background and Relevant Information**

On November 17, 2009, the BCC adopted R-1336-09 which provided for the following: Rescinded R-1374-08\*; Rejected all bids for the District 4 BBC GOB portion of the FY 2010 Consolidated Request for Applications (RFA), issued pursuant to R-1374-08; Waived bid protest procedures and competitive bid procedures, by a 2/3 vote of the members present; Authorized Mayor or his designee to enter into negotiations with all of the developers who submitted proposals in response to the RFP issued pursuant to R-1374-08 for the construction of multi-family affordable housing utilizing GOB funds in District 4.

*\*The RFP process conducted pursuant to R-1374-08 encountered technical issues.*

Additionally, R-1336-09 approved the allocation of \$10,592,307 from the \$137.7 million allocated for BBC Program Project No. 249 to fund the development of multifamily rental housing on privately owned land in District 4 through a grant pursuant to the negotiations, subject to BCC approval of the recommended proposer and all necessary agreements.

**Project Minimum Requirements:**

- (i) the proposal shall maximize the number of rental units that could be financed from the GOB funds on privately owned land;

- (ii) forty percent (40%) of the units are to be rented to families that earn up to sixty percent (60%) of the adjusted median income for Miami-Dade County ("Median Income") and sixty percent (60%) of the units shall be rented to families that earn up to one hundred and forty percent (140%) of Median Income;
- (iii) the property shall be subject to a Land Use Restriction Agreement requiring the owner to continue to meet the requirements in (ii) above for as long as the bonds issued to fund the development remain outstanding but in no event less than thirty (30) years;
- (iv) preference shall be given to families who have at least one member employed by public sector and/or health care providers located in Miami-Dade County; and
- (v) the successful proposer shall enter into a grant agreement that will require the repayment of the grant if the conditions of the grant are not satisfied.

#### **Additional Information**

On July 8, 2010, the BCC approved R-731-10, allocating \$10,529,307 of District 4 GOB Funds from Project No. 249 to Waterford I Associates, Ltd. and authorizing staff to negotiate an agreement with Waterford I Associates, Ltd, the highest ranked applicant resulting from an evaluation/negotiation procedure approved by the BCC through R-1336-09. Resolution No. 731-10 indicated that negotiations should include further review of the funding availability, a responsibility review, additional due diligence, and review of the underwriting capabilities. Staff has met with the developer and has begun to evaluate the financial information and proposed development details. In addition, much of the information required by the underwriter has been forwarded to them but the balance of information will be costly to the developer as well as will take some additional time to produce.

- *What information will be costly to the developer?*
- *If the developer is having trouble just providing information during the underwriting process, how will they complete this project?*

For this reason, staff has prepared the Development and Grant Agreement and accompanying Rental Regulatory Agreement in form for Board approval. Although, as stated above, these documents remain subject to underwriting and other review by staff, the developer can move forward with preparing the additional documentation required by the County as well as allowing him to move forward with the development provided his proposal is approved by the underwriter and all other due diligence by staff is completed.

- *Has the County prepared a Development and Grant Agreement and Rental Regulatory Agreement for other developers?*

Additionally, R-731-10 states that the project amount is \$12,898,761.

- *Has the project amount changed?*

**Prepared by: Bia Marsellos**