

# Memorandum



**Date:** May 8, 2007

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George W. Burgess  
County Manager

**Subject:** Ratification of Project Specific Services Agreement for MIA Tract One Drainage, Grading and Pavement Improvements at Miami International Airport, MDAD Project No. E03-MDAD-05/F178A, in the amount of \$1,725,080.

Agenda Item No. 8(A)(1)(C)

**Recommendation**

It is recommended that the Board adopt the attached resolution ratifying my October 27, 2004 approval of a project specific professional services agreement with BND Engineers, Inc. for Capital Improvement Project, MIA Tract 1 Drainage, and Grading & Pavement Improvements Project No. E03-MDAD-05 at Miami International Airport (attached Exhibit A).

**SCOPE**

**PROJECT NAME:** MIA Tract One Drainage, Grading and Pavement Improvements at Miami International Airport

**PROJECT NO.:** MDAD Project No. E03-MDAD-05/F178A

**PROJECT DESCRIPTION:** Provide design and work site related services for the upgrade of the existing Tract One Apron area of Miami International Airport. Project consists of pavement removal, construction of new rigid concrete and flexible asphalt pavement, stormwater drainage improvements, utility relocation and removal, water main installation, lighting, signage and pavement markings and maintenance of traffic. Also included are improvements to life safety components needed to bring the area into compliance with Code requirements.

**PROJECT LOATION:** Miami International Airport

**PRIMARY COMMISSION DISTRICT:** Miami International Airport is located primarily within Commission District Six, Rebeca Sosa. However, the impact of this agenda item is countywide in nature as Miami International Airport is a regional asset.

**APPROVAL PATH:** Board of County Commissioners

**OCI A&E Project No.** E03

**USING DEPARTMENT:** Miami-Dade Aviation

**MANAGING DEPARTMENT:** Miami-Dade Aviation

**FISCAL IMPACT/FUNDING SOURCE**

Basic Services	\$ 727,000
Dedicated Services	\$ 635,000
Contingency/Allowance (% and \$)	\$ 171,000 (10%)
Reimbursable Expenses	\$ 175,000
IPSIG	<u>\$ 17,000</u>

**TOTAL CONTRACT VALUE:** \$1,725,000

**FUNDING SOURCE:** Federal Grants and Aviation Revenue Bonds

**TRACK RECORD/MONITOR**

**FIRM NAME:** BND Engineers, Inc.

**LOCATION OF FIRM:** Miami-Dade County

**COMPANY PRINCIPAL (S):** Basil S. Williams, President

**SUBCONSULTANTS:** H.J. Ross Associates, Inc.  
Reynolds, Smith and Hill, Inc.  
Nifah and Partners Consulting Engineers, Inc.  
Rodolfo Ibarra, P.E.

**YEARS IN BUSINESS:** Ten (10) years

**PREVIOUS AGREEMENTS WITH COUNTY:** Four (4) agreements totaling \$4,609,885  
(See attached Firm History Report)

**TRACK RECORD:** Capital Improvements Information System (CIIS) does not list this firm. See the following background narrative for performance issues on Public Works Department contracts.

**REVIEW COMMITTEE APPROVAL DATE:** 7/31/03 (MDAD Minority Affairs Division)  
8/20/03 (Federal funded project sent to RC for information purposes only)

**DBE GOAL:** 25% (see attached Minority Affairs Worksheet)

**AGREEMENT PERIOD:** Five (5) years and shall begin upon execution by the parties and shall be in effect until all services are completed or until those service orders in force at the end of the stated period of time have been completed and the services accepted, whichever may be later.

**PROJECT MANAGER:** Pedro Hernandez (305) 876-7928  
phernandez@miami-airport.com

**Background**

The Miami-Dade Office of Capital Improvement (OCI) processed this Architect/Engineer selection pursuant to Section 2-8.2.7 of the Code of Miami-Dade County, known as the "Expedite Ordinance"

and recommended award of the professional service agreement (PSA) for the project titled, MIA Tract 1 Drainage, and Grading & Pavement Improvements. This PSA was awarded to BND Engineers, Inc. (BND), thru the Office of Capital Improvements and filed with the Clerk of the Board on October 27, 2004, subject to Board ratification.

The OCI placed the item on the expedite ratification list presented to the Infrastructure and Land Use Committee (INLUC) meeting scheduled on February 8, 2005.

On January 3, 2005, prior to the INLUC meeting, the Office of the Inspector General (OIG) issued a memorandum (attached Exhibit B) advising the Board of an OIG investigation involving two Public Works Department contracts, 693509Q and E01-PWD-02, EP-8. BND performed construction inspection services on the Quality Neighborhoods Improvement Program contract (693509Q). Upon receipt of the OIG Memorandum, the OCI removed the MIA Tract 1 Drainage, Grading & Pavement Improvements project from the ratification list; therefore, the contract was not presented to the BCC for ratification consideration.

Because the MIA Tract 1 project at Miami International Airport includes Federal grant funds and its timely completion was critical to receiving the grant funds on May 20, 2005, then Assistant County Manager, Dr. Carlos Bonzon authorized MDAD to complete the "design phase" only in anticipation of a satisfactory resolution of the issues raised by the OIG.

On September 25, 2006 the Public Works Department notified BND that it would retain the amount of \$27,000 from payment requisitions submitted by BND for E01-PWD-02, EP-8, due to the unsatisfactory performance of inspection services and also reserves the County's right to make future claims. On October 11, 2006, the OIG issued a memorandum (attached Exhibit C) questioning BND's acceptance of responsibility relative to its inspectional services provided under project No. E01-PW-02.

At the request of BND, the OIG met with the principals of the firm to address matters of responsibility in connection with the PW contracts. Pursuant to those discussions, BND has accepted responsibility for the inspection services deficiencies. The OIG issued a memorandum dated November 6, 2006 (attached Exhibit D) that his office is now satisfied that BND has accepted responsibility for its work on the Public Works contracts.

A separate construction contract was awarded by the Board on December 19, 2006 (R-1419-06) in the amount of \$17,491,872.11 to Central Florida Equipment Rentals, Inc. for the construction work associated with the Tract One Improvements. The BND agreement and services are essential to complete the project and comply with the Federal grant requirements.

  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** May 8, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 8(A)(1)(C)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(A)(1)(C)  
5-8-07

RESOLUTION NO. \_\_\_\_\_

RESOLUTION RATIFYING ACTIONS OF COUNTY  
MANAGER IN APPROVING PROFESSIONAL  
SERVICES AGREEMENT WITH BND ENGINEERS,  
INC. FOR PROJECT NO. E03-MDAD-05 MIA TRACT  
ONE DRAINAGE AND GRADING AND PAVEMENT  
IMPROVEMENTS

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board ratifies actions of the County Manager in approving Professional Services Agreement with BND Engineers, Inc. for Project No. E03-MDAD-05 Mia Tract One Drainage and Grading and Pavement Improvements.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 8<sup>th</sup> day of May, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency. *DBM*

Deborah Bovarnick Mastin

# Memorandum



**Date:** September 13, 2004

**To:** George M. Burgess  
County Manager

**Attn:** Roger T. Hernstadt  
Capital Improvement Coordinator

**From:** Angela Gittens  
Aviation Director 

**Subject:** Project Specific Services Agreement  
For MIA Tract One Drainage,  
Grading and Pavement Improvements  
Project No. E03-MDAD-05/F178A

CLERK OF THE BOARD  
2004 OCT 27 AM 10:53  
CLERK, CIRCUIT & COUNTY COURTS  
MIAMI-DADE COUNTY, FLA.

The attached Professional Services Agreement for Project Specific Services between Miami-Dade County and **BND Engineers, Inc.** has been prepared by the Miami-Dade Aviation Department and is recommended for approval, pursuant to the Expedite Ordinance No. 00-104.

**PROJECT:** MIA Tract One Drainage, Grading and Pavement Improvements

**PROJECT NO.:** E03-MDAD-05

**CONTRACT NO.:** F178A

**PROJECT DESCRIPTION:** The scope of work includes but is not limited to design and work related services for the upgrade of the existing Tract One Apron area of Miami International Airport. The scope of work consists of pavement removal, construction of new rigid concrete and flexible asphalt apron pavement, stormwater drainage improvements, utility relocation and removal, water main installation, lighting, signage and pavement markings in addition to improvements to life safety to bring the area into compliance with surrounding facilities. Drainage, phasing, maintenance of traffic (M.O.T.) and maintenance of tenant operations are key elements of the Tract One Apron project. Innovative phasing solutions may be required to ensure tenant operations are maintained during the apron reconstruction. The estimated construction budget for this project is \$11,843,984.00.

**PROJECT LOCATION:** Miami International Airport

Primary Commission District District Six- Rebeca Sosa

RECEIVED

2004 SEP 15 PM 1:50

CMO-CAPITAL IMPROVEMENTS

County Manager  
 MIA Tract One Drainage,  
 Grading and Pavement Improvements  
 E03-MDAD-05, R/F178A  
 Page No. 2

**COST ESTIMATE:**

* <b>Original Design Phase Under E03-MDAD-04</b>	\$646,035
<b>Revised Design Phase Under E03-MDAD-05</b>	\$1,076,725
<b>Original Construction Phase Under E03-MDAD-04</b>	\$11,843,984
<b>Revised Construction Phase Under E03-MDAD-05</b>	\$11,843,984
<b>ARTS IN PUBLIC PLACES: (A.O. 3-11)</b>	Not Applicable
<b>INSPECTOR GENERAL: (Ordinance No. 97-215)</b>	Not Applicable Federally funded
<b>IPSIG: (A.O. 3-20)</b>	Applicable, see Agreement Amount on page 4 of this memorandum
<b>RESPONSIBLE WAGES:</b>	Not Applicable
<b>LIVING WAGES</b>	Not Applicable
<b>REVIEW COMMITTEE DATE: Under E03-MDAD-04</b>	2/26/03
<b>REVIEW COMMITTEE APPROVAL DATE: Under E03-MDAD-04</b>	2/26/03
<b>REVIEW COMMITTEE RESUBMITTAL DATE:</b>	7/30/03

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\* Project No. E03-MDAD-04 was withdrawn as a result of changes in the funding source, cost estimate and contract measures, see attached documentation.

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County Manager  
MIA Tract One Drainage,  
Grading and Pavement Improvements  
E03-MDAD-05, R/F178A  
Page No. 3

**REVIEW COMMITTEE APPROVAL DATE:** . 7/31/03 (MDAD, Minority Affairs Division)  
8/20/03 (Federally funded project sent to RC for informational purposes only)

**REVIEW COMMITTEE ASSIGNED CONTRACT MEASURES:**

- CSBE GOAL** 0%
- CBE GOAL** 100% Set aside (RC of 2/26/03, under E03-MDAD-04)
- DBE GOAL** 25%, see attached Minority Affairs Worksheet (RC of 8/20/03 under E03-MDAD-05)
- CWF GOAL** 0%

**FIRM NAME:** BND Engineers, Inc.

**LOCATION OF FIRM:** 1200 NW 78<sup>th</sup> Ave  
Suite 400  
Miami, FL 33126

**COMPANY PRINCIPAL (S):** Basil S. Williams, President

**YEARS IN BUSINESS:** Ten (10) years

**PREVIOUS AGREEMENT(S) WITH THE COUNTY:** Four (4) Agreements for a total of \$4,609,885, see attached A&E Firm History Report.

**AGREEMENT PERIOD:** Five (5) years and shall begin upon execution by the parties and shall be in effect until all Services are completed or until those Service Orders in force at the end of the stated period of time have been completed and the Services accepted, whichever may be later.

County Manager  
 MIA Tract One Drainage,  
 Grading and Pavement Improvements  
 E03-MDAD-05, R/F178A  
 Page No. 4

**AGREEMENT AMOUNT:**

Basic Services	\$727,000
Dedicated Services	\$635,000
Contingency/Allowance (% and \$)	10% and \$171,000
Reimbursable expenses	\$175,000
IPSIG:	\$17,080

<b>TOTAL CONTRACT VALUE</b>	<u>\$1,725,080.00</u>
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**SUBCONSULTANTS:**

H.J. Ross Associates, Inc.  
 Reynolds, Smith and Hills, Inc.  
 Nifah and Partners Consulting Engineers, Inc.  
 Rodolfo Ibarra, P.E.

**USING AGENCY:**

Miami-Dade Aviation Department

**MANAGING AGENCY:**

Miami-Dade Aviation Department

**MINIMUM QUALIFICATIONS**

**EXCEED LEGAL REQUIREMENTS:** No

**FUNDING SOURCE:**

Federal Grants- Future Aviation Revenue Bonds  
 Aviation Revenue Bonds Sold

**ALLOWANCES/CONTINGENCY**

**ORDINANCE NO. 00-65:** See Agreement Amount above

**EXPEDITE ORDINANCE NO. 00-104**

As described in the Proposed Budget and Multi Year  
 Capital Plan 2003-2004, MIA Northside Development  
 Project page 34.

**CAPITAL BUDGET INFORMATION:** Project Number: 6333031 Est \$                     

Project Technical Certification  
 Requirements:

4.01	Aviation Systems - Engineering Design (Prime)
11.00	General Structural Engineering
13.00	General Structural Engineering
16.00	General Civil Engineering
17.00	Engineering Construction Management

County Manager  
MIA Tract One Drainage,  
Grading and Pavement Improvements  
E03-MDAD-05, R/F178A  
Page No. 5

**APPROVED FOR  
LEGAL SUFFICIENCY:**

DBM

Assistant County Attorney

Date: 8 Sept 2004

**APPROVED PURSUANT TO  
THE EXPEDITE ORDINANCE  
NO. 00-104 PASSED AND ADOPTED  
JULY 25, 2000, SUBJECT TO  
BOARD RATIFICATION:**

Bill Johnson

County Manager

Date: 9-30-04

MIAMI-DADE COUNTY  
CONTRACT AWARD RECOMMENDATION  
ARCHITECTURAL/ENGINEERING PROJECT

Date: September 9, 2004

Thru: Office of Strategic Business Management (OSBM)  
To: County Manager

Project Title: E03-MDAD-05/F178A

Location: Miami-Dade Aviation Department

Original Cost Estimate: \$ 1,076,725  
Recommended Amount of Contract: \$ 1,725,080

Agreement Period: Five (5) years and shall begin upon execution by the parties and shall be in effect until all Services are completed or until those Service Orders in force at the end of the stated period of time have been completed and the Services accepted, whichever may be later.

Number of proposal documents taken out: 78 (seventy-eight)

Number of Proposals received: 11 (eleven)

It is recommended that a contract be awarded to:

Firm Name: BND Engineers, Inc.

Address: 1200 NW 78<sup>th</sup> Ave  
Suite 400  
Miami, FL 33126

Explanation: (Description of need for project; details of project; explanation of proposals)

The scope of work includes but is not limited to design and work related services for the upgrade of the existing Tract One Apron area of Miami International Airport. The scope of work consists of pavement removal, construction of new rigid concrete and flexible asphalt apron pavement, stormwater drainage improvements, utility relocation and removal, water main installation, lighting, signage and pavement markings in addition to improvements to life safety to bring the area into compliance with surrounding facilities. Drainage, phasing, maintenance of traffic (M.O.T.) and maintenance of tenant operations are key elements of the Tract One Apron project. Innovative phasing solutions may be required to ensure tenant operations are maintained during the apron reconstruction. The estimated construction budget for this project is \$11,843,984.00.

Signature:   
Title: Aviation Director  
Department: Miami-Dade Aviation Department

MIAMI-DADE COUNTY  
CONTRACT AWARD RECOMMENDATION  
ARCHITECTURAL/ENGINEERING PROJECT

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FUNDS BUDGETED

Code: 726539-CPB 24

By: [Signature]

Date: 9/9/04

BUDGET DEPARTMENT CERTIFICATION

FUNDS AVAILABLE

Code: A

By: [Signature]

Date: 9/15/04

03-07

STRATEGIC AREA: TRANSPORTATION  
 DEPARTMENT: Aviation

\*\*\*\*\* FUNDED PROJECTS \*\*\*\*\*  
 (\$ IN 000'S)

**ENVIRONMENTAL ENGINEERING**

LOCATION: Miami International Airport  
 Unincorporated Miami-Dade County  
 COMM DIST: Countywide

DESCRIPTION: Implement stormwater, water distribution, and sanitary sewer master plans; mitigate pollution of soil, ground water, and air; upgrade the fuel storage facility and distribution system.

REVENUE SCHEDULE:	PRIOR	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	FUTURE	TOTAL
Aviation Passenger Facility Charge	0	0	0	0	1,319	5,986	9,345	655	17,305
Future Aviation Revenue Bonds	0	0	7,562	10,762	7,547	3,472	0	6,583	35,926
Aviation Revenue Bonds Sold	225,027	16,757	0	0	0	0	0	0	241,784

<b>TOTAL REVENUE:</b>	<b>225,027</b>	<b>16,757</b>	<b>7,562</b>	<b>10,762</b>	<b>8,866</b>	<b>9,458</b>	<b>9,345</b>	<b>7,238</b>	<b>295,015</b>
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EXPENDITURE SCHEDULE:	PRIOR	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	FUTURE	TOTAL
Planning/Design	180,275	1,054	323	674	938	1,135	1,272	943	186,614
Construction	44,752	15,703	7,239	10,088	7,928	8,323	8,073	6,295	108,401

<b>TOTAL PROJECTED COST:</b>	<b>225,027</b>	<b>16,757</b>	<b>7,562</b>	<b>10,762</b>	<b>8,866</b>	<b>9,458</b>	<b>9,345</b>	<b>7,238</b>	<b>295,015</b>
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**NORTHSIDE REDEVELOPMENT**

LOCATION: Miami International Airport  
 Unincorporated Miami-Dade County  
 COMM DIST: Countywide

DESCRIPTION: Redevelop MIA's original Northside to improve cargo processing and aircraft maintenance functions, including construction of cargo buildings, re-paving of roads, and draining the apron areas adjacent to the cargo and maintenance buildings.

REVENUE SCHEDULE:	PRIOR	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	FUTURE	TOTAL
Future Aviation Revenue Bonds	0	0	1,317	7,132	10,273	1,377	0	0	20,099
Aviation Revenue Bonds Sold	50,853	6,085	0	0	0	0	0	0	56,938

<b>TOTAL REVENUE:</b>	<b>50,853</b>	<b>6,085</b>	<b>1,317</b>	<b>7,132</b>	<b>10,273</b>	<b>1,377</b>	<b>0</b>	<b>0</b>	<b>77,037</b>
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EXPENDITURE SCHEDULE:	PRIOR	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	FUTURE	TOTAL
Planning/Design	12,491	1,891	1,169	1,014	688	109	0	0	17,342
Construction	38,362	4,194	148	6,118	9,605	1,268	0	0	59,695

<b>TOTAL PROJECTED COST:</b>	<b>50,853</b>	<b>6,085</b>	<b>1,317</b>	<b>7,132</b>	<b>10,273</b>	<b>1,377</b>	<b>0</b>	<b>0</b>	<b>77,037</b>
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# MEMORANDUM

TO: Betty Alexander, Division Director  
Business & Professional Development Division  
Department of Business Development

DATE: October 22, 2003

FROM: Pamela L. Paulk  
A/E, Specifications & Standards Manager  
Capital Improvements Construction Coordination

SUBJECT: Project Number Change

Be advised that the Miami-Dade Aviation Department (MDAD) initially designated the MIA Tract One, Drainage, Grading and Paving solicitation as a Certified Business Enterprise (CBE) set-aside project. As a result, said information was submitted to CICC, the Review Committee (RC), and the County Manager for project number assignment, review, and execution of the Request to Advertise (RTA), respectively.

After advertising this project, MDAD concurred to cancel the solicitation in order to advertise under the new Administrative Order 3-39 and explore possible federal funding sources. It is now the intention of MDAD to re-advertise this project with Disadvantaged Business Enterprise (DBE) goals. As a result, and in order not to confuse future respondents with respect to this solicitation, CICC decided to change the project's originally assigned number. The former project number was E03-MDAD-04 and has now been changed to E03-MDAD-05.

We apologize for any inconvenience this may cause you and thank you for your anticipated cooperation.

Should you have any questions and/or concerns regarding this matter, you may contact Ms. Pamela Paulk, A&E Standards & Specifications Manager, CICC, at (305) 375-1109.

c: Maryse Georges, MDAD  
Art Tillburg, CICC

/rmw

03 OCT 31 AM 8:33

FROM

(WED) 11. 22' 06 16:14/ST. 16:13/NO. 4860745486 P 11

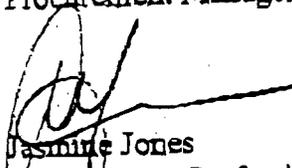


MEMORANDUM

XC: HG (CC) AS, AT, FILE

TO: Jorge Silveira  
Procurement Management Department

DATE: September 4, 2003

FROM:   
Jasmine Jones  
Business and Professional Development  
Division

SUBJECT: Federally Funded Projects  
Presented to the Review  
Committee

The project listed on the attached sheet was presented to the Review Committee on August 20, 2003 for informational purposes.

Enclosure:

CC: Howard Gregory

MINORITY AFFAIRS  
2003 SEP -9 AM 8:11

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**Miami Dade Aviation Department  
Minority Affairs Division  
Project Worksheet**

**Project/Contract Title:** MIA Tract One Drainage, Grading & Pavement Improvements  
**Project/Contract No:** E03-MDAD-04/F178A  
**Estimated Cost of Project/Bid:** \$1,076,725.00  
**Funding Source:** FAA Funding  
**Resubmittal Date(s):** 7/30/03

**Description of project/Bid:** MDAD is planning to upgrade the existing Tract One apron area located on the North side of Miami International Airport to improve drainage, grading and pavement conditions of the area, improve life safety and bring the area into compliance with the surrounding facilities. The Tract One Apron area provides aircraft parking and ground storage equipment space for the Avhome facility, Commodore Aviation and Aerostar. The Tract One area improvements are necessary due to a history of flooding and ponding caused by improper grading and lack of a drainage system, which adversely affect the working environment and tenant operations. Adjacent projects, such as the new North Side Runway and the Avhome Hangar facility are designed at higher-grade elevations with new drainage systems and pavement conditions, leaving the Tract One Apron area in a deteriorating condition. The project consist of, but it is not limited to, pavement removal, construction of a new rigid concrete and flexible asphalt apron pavement, storm-water drainage improvements, utility relocation and removal, water main installation, lighting signage and pavement markings. The approximately 10 acre Tract One Apron project will provide a continuous apron and replace aircraft parking positions lost due to the new North Side Runway and North Side redevelopment.

DBE Recommendation		
<u>Measure Goal</u>	<u>Program DBE</u>	<u>DBE Goal Percent</u> 25%

**Reasons for Recommendation**

This is a reasonable Goal, based on the availability of DBE firms for the Trade identified

Analysis for Recommendation				
<u>Subtrade</u>	<u>Cat.</u>	<u>Estimated Value</u>	<u>% of Items to Base Bid</u>	<u>Availability</u>
General Electrical Engineering	DBE	\$53,836.00	5%	3
General Civil Engineering	DBE	\$172,173.00	16%	67
Engineering Construction Mgmt.	DBE	\$43,069.00	4%	3
<b>Total</b>		<b>\$269,078.00</b>	<b>25%</b>	

**Minority Affairs Recommendation**

DBE Goal 25% No Goal \_\_\_\_\_

[Signature] 7/31/03 [Signature] 7/31/03  
 Associate Director Date Project Manager Date



Biscayne Building  
19 West Flagler St., Suite 220  
Miami, FL 33130  
Phone: (305) 375-1946  
Fax: (305) 579-2656  
www.miamidadeig.org

**Office of the Inspector General  
Miami-Dade County**

# Memorandum

To: The Honorable Joe A. Martinez, Chair  
Board of County Commissioners

The Honorable Dennis C. Moss, Vice-Chair  
Board of County Commissioners

George M. Burgess  
County Manager

From: Christopher Mazzella  
Inspector General

Date: January 3, 2005

Re: **OIG Investigation of Public Works Department (PWD) Contract PW 693509Q  
*Quality Neighborhoods Improvement Program (QNIP 2) and PWD Consultant  
Contract E01-PW-02, EP-8 for General Engineering Construction Management  
Services***

By way of this memorandum, I want to formally advise you of my office's investigation of the two above-captioned contracts. In the last week, there have been several emails exchanged between Office of the Inspector General (OIG) personnel and Miami-Dade County (County) personnel from the Miami-Dade Transit Department (MDT) and the Miami-Dade Aviation Department (MDAD) relative to the engineering firm BND Engineers, Inc. (BND). As the OIG investigation is still on-going and it would be premature to reveal all aspects of the investigation, I want to share what I believe is germane to currently proposed county contracts/contractors. This information is being provided solely to assist you in making whatever decision(s) or taking whatever action(s) you feel appropriate.

With regards to the aforementioned email discussions, BND is the proposed Disadvantaged Business Enterprise (DBE) sub-consultant to Parsons Transportation Group, Inc. on MDT's *North Corridor Project*. This project has not yet been awarded; it is currently scheduled for Board of County Commissioners (BCC) approval on January 20, 2005. Similarly, BND is also the proposed DBE sub-consultant to URS Engineering,

Inc. on the *Transit MIC Earlington Heights Final Design Contract*, which is scheduled for BCC approval on January 20, 2005. The OIG has been advised that, thereafter, the two MDT projects will then be placed before the Citizens Independent Transportation Trust (CITT) for approval.

With regards to the discussions emanating from the Aviation Department, BND is the design consultant for the project entitled *Tract One Apron Drainage, Grading and Pavement Improvement Project*. According to MDAD personnel, this project includes both design work and construction inspection services, and has been awarded to BND under the authority of the Expedite Ordinance (No. 00-104). This MDAD project is scheduled for BCC ratification on January 20, 2005.

The OIG has been advised that preliminary design work has already begun on this project. However, in light of the investigation, MDAD is holding BND from performing more work on the *Tract One Project* and is also suspending issuance of construction inspection work orders to BND until the conclusion of this investigation. MDAD is also re-inspecting BND's previous projects for full compliance with contract requirements.

It is with this backdrop that I feel it imperative to notify you about our investigation of the QNIP 2 Contract. A little over one month ago, in late November, the OIG was alerted to suspected construction deficiencies on a drainage improvement project located in the vicinity of SW 184<sup>th</sup> Street and SW 139<sup>th</sup> Court (Commission District 9). Work on this project (Work Order No. 2 of aforementioned QNIP 2 Contract) took place between February and April 2004. The alleged deficiencies generally related to the depth of the drainage trench, substitution of inferior materials and monetary overpayments. The construction work on Work Order No. 2 (as well as other work orders issued to the contractor under this project) was inspected by BND. BND has a professional services agreement (Contract No. E01-PW-02, EP-8) with the Public Works Department to provide engineering construction management services.

Based on the initial allegation and information learned through the course of the investigation, OIG and PWD personnel re-inspected several locations along the drainage trench of this work order. The re-inspection consisted of PWD personnel excavating several points in order to measure the trench depth. OIG personnel were also present in the field to observe the re-inspections. The re-inspection revealed that the certified inspection reports were incorrect by large margins, a few by over fifty percent (50%) of the required depth. The specified trench depths are calculated to ensure an appropriate percolation rate, and thus proper drainage. Each trench is several blocks in length, and the initial installation was, with no doubt, disruptive to the residents of the neighborhood. Based on confirmation of the deficiencies, PWD is developing a remediation plan to ensure proper drainage in the originally devised area. We would hope that this could be accomplished without further inconvenience to the residents.

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1/3/2005  
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The re-inspections, thus far, have involved construction work performed by Magna Construction, Inc. The OIG has reason to believe that the problem extends beyond one construction firm, and therefore we will be expanding our inspection efforts to other contractors performing construction work in other regions of the County. We will keep you apprised of our inspection/re-inspection results.

As it relates to BND, while this investigation is by no means complete, PWD has withheld payment to it. In reference to the suspended payments, Mr. Basil S. Williams, President of BND, contacted the Deputy Inspector General by telephone, in my [the Inspector General's] presence, and explained to us that his company had no responsibility for the falsified inspections performed by his employee. According to Mr. Williams, his engineering firm neither supervises nor manages its employees assigned to perform inspection services under its consulting management agreement with PWD.

The OIG takes umbrage with this abdication of responsibility. Services rendered under the PWD agreement are for construction, engineering and inspection (CE&I) services. The task calls for monitoring the performance of the contractors, i.e. inspecting the work. These are professional services wherein a 2.1 multiplier, plus reimbursable expenses, is the applicable form of payment. BND is not a mere temporary employment agency—it is an engineering firm.

The OIG maintains that it should be in this County's best interest to ensure that companies that we engage must both perform professionally and responsibly. And while at this juncture the prevalent focus of the investigation is on the construction deficiencies, we cannot simply ignore the responsibility of those providing CE&I services to the County. Consequently, the failure by BND to take responsibility for its inspections services at PWD must be considered when awarding other contracts to it involving other County departments. Indeed, we would submit, and I am sure you would agree, that statements of responsibility on one contract, to one department, should be viewed as a statement of responsibility to the County as a whole.

As stated earlier, this investigation is on-going. The OIG continues to work with PWD to re-examine suspected deficiencies. Our investigative efforts are being worked in conjunction with the State Attorney's Office. And while this memorandum is not being provided to the companies named herein as a "draft report," copies are being furnished to them for information only. This memorandum will also be filed with the Clerk of the Board.

As stated from the onset, this information is being provided solely to assist you in making whatever decision(s) or taking whatever action(s) you feel appropriate. This office will keep you apprised on any developments to the fullest extent possible.

OIG Memorandum  
1/3/2005  
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H  
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cc: Hon. Katherine Fernandez Rundle, State Attorney  
Eleventh Judicial Circuit, Miami-Dade County

Mr. Basil S. Williams, President  
BND Engineering, Inc.

Mr. Mitchell Tourino, President  
Magna Construction, Inc.

Clerk of the Board (copy filed)

OIG Memorandum  
1/3/2005  
Page 4 of 4



# Memorandum

19 West Flagler Street ♦ Suite 220 ♦ Miami, Florida 33130  
 Phone: (305) 375-1946 ♦ Fax: (305) 579-2656  
 visit our website at [www.miamidadeig.org](http://www.miamidadeig.org)

To: George Burgess, County Manager

From:  Christopher Mazzella  
 Inspector General

Date: October 11, 2006

Subject: Ratification of BND Engineer, Inc., Awards

*(M)*  
 scan 2  
 Jose Abreu  
 cc Pedro Hernandez  
 (A report)

*(P)*

As you are aware, the Office of the Inspector General (OIG) had previously interposed an objection to the ratification of contract awards to BND Engineering (BND) due to pending "settlement" discussions with BND relating to its inspectional services on Public Works Department, Project No. E01-PW-02. Under the corresponding construction drainage project, the contractor, Magna Construction, was criminally charged with fraud for work not performed and the substitution of used materials. BND provided the inspectional services on this project and while not implicated in the fraud, BND was clearly deficient in its inspections. As my office stated back in January 2005 (Attachment A), "we simply cannot ignore the responsibility of those providing CE&I [construction, engineering and inspection] services to the County."

Just recently, the Public Works Department (PWD) has apparently concluded its "discussions" with BND on the subject contract by withholding \$27,000 based on performance not to the satisfaction of the PWD (Attachment B). In light of this position, the OIG questions the County's prospective ratification of BND contract awards. The OIG's position has not changed since January 2005. "[T]he failure by BND to take responsibility for its inspections services at PWD must be considered when awarding other contracts to it involving other County departments."

cc: The Honorable Chairperson Joe A. Martinez, Board of County Commissioners  
 The Honorable Natacha Seijas, Chair, Infrastructure and Land Use Committee  
 Carlos Bonzon, Assistant County Manager  
 Roger Carlton, Assistant County Manager  
 Esther Calas, Director, Public Works Department  
 Roger T. Hernstadt, Director, Office of Capital Improvements  
 Art Tillberg, Analyst, Office of Capital Improvements  
 Basil Williams, President, BND Engineer, Inc.

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 IMPROVEMENTS

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September 25, 2006

Public Works Department  
Director's Office  
111 NW 1st Street • Suite 1610  
Miami, Florida 33128-1970  
T 305-375-2960 F 305-375-3070

miamidade.gov

- ADA Coordination
- Agenda Coordination
- Animal Services
- Art in Public Places
- Audit and Management Services
- Aviation
- Building
- Building Code Compliance
- Business Development
- Capital Improvements
- Citizens' Independent Transportation Trust
- Commission on Ethics and Public Trust
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Cultural Affairs
- Elections
- Emergency Management
- Employee Relations
- Empowerment Trust
- Enterprise Technology Services
- Environmental Resources Management
- Fair Employment Practices
- Finance
- Fire Rescue
- General Services Administration
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Services
- Medical Examiner
- Metro-Miami Action Plan
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning
- Police
- Property Appraisal
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Task Force on Urban Economic Revitalization
- Vizcaya Museum And Gardens
- Water & Sewer

Mr. Basil S. Williams, President  
BND  
1200 N.W. 78 Avenue, Suite 400  
Miami, Florida 33126

Re: Public Works Department, Project No. EO1-PW-02, E

Dear Mr. Williams:

As you may know, the Office of the Inspector General had investigated the contractor Magna Construction, Inc., on a drainage construction project (also known as Project No. 693509Q) under contract with our Department. BND Engineers (BND) were performing engineering inspection services during the construction of the referenced project from February 2004 through May 2004.

By way of this letter, we are notifying you that the Public Works Department (PWD) will retain \$27,000 of monies owed to BND because the services performed by BND for the inspection of the drainage construction on work orders 2 and 3 under Project No. 693509Q were not performed to the satisfaction of the PWD. This action is justified under Section IX of BND Engineers' Non-Exclusive Agreement (referenced above) with the County.

In addition, the County will notify your professional liability insurance carrier by putting them on notice should BND become legally obligated in the future to pay for damages for claims arising out of the inspection services performed on the referenced drainage project.

We hope that this letter clarifies PWD's position after several unsuccessful attempts to reach an agreement finalizing BND obligations. While the County does not release BND of future liability, the PWD will at this time take no further action in this matter and consider this issue closed.

If you require additional information or clarification, please contact me or Mr. Octavio Marin, P.E., Chief, Construction Division at (305) 375-2111.

Sincerely,

Esther Calas, P.E.  
Director

cc: Carlos F. Bonzon, Ph.D., P.E., Assistant County Manager  
Hugo Benitez, County Attorney's Office  
Christopher Mazella, Office of Inspector General  
Octavio Marin, PWD  
Art Tilberg, Office of Capital Improvements  
Pedro Hernandez, Aviation Department, MIA

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Attachment B



# Memorandum

19 West Flagler Street ♦ Suite 220 ♦ Miami, Florida 33130  
 Phone: (305) 375-1946 ♦ Fax: (305) 579-2656  
 visit our website at [www.miamidadeig.org](http://www.miamidadeig.org)

To: George Burgess, County Manager

From: Christopher Mazzella, Inspector General

Date: November 6, 2006

Subject: BND Engineers, Inc.; Ref. IG04-110

By way of this memorandum, the Office of the Inspector General (OIG) wishes to advise you of the OIG's position on BND Engineers, Inc. (BND) and any proposed contract awards to the firm. The OIG, on October 11, 2006, had issued a memorandum questioning BND's acceptance of responsibility relative to its inspectional services provided under Project No. E01-PW-02 on a Public Works Department Storm Drainage Project performed by Magna Construction Inc. (Magna).

The OIG's investigation of the Magna project revealed fraud in the construction of the project resulting in criminal charges against Magna. A BND employee was the assigned inspector on the case, and while BND was not implicated in the fraud, the OIG has expressed concern that the inspectional services provided by BND to the County were deficient.

At BND's request, the OIG recently met with BND principals, Mr. Basil Williams and Mr. Kevin Keane, to address matters of responsibility. The discussion was productive and BND agreed to affirm its acceptance of responsibility in writing. Attached is BND's letter affirming its responsibility in this matter. As such, this memorandum serves to communicate that the OIG is satisfied that BND has accepted responsibility for its part in this storm drainage project's constructional deficiencies. Please feel free to contact me should there be any questions in this matter.

#### Attachment

cc: The Honorable Chairperson Joe A. Martinez, Board of County Commissioners  
 The Honorable Natacha Seijas, Chair, Infrastructure and Land Use Committee  
 Carlos Bonzon, Assistant County Manager  
 Roger Carlton, Assistant County Manager  
 Esther Calas, Director, Public Works Department  
 Roger T. Hernstadt, Director, Office of Capital Improvements  
 Art Tillberg, Analyst, Office of Capital Improvements  
 Basil Williams, President, BND Engineer, Inc.  
 Clerk of the Board (copy filed)



October 27, 2006

Mr. Christopher Mazzella, Inspector General  
Miami-Dade County  
Office of the Inspector General  
19 West Flagler Street  
Suite 220  
Miami, Florida 33130

**RE:    OIG Case No. 04-110**

Dear Mr. Mazzella,

BND Engineers, Inc. (BND) is writing this letter at the request of the Miami-Dade County Inspector General (IG) as it relates to the OIG's memorandum to the Miami-Dade County Manager, dated October 11, 2006 regarding the Ratification of BND Engineers, Inc., Awards. The OIG memorandum refers to the OIG investigation of Magna Construction (OIG Case no. 04-110).

Upon receipt and review of the foregoing memorandum, BND scheduled a meeting with the Inspector General to present and clarify BND's position in this matter. The meeting was held at the Office of the Inspector General on October 26, 2006 between Mr. Christopher Mazzella, Inspector General, Ms. Patra Liu, Assistant Inspector General, Basil Williams and Kevin Keane of BND. BND presented a background, history of the matter and BND's role on the project. The IG stated that BND has not formally accepted responsibility for the inspector's actions under the PWD contracts. BND stated that we did accept responsibility and was negotiating in good faith with the PWD, following the OIG's assistance, to arrive at a Settlement. Additionally, BND has attempted to determine specific details of the case/investigation from the PWD. We also reiterated the position that our firm would continue to assist and cooperate with the County in the investigation.

Upon further discussion, the IG suggested that BND issues a formal letter restating and clarifying our position regarding responsibility in order to resolve the issue.

By this letter, BND reaffirms the following:

1. BND accepts full responsibility for all our employees. We refer to our letter dated January 11, 2005.
2. Additionally, BND is willing to participate in the Settlement and share proportionally in any remediation costs directly due to our employee's actions which may have resulted in errors or omissions.

We thank you for allowing us to present and clarify our position and hope this letter satisfies all your concerns. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

**BND ENGINEERS, INC.**

Basil S. Williams  
President

cc:       Ms. Patra Liu, Assistant Inspector General, Legal Counsel, **OIG**

OFFICES IN FLORIDA AND GEORGIA

**BND ENGINEERS, INC.**