

Memorandum



Date: July 18, 2007

To: Honorable Chairman Dorrin D. Rolle
and Members, Transit Committee

TC

Agenda Item No. 8(G)

From: George M. Burgess
County Manager

Subject: Report on Disapproval of Additional Sub-Consultants to the North Corridor Project

This memorandum has been prepared in response to your request for additional information on the justification for Miami-Dade Transit's (MDT) decision to disapprove Parsons Transportation Group's (PTG) request for the addition of sub-consultants under the Supplemental Agreement for the North Corridor Metrorail Extension.

Section XII of MDT's Architectural/Engineering Professional Services Agreements (PSA) contains language that allows, under particular circumstances, the addition of new sub-consultants to the contract. The contract language stipulates that Special Professional Consultants can be added to assist in performing specialized portions of the work. The addition of firms is permissible only when there is no one of the consultant team (prime or subs) that can perform the specialized portion of the work and if the addition of the Special Professional Consultant benefits the project delivery. The work to be performed by the new firms has to be specialized in nature or work which was unforeseen at the onset of the contract.

Although the report that went to the Board on September 12, 2006 explaining the planned course of action regarding final design on the North Corridor indicated that PTG was willing to "augment its current team", regrettably we have since learned that this intent did not comply with the mandates of Section XII of the contract. The County Attorney's Office has also advised that the addition of subconsultants when work may be performed by existing team members is contrary to the intent of 287.055 Florida Statutes (F.S.) which pertains to the acquisition of professional architectural and/or engineering services. Further, the purpose of increasing Disadvantaged Business Enterprise (DBE) participation is not a legal basis for the addition of subconsultants onto the team under Section XII.

In reviewing information provided by PTG justifying the addition of the new sub-consultants, County staff concluded that the justification was not consistent with the requirements of the contract as outlined above. In addition, PTG was unable to document its adherence to a transparent and competitive selection process for the new sub-consultants in accordance with the requirements of 287.055 F.S.

PTG has consistently exceeded its DBE goals and is a success story in Miami-Dade County's efforts to support small emerging local businesses. During the first phase of their contract, non-DBE subs consisted of HJ Ross & Associates, Earth Tech Consulting, Ronald E. Frazier & Associates, and Intercounty Laboratories. The DBE subs were Nova Consulting, BND Engineers, LKG/CMC, B. Mumford & Co., Southern Resource & Mapping of Miami, Manuel G. Vera & Associates, HP Consulting. The only firm to be added to this original team through the Supplemental Agreement (with the County's concurrence) was Geosol. This was due to the size of the geotechnical work to be completed for this project and PTG's assertion that additional resources were required to achieve the project schedule.

It is important to note that PTG achieved 26% participation during the first phase of the contract, which exceeded the 20% goal. PTG is committed to again exceeding the DBE goal through the end of the supplemental agreement; to date, PTG has identified over 19% participation. MDT will continue to be committed to providing opportunities to small businesses, particularly local firms, as we progress from the design phases to construction phases of the Metrorail extensions.


Assistant County Manager

