Memorandum

MIAMI-DADE COUNTY

Date: April 6, 2010

Agenda Item No. 9(A)(5)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Substitute Item : Establishing Implementing Order (I.O.) 3-53 Relating to the County's Miscellaneous Construction Contract Program

This item differs from the original in that it amends the process stated for tracking and approving Miscellaneous Construction Contract Program (MCC) Purchase Orders. It was determined that the tracking of payments for construction projects is more accurately maintained by the Construction Module within the Finance Department which contains specific data fields such as retainage and beginning and ending dates of contracts. This additional information allows the Office of Capital Improvements to more closely track expenses on construction projects. Currently, this process is maintained within the purchase order payment system of the Department of Procurement Management which is more suited for goods and services. In addition, it corrects a scriveners' error in the section related to change orders. Also, in the Contractor License section, changes were made to names of certain contractor licenses due to an amendment of Chapter 10 of the Miami-Dade County Code.

Recommendation

It is recommended that the Board adopt the attached resolution establishing an Implementing Order (I.O.) relating to the County's Miscellaneous Construction Contract Program (MCC). The program consists of two plans: MCC 7040, which is used to equitably distribute work to qualified Certified Small Business Enterprises (CSBEs); and MCC 7360, which is open to all qualified vendors and used when funding sources preclude the use of the MCC 7040 plan or when a 100% CSBE goal is not attainable due to unavailability of certified vendors in the required area. The proposed I.O. provides details and guidance on the administration of the policy established by the Board in Section 2-8.2.7.01 of the Code of Miami-Dade County for the use of the MCC Program.

Scope

The MCC Program has a direct beneficial impact countywide by accelerating selected small construction projects, facility repairs and neighborhood improvements valued up to $2.5 million.

Fiscal Impact/Funding Source

There is no direct funding provided to this Program in that each work issuance identifies the appropriate capital funding source for the project.

Track Record/Monitor

The Office of Capital Improvements (OCI) will continue to administer and monitor the MCC Program. Quarterly reports will be provided to the Board detailing the contracting activities including the application of program measures.

Delegation of Authority

Delegation of Authority

There is no additional delegation of authority related to this item.

Background

On November 3, 2009 the Board of County Commissioners, through Ordinance No. 09-101, approved the creation of Section 2-8.2.7.01 of the Code of Miami-Dade County revising and codifying the County's Miscellaneous Construction Contract Program. The intent of the legislation is to facilitate and expedite the award of selected construction contracts to small businesses in a uniform manner throughout County departments, subject to maximum award limits established by the Board.

The MCC Program is administered by the Office of Capital Improvements and may be used as a procurement tool by all County departments. In order to participate, each department must adhere to the procedures described in the proposed I.O. and maintain well-trained, knowledgeable staff to manage the anticipated construction activities. The I.O. establishes a structure for sound and professional contracting practices for all County departments in the use of the MCC program.

During the transition period from the original Miscellaneous Construction Contracts to the revised MCC Program, the intent is to issue Request for Price Quotes (RPQ) from the existing Miscellaneous Construction Contracts through the CICC 7040-0/07 and CICC 7360-0/08. Therefore, the County is using the original Miscellaneous Construction Contracts until adoption of this I.O. Following adoption of this I.O., no further contracts shall be issued through the original Miscellaneous Construction Contracts.

Key elements of the Implementing Order are as follows:

- Establishes pre-qualification requirements for participants
- Details processes for notification of Request for Price Quotations and selection of contractors
- Describes process to be used for emergency contracts
- Establishes level of authorization within user departments for change orders
- Specifies thresholds for application of liquidated damages
- Establishes a timeline for completion of contractor performance evaluations by departments

The revised MCC Program will ensure that participating small businesses have equal opportunities to compete for work by ensuring uniform implementation of policies countywide, while putting in place additional administrative controls. Therefore, it is respectfully recommended that the attached Implementing Order be approved.

Assistant County Manager

cmo09510

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: April 6, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 9(A)(5)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 9(A)(5)

4-6-10

RESOLUTION NO. _____

RESOLUTION APPROVING IMPLEMENTING ORDER 3-53 TO PROVIDE A PROCESS FOR THE ADMINISTRATION OF THE MISCELLANEOUS CONSTRUCTION CONTRACT PROGRAM IN ACCORDANCE WITH SECTION 2-8.2.7.01; AND AUTHORIZING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum and implementing order, copies of which are incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves Implementing Order 3-53: Process for the administration of the County's Miscellaneous Construction Contract Program, in accordance with Section 2-8.2.7.01 and authorizes the County Mayor or the Mayor's designee to exercise any and all rights conferred therein.

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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro
Carlos A. Gimenez
Barbara J. Jordan
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Joe A. Martinez
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of April, 2010. 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. HB

Hugo Benitez

I.O. No.: 3-53
Ordered:
Effective:

MIAMI-DADE COUNTY
IMPLEMENTING ORDER

POLICIES AND PROCEDURES FOR USAGE OF THE OCI MISCELLANEOUS CONSTRUCTION CONTRACTS PROGRAM

AUTHORITY:
Section 2-8.1 of the Code of Miami-Dade County, Resolution R-1139-07, Resolution R-597-08, and Sections 1.01, 2.02 and 5.03(D) of the Miami-Dade County Home Rule Amendment & Charter.

SCOPE:
This Implementing Order establishes a policy for the use of the Miscellaneous Construction Contracts (MCC) program, which contains the MCC 7040 and MCC 7360 Plans. The MCC program provides small, local contractors countywide with a fair opportunity to compete for work on County construction projects of appropriate size. The MCC program process has a direct beneficial impact on all commission districts by accelerating selected small construction projects, facility repairs, neighborhood improvements, various types of emergency repairs, and maintenance work for various County facilities throughout Miami-Dade County with a maximum value specified in Section 2-8.1(b) of the Code of Miami Dade County. This Implementing Order is applicable to the Office of Capital Improvements (OCI) and all other County departments obtaining capital construction services through the MCC Program.

The County Mayor or County Mayor's designee shall ensure that the MCC program is utilized as approved by the Board of County Commissioners (BCC) and that the work assigned under these type of Plans, is fairly and competitively awarded to the targeted business sector. The use of the MCC program shall be in strict adherence with all applicable local, state, and federal regulations.

POLICY:
It is the policy of the County to ensure that the construction contracting process is open, transparent, efficient, effective and fair, and that the best quality of service is obtained within acceptable competitive pricing. The guidelines contained herein establish a structure for sound and professional contracting practices for all County departments in the use of the MCC program. The MCC Program is administered by OCI.

PROCEDURES:

AUTHORIZED DEPARTMENT USERS
All County departments are eligible, but not required, to access the MCCs through this program. In order to participate, each department must adhere to the procedures described herein and maintain well-trained, knowledgeable staff to manage the anticipated construction activities.

PRE-QUALIFIED CONTRACTORS

Qualification and participation in the Miscellaneous Construction Program may be limited to eligibility criteria established by the Board of County Commissioners. Participants must complete the MCC program registration form, which will include general information such as company name, address, license numbers, Community Small Business Enterprise (CSBE) certification number and other applicable information, to participate in the MCC 7040 and MCC 7360 Plans.

The MCC 7040 Contractor pool consists of firms that have met the pre-qualification requirements as set forth in this Plan. OCI establishes and administers this rotational pool to distribute work among program participants in an equitable manner. The pool is designed to effect the maximum distribution of work among qualified firms, in accordance with the contractor's license and abilities to do the work. The 7040 Plan is a 100% set-aside for CSBE firms.

To participate in the MCC 7040 Plan, all vendors must comply with the following pre-qualifications requirements:

(1) be registered as a vendor with the Miami-Dade County Department of Procurement Management (DPM),
(2) obtain the CSBE Certification, as detailed in I.O. 3-22,
(3) submit copy of state and/or local contractor license (General Building>>/General Contractor, General << Engineering, or Specialty Trade Contractor),
(4) submit insurance requirements and
(5) submit the MCC program registration form to DPM

The MCC 7360 Plan is only utilized when federal funding is involved or when a 100% CSBE goal is not attainable due to unavailability of certified vendors in the required area. The MCC 7360 Plan is an open competitive contract, accessible to all vendors, which requires pre-qualification at the time of project award.

To participate in the MCC 7360 Plan, all vendors are required to:

(1) be registered with DPM,
(2) submit copy of state and/or local contractor license (General Building >>/General Contractor, General << , Engineering or Specialty Trade Contractor),
(3) submit insurance requirements and
(4) submit the MCC program registration form to DPM

A business owner, alone or as a member of a group, shall own or control only one company pre-qualified to participate in the MCC Program. An individual qualifying agent can only qualify one (1) company under the MCC program. Contractors shall comply with the County's insurance requirements, as defined in the contract of the MCC 7040 and 7360 Plans, and must hold valid Certificates of Competency from the State of Florida and/or Miami-Dade County required by the scope of work for the duration of the work to be performed. Contractors shall execute and submit all applicable affidavits as required by the County prior to being added to the MCC Program and at the submittal of a bid proposal.

Upon qualifying to participate in the MCC Program, the contractor shall be listed in all of the trade categories for which the contractor is licensed and is certified to perform.

SELECTION PROCESS FOR PROSPECTIVE CONTRACTORS

Solicitation Development

Departments are required to notify OCI of their desire to utilize the MCC 7040 or 7360 Plans by transmitting a Request for Price Quotation (RPQ) to OCI using the Capital Improvements Information System (CIIS). When the user department begins to prepare the RPQ, that constitutes the start of the solicitation process. OCI 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 Plan to be accessed, OCI shall provide the user department a list of eligible participating contractors. This is the "Bidders' List". CIIS is specifically designed to select the requested number of contractors using an automated and blind rotational list for MCC 7040 Plan only.

For the MCC 7360 Plan, which is open and competitive, all contractors pre-qualified with OCI for a specified trade will be added to the Bidder's List. This list is based on the trade categories requested by the user department. The Bidders' List is provided to requesting departments for each specific RPQ.

All RPQ's shall contain an estimated value provided by the user department. The cost estimate of the work must be based on recent prices (no more than six months old). Any RPQ with a cost estimate greater than $50,000 shall require a detailed cost estimate available in the project files.

RPQ's will be subject to OCI's approval and the Office of Strategic Business Management's (OSBM) funding verification. All RPQ's should contain the OSBM approved capital budget project number and its specific funding source with the index code (if applicable).

Notification of an RPQ to the Listed Contractors

When a user department receives the Bidders' List of participating contractors from OCI for a specific MCC 7040 Plan RPQ request, the user department must transmit the RPQ and bid form to all listed prime contractors on the bid list inviting them to bid on the project. The MCC 7040 Plan solicitation will only be transmitted to contractors included on the list provided by OCI and not to any others. Only contractors included in the Bidders' List provided by OCI can submit a bid.

All RPQ's for the MCC 7360 Plan will be advertised by OCI.

RPQ Opening Process: MCC 7040 PLAN

All single trade RPQ's under the MCC 7040 Plan shall be submitted via email, fax or sealed bids as stipulated in the RPQ form. All bids must be received by the due date and time. The County will not consider bids received after the due date and time. Any bids received by contractors not included in the RPQ Bidders' List shall not be opened by the user department and shall not be considered.

All multiple trade RPQ's under the MCC 7040 Plan shall be bid using a two-envelope process; one envelope contains the CSBE Schedule of Intent Affidavit (Form DBD 400), which lists the CSBE prime contractor and subcontractors, including the type of CSBE work and the percentage of the goal that they are going to be meeting. The second envelope contains the price proposal. Contractors shall only subcontract with those firms certified in the CSBE program unless the sub trade(s) are exempted by the Department of Small Business

Development (SBD). Approval is required by SBD prior to subcontracting the sub trade to a non-CSBE certified contractor.

All sealed bids must be opened publicly and read aloud.

***RPQ Opening Process:* MCC 7360 PLAN**
All projects under MCC 7360 Plan must be submitted to the SBD Review Committee (RC) for the application of contract measures before submission to OCI for the addition to the bidders' list and advertisement regardless of the funding source (Federal or County). If CSBE goals are established by RC, the use of the two envelope process is required. If applicable, the Disadvantage Business Enterprise (DBE) Goals are assigned by the user department.

All sealed bids must be opened publicly and read aloud.

Community Workforce Program (CWP) Goal
Except where federal or state laws or regulations mandate to the contrary, the Community Workforce Program (CWP), as established in relevant legislation, shall apply to all RPQs meeting CWP eligibility criteria.

Awarding an RPQ
The user department shall evaluate the bid and the bidder for responsiveness and responsibility. The award, if any award is made, shall be to the lowest responsive and responsible bidder in accordance with the terms of the RPQ. Following the protest period described in Implementing Order 3-21 and purchase order ~~approval~~ >>review<< by OCI after reviewing the Recommendation of Award, the user department shall create the Notice to Proceed (NTP) letter in CIIS (Attachment 1A and 1B). User departments are required to verify that the company that is receiving the award has all requested insurances, proper licenses, CSBE certification (if applicable) and the appropriate CSBE level of participation.

>>After the NTP letter is submitted to OCI through CIIS, OCI will perform the final review and approval of the PO. Once the PO is approved by OCI,<< contractors are required to sign and notarize the NTP letter. The fully executed NTP letter shall be submitted by the contractor to the user department. The fully executed NTP constitutes a contract with Miami-Dade County for the MCC 7040 or 7360 Plan. The terms and conditions applicable to the RPQ are the latest contract revision at the time of the award of the RPQ. The purchase order >>approved<<number is to be included in the NTP. No work can start prior to the approval of the purchase order by OCI >> and NTP execution by the contractor<<. The user department is required to send a copy of the executed NTP to OCI.

Disparities between the initially estimated contract value and the lowest bid above or below of the estimated value in excess of 20% shall require written justification in CIIS from the user departments.

Awards in the amount of $25,000 to $250,000 require posting by OCI and the user departments shall notify all bidders of the proposed award. Awards greater than $250,000 must be filed with the Clerk of the Board by the user department; additionally, a Collusion Affidavit must be submitted by the contractor receiving the award and the user departments shall notify all bidders of the proposed award.

EMERGENCY RPQ

An emergency is an unforeseen or unanticipated, urgent and immediate need for construction services where the protection of life, health, safety, welfare of the community or the preservation of public property would not be possible using any of the County's standard contracting methods.

In the event a department director or authorized designee determines that emergency construction services are required, an Emergency RPQ may be awarded without utilizing the competitive bid procedures provided the expenditure is within the limits of the contract. If the user department determines that the work to be performed is an emergency and cannot be performed within the required time using normal purchasing procedures, the user department project manager shall notify OCI and award the emergency work to the next firm in the supplied emergency rotational list regardless of value. Emergency quotes(s) may be received by telephone, facsimile or e-mail, followed by written confirmation.

User department may request more than one emergency contractor to evaluate the emergency service required. The most responsible and responsive vendor shall be awarded the job.

Within five (5) working days after the contractor is first contacted to perform the work described in the Emergency RPQ, the user department shall submit the post award documentation and memorandum specifying the circumstances which justified the Emergency RPQ signed by the Department Director or their designated representative, to the Office of Capital Improvements (OCI).

All designated emergencies must be followed up with a written explanation of circumstances mandating emergency procedures issued by the department director or their authorized representative.

Emergency vendors must be available 24 hours per day/7 days per week and shall respond to an emergency call within two hours of being contacted by the user department.

When a vendor fails to respond two consecutive times within two hours of being contacted for an emergency, user departments shall notify OCI of the vendor's lack of compliance. Vendors who do not comply may be removed from the emergency vendor response team list.

The selection of an emergency vendor must be done through a rotational process of the vendors listed in the emergency list of contractors in CIIS. In the event it is determined that the user department consistently utilizes the same emergency vendor, a written justification explaining the circumstances for not rotating the emergency vendors shall be required from the user department's director.

CHANGE ORDERS OR REVISIONS TO THE RPQ

The County may order changes, which may result in additions to or reductions from the amount, type, or value of the work described in the RPQ, including the contract time. The following tables represent the levels of authority for change order approvals:

A. Value of the Current Contract Amount $0 - $200,000

% of Value of Cumulative Change Order	% Time Extension*	Authorization Required by (or designee)
No Limit *	No Limit	User Department Project Manager and Assistant Director / OCI Director or designee

B. Value of the Current Contract Amount $200,001 - $1,000,000

% of Value of Cumulative Change Order Amount	% Time Extension*	Authorization Required by (or designee)
< 15%	< 15%	User Department Project Manager and Assistant Director / OCI Director or designee
15 – 25%	15 – 25%	User Department Director / OCI Director or designee
> 25% *	> 25% *	User Department Director / OCI Director or designee

C. Value of the Current Contract Amount $1,000,001 – The maximum value specified in Section 2-8.1 (b) of the Code of Miami Dade County if greater than $1.0 million.

% Value of Cumulative Change Order Amount	% Time Extension*	Authorization Required by (or designee)
< 15%	< 15%	User Department Project Manager and Assistant Director / OCI Director or designee
15 -25 %	15 -25 %	User Department Director / OCI Director or designee
> 25 % *	> 25% *	User Department >>Assistant County Manager<<~~Director~~ / OCI Director or designee

***Not to exceed the maximum value specified in Section 2-8.1(b) of the Code of Miami Dade County. Maximum value explained below.**

User departments are required to submit to OCI copies of all executed change orders regardless of the dollar amount or time change requested. A change order is executed when the following signatures are received: contractor, county project manager, user department assistant director or designee, and Surety (when applicable).

A change to the contract that increases the value of such contract in excess of the maximum value specified in section 2-8.1 of the Code of Miami Dade County shall be subject to the approval of the Board of County Commissioners. Examples of such changes include, but are not limited to the following:

1. An award that exceeds the limit in 2-8.1

2. Change Orders
3. Value of time extensions (for contracts with liquidated damages) calculated as the liquidated damage rate multiplied by the number of days extended
4. Any substantial change as determined by the Mayor or Mayor's designee

LIQUIDATED DAMAGES

RPQ with estimated value less than $10,000

User departments are encouraged to apply a liquidated damages rate for RPQs with an estimated value of less than $10,000. If no liquidated damages rate is specified on the RPQ, User departments must inform the contractor that the County reserves the right to assess actual damages in lieu of liquidated damages.

RPQ with an estimated value of $10,000 or greater

A liquidated damages rate is required for all RPQs with an estimated value of $10,000 or greater. User departments must calculate and maintain records of supporting documents establishing the liquidated damages rates for each RPQ prior to receiving bids.

PERFORMANCE EVALUATIONS

In accordance with Administrative Order No. 3-42 - Evaluation and Suspension of Contractors and Consultants; all contractors shall be evaluated for their performance at least once on each capital improvement contract or agreement. The performance evaluation shall be completed no more that 90 days after contract final acceptance or completion. The performance evaluations shall be generated in CIIS by the implementing department. Performance evaluations may be used as a basis for determining future awards.

CONSTRUCTION MANAGEMENT

User departments are requested to identify a "Project Qualifier" for each RPQ submitted to OCI. The Project Qualifier and the personnel assigned to manage a capital improvement project must have a working knowledge of the type of work to be accomplished and possess general project/construction management skills. All personnel assigned to manage any MCC RPQ are required to become familiar with the Policies and Procedures in CIIS.

TRAINING

OCI staff provides overall CIIS training to all users as well as case or project-specific training as needed or requested by user departments. OCI also provides construction management training.

SUPPORT

OCI staff will assist user departments in resolving disputes with contractors. If necessary, independent evaluations and site inspections may be conducted by OCI in order to resolve any dispute.

MAINTAINING DATA IN THE CAPITAL IMPROVEMENTS INFORMATION SYSTEM (CIIS)

Each user department is required to provide on a monthly basis, a current status for each RPQ by entering the appropriate information in that RPQ's unique "home page" in CIIS.

Periodically, OCI may make revisions to the MCC's Program Contract documents to address ambiguities and to make other clarifications as needed. These changes to the MCCs will apply to all subsequent solicitations.

CONTRACT TRANSITION PLAN
Current RPQ's awarded under previous contracts shall remain valid until final completion of the RPQ's.

Vendors participating in the previous contracts CICC 7040-0/07 and CICC 7360-0/08 will be eligible to participate in the new MCC program, subject to vendors submitting to DPM the new program registration form and having current licenses, insurances, CSBE certification (MCC 7040 Plan only) and required affidavits.

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

County Manager

Approved by the County Attorney as
to form and legal sufficiency ____

ATTACHMENT 1A

NOTICE TO PROCEED

<Date>

<Contact Person>
<Company Name>
<Company Address>
<Company Address>

Re: Contract MCC 7040 Plan- RPQ No: <ABC123>
<Name of Project>
<Project Location>

Dear <Contact Person>:

This letter will serve as your notification that you are to proceed with the work described in RPQ # starting MM/DD/YYYY, and that all work must be completed on schedule in accordance with the contract documents. The time allotted for the contract is XXX consecutive calendar days which results in a scheduled completion date of MM/DD/YYYY.

The complete execution of this notice to proceed shall constitute a contract for the work described in the RPQ under the MCC 7040 Plan. The terms and conditions applicable to this contract is revision xxx, dated xx/xx/xx, and can be found on www.miamidade.gov/oci/MCC7040.

This letter will also serve as a reminder that all work must be performed in accordance with the Contract Documents and in accordance with all applicable Federal, State and local laws, codes and regulations. In accordance the Contract procedure, the Miami-Dade County Purchase Order Release Number is POXXXXXXX.

Should you have any question regarding this notification, please contact John Doe at (XXX) XXX-XXXX.

Sincerely,

John Doe
Administration

c:

TO BE COMPLETED BY THE CONTRACTING FIRM

I understand and accept the terms and conditions for the RPQ# XXXXXXX referenced above.
Accepted by: Company Name: _____
Authorized Representative Name: _____
Authorized Representative Signature:_____
Date:_____

The foregoing was sworn and subscribed before me this _____ day of _____, _____ by _____, who is personally known to me or who has produced _____ as identification who being duly sworn, deposes and says that the above is true to the best of his knowledge, information and belief.
May Commission expires: _____
NOTARY PUBLIC
STATE OF FLORIDA

ATTACHMENT 1B

NOTICE TO PROCEED

<Date>

<Contact Person>
<Company Name>
<Company Address>
<Company Address>

Re: Contract MCC 7360 Plan- RPQ No: <ABC123>
<Name of Project>
<Project Location>

Dear <Contact Person>:

This letter will serve as your notification that you are to proceed with the work described in RPQ # starting MM/DD/YYYY, and that all work must be completed on schedule in accordance with the contract documents. The time allotted for the contract is XXX consecutive calendar days which results in a scheduled completion date of MM/DD/YYYY.

The complete execution of this notice to proceed shall constitute a contract for the work described in the RPQ under the MCC 7360 Plan. The terms and conditions applicable to this contract is revision xxx, dated xx/xx/xx, and can be found on www.miamidade.gov/oci/MCC7360.

This letter will also serve as a reminder that all work must be performed in accordance with the Contract Documents and in accordance with all applicable Federal, State and local laws, codes and regulations. In accordance the Contract procedure, the Miami-Dade County Purchase Order Release Number is POXXXXXXX.

Should you have any question regarding this notification, please contact John Doe at (XXX) XXX-XXXX.

Sincerely,

John Doe
Administration

c:

TO BE COMPLETED BY THE CONTRACTING FIRM

I understand and accept the terms and conditions for the RPQ# XXXXXXX referenced above.
Accepted by: Company Name: _____
Authorized Representative Name: _____
Authorized Representative Signature:_____
Date:_____

The foregoing was sworn and subscribed before me this _____ day of _____, _____ by _____, who is personally known to me or who has produced _____ as identification who being duly sworn, deposes and says that the above is true to the best of his knowledge, information and belief.
May Commission expires: _____
NOTARY PUBLIC
STATE OF FLORIDA

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

Legislative Notes

Agenda Item:	9(A)5
File Number:	100619
Committee(s) of Reference:	Board of County Commissioners
Date of Analysis:	March 25, 2010
Commission District:	Countywide
Type of Item:	Implementing Order

Summary

This resolution establishes Implementing Order (I.O.) 3-53 relating to the County's Miscellaneous Constriction Contract Program (MCC). The IO impacts two (2) plans: MCC7040 and MCC7360. **The MCC Program has a direct impact by accelerating selected small construction projects, facility repairs and neighborhood improvements valued up to $2.5 million.**

This item differs from the original in that it amends the process stated for tracking and approving MCC Purchase Orders. It was determined that the tracking of payments for construction projects is more accurately maintained by the Construction Module within the Finance Department which contains specific data fields such as retainage and beginning and ending dates of contracts. In addition, it corrects a scriveners' error in the section related to change orders. Also, in the Contractor License section, changes were made to names of certain contractor licenses due to an amendment of Chapter 10 of the Miami-Dade County Code.

IO 3-53 Highlights

- **Quarterly reports will be provided to the Board of County Commissioners (BCC) detailing contract activities including the application of the program.**
- Participants must complete the MCC program registration form, which will include general information about the company, address, license numbers, Community Small Business Enterprise (CSBE) certification number and other applicable information.
- **User departments that begin to prepare the Request for Price Quotation (RPQ) constitute the start of the solicitation process.**
- **The Office of Capital Improvements (OCI) will review the RPQ and noted trade category required for the scope of work. OCI will provide the user department a list of eligible participating contractors.**
- **The list mentioned above will be considered the Bidders List.**
- **OCI will use the CIIS system to select the requested number of contractors using an automated and blind rotational list for the MCC 7040 plan.**

- **User departments will transmit the RPQ and bid form to the vendors on the Bidders List. Only contractors included in the Bidders' List generated by OCI can submit a bid.**
- **The user department will evaluate the bid and the bidder for responsiveness and responsiblity.**
- User departments are required to verify that the company receiving the award has all the requested insurances, proper licenses, CSBE certifications ad appropriate CSBE level of participation.
- An Emergency RPQ may be awarded without utilizing the competitive bid procedures provided that the expenditure is within the limits of the contract.
- Only a change[1] to the contract that increases the value of such contract in excess of the maximum value specified in section 2-8.1 of the Code of Miami-Dade County will be subject to the approval of the BCC.

Legislative History

On November 3, 2009, the BCC, through Ordinance No. 09-101, approved the creation of Section 2-8.2.7.01 of the Code of Miami-Dade County revising and codifying the County's Miscellaneous Construction Contract Program.

The Office of Capital Improvements staff provided the additional information:

Compliance

Incidents of non-compliance by departments will be handled administratively.

Percentage of MCC contracts expedited

The limit on MCC awards of $2.5 million is not changed under the new program. OCI does not anticipate that the new program will affect the amount of RPQ's issued under the MCC.

Training Requirements

The IO requires that departments have knowledgeable employees using the program. OCI provides training to meet this requirement, which includes CIIS and construction management.

Prepared by: Michael Amador-Gil

[1] Change Orders; Value of time extensions calculated as the liquidated damage rate multiplied by the number of days extended; and any substantial change as determined by the Mayor of Mayor's designee.