

Memorandum



Date: June 15, 2010

Supplement #2 to
Agenda Item No. 8A1A

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

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of George M. Burgess.

Subject: Supplement to Item Awarding OCI Project No. E08-MDAD-05 (File No. 092874)

At the May 18, 2010 Board of County Commissioners meeting, the Board asked that the administration re-evaluate the recommendation to award OCI Project No. E08-MDAD-05 A, in the amount of \$1,728,750 to H.J. Ross & Associates, Inc., for Aviation Utilities Master Plan drainage services. In response to this request, I directed the Office of Capital Improvements (OCI), being an independent, centralized department to conduct a thorough review of the circumstances surrounding this recommendation. OCI is responsible for the selection of architects and engineers (A/E) countywide. The following information is being provided in relation to the review conducted based on the selection process in place at the time the solicitation was advertised.

Selecting a qualified A/E is one of the most important decisions for the development of a successful project. The County has a process in place using independent selection committees. Selection committee members are appointed based on their experience and qualifications. Each selection committee member is asked to vote based on their evaluation of the firm's proposal and any additional information provided by OCI to all the members. While the qualifications-based selection mandated by state law is inherently subjective, OCI's stewardship of this process moderates subjectivity. It is an independent and effective procurement process that functions well and results in the selection of the most qualified firm. OCI has conducted a thorough review of the selection process used as summarized below.

- The process governing the procurement of A/E services is described in the Board-approved Administrative Order (AO) 3-39. It was the process in place at the time the solicitation was advertised.
- All Selection Committee members submitted neutrality/disclosure forms indicating any relationships with the firms being evaluated. OCI reviewed the forms and concluded that the completed forms did not contain any information that would disqualify any of the Committee members.
- After the First Tier scores were tabulated, the OCI-generated disparity report did not identify any scores for any criterion above or below 33% of the average of the scores for a specific criterion in relation to the two top-ranked firms. In fact, the scores for the two top-ranked firms for the qualification criteria were well below the 33% threshold. This 33% safeguard is a requirement of AO 3-39. However, ranking a firm high or low is not necessarily a result of bias, but could very well be the result of a committee member's unique experience and qualifications.
- Following the established procedures in AO 3-39, the Selection Committee voted unanimously to waive the Second Tier meeting, thereby agreeing as a Committee, that a Second Tier meeting was not necessary to determine the most qualified firm.

- The Selection Committee also voted unanimously to recommend the ranking before you today.
- Independent OCI staff has confirmed that A.O. 3-39 was followed and that no undue influence by any member of the selection committee was observed during the process.
- Several OCI staff have reviewed the audio recording of the selection committee meeting and confirmed that they heard nothing improper.
- An independent and very thorough investigation by the Miami-Dade Police Department (MDPD) revealed no evidence of wrongdoing by any selection committee member. This investigation included a review of relationships among parties and an evaluation of the voting history of all selection committee members going back five years. A review of the MDPD work product by the State Attorney's Office confirmed this conclusion.

OCI looked into an allegation made by the second ranked firm that a selection committee member was aware of an error made by one of the sub-consultants proposed by H.J. Ross & Associates, Inc. and did not consider the alleged error in his evaluation. This purported error was found in a 1992 drainage master plan for the Aviation Department. However, it should be noted that on the contract that is being awarded today, the solicitation requires that the prime consultant (H.J. Ross) possess the technical certification for stormwater drainage design. In addition, H.J. Ross has listed four sub-consultants that also possess the same technical certification ("10.01 Environmental Engineering – Stormwater Drainage Design Engineering Services,") required for this type of work. The responsibility for "stormwater modeling/master plan updates" and "miscellaneous drainage design" are shared by the four technically certified and qualified firms. OCI professional staff reviewed the documents submitted by the second ranked firm, the responsibilities of the firms, technical certifications held by the firms and quality control measures to be employed by H.J. Ross and is satisfied that the firm has outlined an appropriate strategy to ensure a quality product. Public Works Department professional staff has concurred with this assessment.

As stated at the May 18th Board meeting, both the top-ranked and second-ranked firms met the experience and qualifications stipulated in the solicitation and both are local firms. The top-ranked firm, H. J. Ross, is not a Community Business Enterprise (CBE) designated firm, but has contractually-agreed to significantly exceed the CBE contract measure of 5% by achieving a goal of 20% percent, distributing work among three local CBE firms.

In summation, careful steps were taken to convene a selection committee that had an appropriate range of expertise and a balance of perspectives. All governing processes in place at the time of the solicitation were strictly adhered to; all committee meetings were tape-recorded and open to the public. All allegations have been thoroughly investigated with no evidence of misconduct uncovered. The work of this independent selection committee should be respected in the absence of any evidence of wrongdoing. Although all three top-ranked firms met the requirements of the solicitation and all could do the work, the original recommendation remains to award this contract to the most qualified firm, H. J. Ross & Associates, Inc., as established by the independent selection committee.



Paula Flot
Assistant County Manager