

MEMORANDUM

FC
Agenda Item No. 3(G)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: August 25, 2014

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

SUBJECT: Resolution amending
Implementing Order No. 3-53
relating to the County
Miscellaneous Construction
Contract (MCC) Program; and
authorizing the County to
exercise any and all rights
conferred in The Implementing
Order

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/Imp

Memorandum



Date: October 7, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Amending Implementing Order 3-53, Relating to the County's
Miscellaneous Construction Contract Program

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution authorizing various amendments to Implementing Order 3-53, relating to the Miscellaneous Construction Contract (MCC) Program administered by the Internal Services Department (ISD). The proposed amendments are described briefly below and in greater detail in the attached Implementing Order:

- Establishes a clearly defined MCC Contractor Rotation Procedure that will ensure equity in the competitive distribution of work as well as improved ease of use for user departments in contractor selection.
- Modifies the thresholds for contractor selection to allow for increased competition among firms in the MCC pool. This modification also reduces the amount of time required to award a contract under the MCC Program.
- Includes language that defines the Emergency Request for Price Quotations (RPQs) and Emergency Response Teams that have been established under the MCC Program for utilization by departments when emergencies such as roof leaks, broken windows, and air conditioning failures arise.
- Revises the approval process for change orders, time extensions, purchase orders, emergency contractor engagements, and related approvals that are required during a project to provide for increased controls. The new process requires Deputy Mayor's office approval for certain amounts as opposed to the current approval thresholds at the departmental level.
- Includes language that clarifies contractor insurance requirements. In the case of Emergency Response Teams, contractors are required to maintain coverage throughout the duration of their participation in the MCC Program, while other contractors must maintain coverage throughout the duration of an awarded project. This clarification provides relief to Community Small Business Enterprises (CSBEs) while continuing to protect the County during project administration.
- Includes changes to update departmental names and other minor clean-up.

ISD administers the MCC Program and provides technical assistance to departments. Should the Board approve the proposed changes, the required programming and testing to effect these changes will require up to three months prior to implementation. These proposed amendments are presented in order to improve the MCC Program, its operational efficiency and timeliness, the opportunities provided to construction firms, and value to the taxpayer.

Scope

The scope of the MCC Program is countywide in nature.

Fiscal Impact/Funding Source

There is no fiscal impact associated with the proposed amendments to the implementing order. The funding source for each MCC project will continue to be identified by the user department at the time of issuance of each solicitation, and confirmed by the Office of Management and Budget for funding availability.

Track/Record Monitor

Miriam Singer, Assistant Director, Procurement Management Services Division, Internal Services Department is responsible for the management and oversight of the MCC Program. Quarterly reports will continue to be provided to the Board detailing contracting activities, including the application of program measures. To ensure a competitive, fair, and transparent process, County departments are required to verify that all contractors in the bidders list provided by ISD are invited to participate.

Delegation of Authority

There are no additional delegated authorities beyond those outlined in this Implementing Order, as well as in Ordinance No. 09-101, which established the MCC Program.

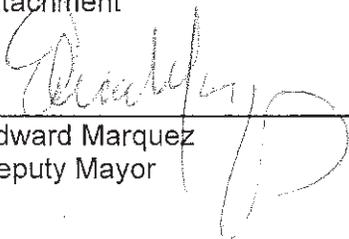
Background

On November 2009, the Board approved Ordinance No. 09-101, creating Section 2-8.7.01 of the Code of Miami-Dade County, revising and codifying the County's MCC Program. The MCC Program is widely used by all County departments with capital projects to facilitate and expedite the award of construction contracts. The MCC 7040 Plan is a 100 percent set-aside program for CSBE firms. The MCC 7360 Plan is open to all vendors, and only used when federal funding is involved or when a 100 percent CSBE goal cannot be established, as determined by the Small Business Development Division of the Internal Services Department.

Staff has conducted a number of workshops with various local organizations including members from the CSBE Advisory Board, the CSBE Association, Inc., Associated Builders and Contractors, the Latin Builders Association, and the Builders Association of South Florida. These organizations represent over 1,900 firms, many of which are CSBEs. Staff has coordinated meetings with representatives of each County capital department, and industry representatives that have worked collaboratively to identify opportunities to further improve the MCC Program. The amendments included in this item incorporate feedback received from industry representatives and a variety of County department staff that depend on the MCC Program.

The proposed changes are designed to ensure a fair, competitive process for CSBEs to obtain contracting opportunities. Staff will continue its outreach efforts aimed at building partnerships among the construction trades and related industry segments to ensure ample opportunities and best value.

Attachment



Edward Marquez
Deputy Mayor

mayor06814



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 7, 2014

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

SUBJECT: Agenda Item No.

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 Mayor'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

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION AMENDING IMPLEMENTING ORDER NO. 3-53 RELATING TO THE COUNTY MISCELLANEOUS CONSTRUCTION CONTRACT (MCC) PROGRAM; AND AUTHORIZING THE COUNTY TO EXERCISE ANY AND ALL RIGHTS CONFERRED IN THE IMPLEMENTING ORDER

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 amends Implementing Order No. 3-53 relating to the County Miscellaneous Construction Contract (MCC) Program in substantially the form attached; and authorizes the County Mayor to exercise any and all rights conferred in the Implementing Order.

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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the County 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.



I.O. No.: 3-53
Ordered: 04/06/2010
Effective: 04/16/2010

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, R-375-10, and Sections 1.01, 1.02 and 5.03(D) of the Miami-Dade County Home Rule Amendment & Charter.

SUPERSEDES:

This Implementing Order supersedes the current procedure approved by the Board on April 6, 2010 via R-375-10 and effective April 16, 2010 and supersedes Section III(C) of Administrative Order 3-39.

SCOPE:

This Implementing Order establishes a policy for the use of the Miscellaneous Construction Contracts (MCC) program, which ~~contains~~ includes the MCC 7040 and MCC 7360 Plans. The MCC Program provides ~~small, local contractors countywide with a fair opportunities~~ to compete for work on County construction projects of appropriate size with a maximum value as specified in Section 2-8.1(b) of the Miami Dade County (County) Code. ~~The MCC~~ This 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, as well as~~ 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 MCC Program is managed by the Internal Services Department (ISD).

The County Mayor or the 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 awarded assigned under these type of Plans this Program, ~~is managed in a fair and equitable manner, fairly and competitively awarded to the targeted business sector.~~ The Internal Services Department is responsible for the day to day oversight of the MCC program. The use of the MCC program shall be in strict adherence with all applicable local, state, and federal regulations. Information, forms and other materials referenced throughout this document can be accessed via the County's internet and intranet websites or by contacting the Internal Services Department.

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 administrated by OGI.~~

PROCEDURES:

AUTHORIZED CLIENT DEPARTMENTS 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 MCC Program may be limited to eligibility criteria is based on the established eligibility criteria described below, 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 (for the MCC 7040 Plan) and other applicable information required, to participate in the MCC 7040 and MCC 7360 Plans.~~

The MCC 7040 Plan is a 100% set-aside for CSBE firms. The MCC 7040 Contractor pool consists of firms that have met the pre-qualification requirements as set forth in this Plan. ~~OCl~~ ISD 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~~ CSBE 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), ISD, Procurement Management Services Division, Vendor Services Section,
- (2) obtain and submit a copy of the CSBE Certification letter, 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); and a copy of required insurances (General Liability, Automobile Liability, and Workers Compensation),
- (4) contractors wishing to participate in the MCC Emergency Response Team (ERT) and/or Special Sub-Pools must submit/maintain the required insurance requirements and coverage at all times throughout their participation in the program
- (5) contractors that do not wish to participate in the MCC Emergency Response Team (ERT) must submit and maintain the required insurance coverage when awarded a project and throughout the life of that project, and
- (56) submit the MCC program registration form to ~~—DPM-ISD, Procurement Management Services Division, Vendor Services Section~~

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~~ must comply with the following pre-qualifications requirements:

- (1) be registered as a vendor with ~~DPM~~ISD, Procurement Services Division, Vendor Services Section,
- (2) submit copy of state and/or local contractor license (General Building/General Contractor, General, Engineering or Specialty Trade Contractor), and copy of required insurances (General Liability, Automobile ~~Liability~~, and Workers Compensation),
- (3) contractors wishing to participate in the MCC Emergency Response Team (ERT) and/or Special Sub-Pools must submit- maintain the required insurance coverage at all times throughout their participation in the program, requirements and
- (4) contractors that do not wish to participate in the MCC Emergency Response Team (ERT) must submit and maintain the required insurance coverage when awarded a project and throughout the life of the project; and
- (45) submit the MCC program registration form to ~~DPM~~ISD, Procurement Management Services Division, Vendor Services Section.

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~~ established for 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 and 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~~ has a state and/or County license, as applicable.d ~~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 requirement that may be needed to complete the scope of work.~~ The solicitation process begins when a County department creates a Request for Price Quotation (RPQ) in the Capital Improvements Information System (CIIS). Based on the ~~constraints~~ requirements of the specific MCC Plan to be accessed, the client department shall enter the request in CIIS for ISD review and approval in order to obtain from ISD, via the CIIS, 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 the MCC 7040 Plan only.

The MCC Contractor Rotation Procedure will determine the placement of contractors within the rotation. The procedure is designed to distribute contracting opportunities equitably. Once the contractor's application to participate in the MCC Program is approved by ISD and its information is entered in the CIIS database, the CIIS database system sets the contractor's rotation factor (RF) at zero. An RF of zero indicates that the contractor is at the bottom or starting point of the rotation list. The maximum value of an RF is 1.0. Subsequently, for each RPQ that a MCC Contractor is invited to offer a bid, the contractor's RF is increased based on two equally weighted variables: (1) the number of firms invited to bid and (2) the estimated value of the RPQ. The contractor continues to be invited to bid until its RF is greater than or equal to 1.0. When the RF reaches 1.0, the contractor is rotated to the bottom of the rotation list and the contractor's RF is reset to 0.0. Further, when the contractor is awarded a contract, the contractor's RF is also reset to 0.0 and the contractor is rotated to the bottom of the rotation list. The MCC rotation procedure is maintained by ISD, posted on the County's intranet and internet web sites and in CIIS. Also, the current RF for each contractor is available in CIIS and available to contractors. MCC Program training is provided by ISD to County staff and contractors, as needed.

For the MCC 7040 Plan, the method of selection shall be determined based on the estimated value of the RPQ, as follows:

For an RPQ valued up to twenty-five thousand dollars (\$25,000), a minimum of four and a maximum of the next ten contractors in the automated rotation list are identified. The client agency shall solicit competitive quotations from those contractors, and select the lowest responsive and responsible contractor whose bid is determined to be in the best interest of the County. If the solicitation does not result in a fair and reasonable price then the client department shall access CIIS and obtain the next ten contractors on list.

For an RPQ valued from twenty-five thousand and one (\$25,001) to two hundred and fifty thousand dollars (\$250,000), a minimum of ten and a maximum of all contractors from the automated rotation list are identified. The client agency shall solicit competitive quotations from the contractors and recommend a contract to the lowest responsive and responsible contractor whose bid is determined to be in the best interest of the County. If the solicitation does not result in a fair and reasonable price, then the client department shall access CIIS and obtain a minimum of the next ten contractors on the list.

For an RPQ valued in excess of two hundred and fifty thousand dollars (\$250,000), the client department shall solicit competitive quotations from all eligible participating contractors in CIIS.

For solicitations in which the total number of contractors available in the rotation list is less than ten, all contractors shall be invited to bid regardless of the value of the project.

After two unsuccessful attempts to secure a contractor, the client department may ask for all available contractors regardless of the estimated value of the project.

If a contractor's license and/or insurance information is outdated in the database for a period greater than six months, the contractor will be inactivated from the rotation list until the information is updated.

For the MCC 7360 Plan, the method of selection shall be determined as follows:

~~For the MCC 7360 Plan, which is open and competitive, all~~ All contractors pre-qualified with ~~OCI-ISD~~ 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 and~~ is provided to requesting departments for each specific RPQ.

All RPQ's shall contain an estimated value provided by the ~~user-client~~ 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. Additionally, the scope of the project shall be well defined and, depending on the complexity of the work being solicited, may require plans and specifications.~~

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

Notification of an RPQ to the Listed Contractors

When a ~~user-client~~ department receives the Bidders' List of participating contractors from ~~OCI~~ CIIS for a specific MCC 7040 Plan RPQ request, the ~~user-client~~ department must transmit the Invitation to Bid (ITB) RPQ and the document entitled Bid Form Appendix 5A with the bid package 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 obtained from CIIS, provided by OCI and not to any others. Only contractors included in the Bidders' List ~~provided by OCI~~ obtained from CIIS can submit a bid.

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

RPQ Bid and Award 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 specified in the ITB. The County will not consider bids received after the due date and time. Any bids received ~~by from~~ from contractors not included in the RPQ Bidders' List shall not be opened by the ~~user-client~~ department, and shall not be considered.

All multiple trade RPQ's under the MCC 7040 Plan shall be bid using a one-step ~~two-envelope~~ process; one envelope that contains the CSBE Schedule of Intent (SOI) 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, and. ~~The second envelope contains the price proposal. After bids have been opened and client departments have made initial determinations of responsiveness and responsibility, SOIs must be submitted to the Small Business Development Division of the Internal Services Department (SBD) for~~

compliance with small business program requirements. Contractors shall only subcontract with those firms certified in the CSBE program unless the sub trade(s) are exempted by SBD 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.

Removal from Rotation List

A Contractor, who has been pre-qualified to participate in the MCC 7040 Plan, will be moved to the bottom of the rotation list for failure to submit an RPQ bid response on three (3) consecutive occasions after being invited to bid. Failure to submit a bid response ten (10) consecutive times will result in the Contractor being placed in an inactive status a period of six (6) months. Any Contractor placed in an inactive status shall lose their current position in the established rotation and will be placed at the bottom of the current rotation upon correction of the deficiency and return to active status.

RPQ Bid and Award Opening Process: MCC 7360 PLAN

All projects under the MCC 7360 Plan must be submitted to the ~~SBD~~ Review Committee (RC) for the application of applicable contract measures before submission in CIIS to ~~OCI~~ for the addition to the bidders' list and advertisement regardless of the funding source, (Federal or County). If CSBE measures goals are established by ~~RCSBD~~, the use of the two one envelope process is required. If applicable due to federal requirements, the Disadvantage Business Enterprise (DBE) Goals measures are assigned by the ~~user~~ client 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~~ client department shall evaluate the low bid and the bidder for responsiveness and responsibility. The Schedule of Values shall only be requested from the low bidder as part of the responsibility review. Subsequent to the RPQ Opening Process, and prior to award of a contract, the client department will complete the Contractor Bid Information Table (bid tabulation) in the RPQ form in the CIIS System identifying the following:

1. All of the vendors who responded to the bid solicitation; and
2. The value of each bid submitted; and
3. The recommended bidder

The award, if any award is made by the client department's Director or authorized designee, shall be to the lowest responsive and responsible bidder in accordance with the terms of the

RPQ and rules and regulations of the County. Following the bid protest period described in Implementing Order 3-21 and purchase order review by OCI after reviewing the Recommendation of Award, the user-client department shall create the Notice to Proceed (NTP) letter in CIIS (Attachment 1A and 1B). User-Client departments are required to verify that the company that is receiving the award has all required requested insurances certificates, proper licenses, CSBE certification (if applicable), and the appropriate CSBE level of participation, and that due diligence is conducted in accordance with Resolution R-187-12 to determine contractor responsibility.

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 notarized the NTP letter. The client department shall forward the NTP to the contractor for required signature and notarization. The fully executed NTP letter shall be submitted by the contractor to the user-client 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 the client department, the Finance Department and NTP execution of the NTP by the contractor, and the client department Director or designee. 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 client departments.

Awards in the amount of \$25,000 to \$250,000 require posting by OCI the client department on ISD's website and the user-client 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-client department, additionally, a Collusion Affidavit must be submitted by the contractor prior to issuance of the recommendation to receiving the award, and the user-client department shall notify all bidders of the proposed award.

EMERGENCY RPQ and Emergency Response Team (ERT)

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-client department determines that the work to be performed is an emergency and cannot be performed within the required time using normal competitive purchasing procedures, the user client department project manager shall notify OCI access CIIS and award effect the emergency work award to the next firm identified 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-Client 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-client~~ department shall ~~submit the post the award~~ documentation in CIIS in the "Notes" section of the RPQ. The client department shall include a detailed justification and memorandum specifying the circumstances which justified of the Emergency RPQ action, signed by and the client Department's Director or their designated representative, must approve the use of the Emergency RPQ.
~~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. In order to participate in the Emergency Response Team, contractors must maintain their required insurance coverage current and up to date at all times.

When a vendor fails to respond two consecutive times within two hours of being contacted for an emergency, ~~user-client~~ departments shall notify ~~OCI-ISC~~ of the vendor's lack of compliance. Vendors who do not comply may be removed will be suspended for a period of six (6) months 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-client~~ 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-client~~ department's director to their respective Deputy Mayor with a copy to ISC.

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-Client Department Director 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-Client Department Director Project Manager and Assistant Director / OCI Director or designee
15 – 25%	15 – 25%	User-Client Department Director/OCI Director or designee
> 25% *	> 25%*	User-Client 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% Value of Cumulative Change Order Amount	< 15% All Values	User Department Project Manager and Assistant Director / OCI Director or designee Deputy Mayor
15 – 25 % Time Extension	15 – 25 % All Time Extensions	User-Client Department Director/OCI Director or designee
> 25 % *	> 25%*	User Department Assistant County Manager / 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. Pursuant to the above chart, a change order is executed when the following signatures are received, as applicable: contractor, surety (when applicable), client department director and county project manager, and Deputy Mayor or designee.~~
~~user department assistant director or designee, and Surety (when applicable).~~

~~A change to the contract that increases the its 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 by 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 that result in a contract value over the limit in 2-8.1~~
- ~~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-Client~~ 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-Client~~ 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-Client~~ 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 than 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-Client~~ departments are requested to identify a "Project Qualifier" for each RPQ submitted to ~~OCI in CIIS.~~ 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 RPQs are required to understand and apply ~~become familiar with the CIIS Policies and Procedures in CIIS.~~

TRAINING

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

SUPPORT

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

MAINTAINING DATA IN THE CAPITAL IMPROVEMENTS INFORMATION SYSTEM (CIIS)

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

Periodically, ~~OCI-ISD~~ may make revisions to the MCC's Program Contract documents to make updates address ambiguities and to make other clarifications as needed. ~~These changes to the MCCs needed. The approved revisions will apply to all subsequent solicitations. ISD shall be authorized to develop and maintain all forms and other documents necessary to implement this Program.~~

CONTRACT TRANSITION PLAN

~~Current RPQs 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