Memorandum

MIAMI-DADE COUNTY

Date:	July 19, 2016
To:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners
From:	Carlos A. Gimenez Mayor
Subject:	Award Recommendation for Construction Manager at Risk for Baggage Handling System Improvements at Miami International Airport to Parsons-Odebrecht Joint Venture

Agenda Item No. 8(A)(1)

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the award of a Construction Manager at Risk (CMAR) contract for Baggage Handling System (BHS) improvements at Miami International Airport (MIA) to Parsons-Odebrecht Joint Venture (POJV) in the amount of $7,497,824.42 for the pre-construction phase services and a not-to-exceed construction phase services budget of $177 million, and authorize the County Mayor or the County Mayor's designee to execute the attached contract summary, with the contract including exhibits on file with the Clerk of the Board.

On June 7, 2016, I recommended to reject all proposals for this contract based on Miami-Dade Aviation Department's (MDAD) understanding that a rejection of all proposals would not jeopardize grant funding. However, MDAD was later advised by the Transportation Security Administration's (TSA) management that it had concerns regarding the time that could potentially be lost due to the re-procurement of this project. TSA warned that if construction was delayed, funding could be withdrawn and awarded to another airport. Based on those communications, MDAD advised that the time required to implement this re-procurement would jeopardize grant funding.

Currently, TSA has provided a reimbursable grant to the County in the amount of $101 million for the construction of this project, therefore, I am rescinding the recommendation to reject all proposals and recommending the award of CMAR to POJV, in order to ensure TSA's financial involvement to minimize the cost to the County for this project.

Scope

MIA is located primarily within District 6, which is represented by Commissioner Rebeca Sosa; however, the impact of this agenda item is countywide, as MIA is a regional asset.

Delegated Authority

In accordance with Miami-Dade County Code Section 2-8.3 related to identifying delegation of Board authority contained within the subject contract, the County Mayor or the County Mayor's designee has the authority to negotiate the guaranteed maximum price and the liquidated and indirect damages; award the trade quote packages; exercise the allowance account provisions; terminate the contract; execute change orders; increase contract time or contract amount, subject to the not-to-exceed amount; and exercise all rights and privileges

granted to the County, including those rights and privileges contained in the Code of Miami-Dade County.

Fiscal Impact/Funding Source
The source of funding for this contract is a TSA Other Transaction Agreement (OTA) and MDAD funds. The total contract amount for POJV's pre-construction fee is $7,497,824.42, including the Inspector General (IG) fee. The County will negotiate a guaranteed maximum price with POJV not-to-exceed $177 million. The not-to-exceed amount includes the construction, acquisition, and installation of equipment for the new BHS facility. TSA is committed to funding $101 million, and the remaining costs will be funded by MDAD.

Track Record/Monitor
POJV has performed satisfactorily on various MDAD projects and has an overall rating of 3.5 in the County's Capital Improvement Information System Contractor Evaluation Report. The MDAD staff member responsible for monitoring this project is Ricardo Solorzano, a Project Manager in the Facilities Development Division.

Due Diligence
Pursuant to Resolution No. R-187-12, due diligence was conducted to determine POJV's responsibility, including verifying corporate status, and that no performance or compliance issues exist. The following searches revealed no adverse findings for the proposing entity: Small Business Development (SBD) database, convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and the federal excluded parties list.

Background
A Request for Qualifications (RFQ) was advertised on July 6, 2015 to solicit qualification statements from interested parties to provide CMAR services for the BHS improvements at MIA. This project consists of the replacement of the in-line security screening portion of the South Terminal BHS and the installation of an automated sortation system for the Central Terminal, which may include but not be limited to:

- outbound baggage conveyance systems;
- electrical modifications and power distribution systems;
- mechanical modifications;
- all system modifications and support required to implement these additions and improvements;
- a 60,000-square-foot addition to the existing terminal building with a secured post-security corridor connecting Terminals F and H bypassing G;
- development of all building services to the new additions; and
- a minimum rating of Silver Leadership in Energy and Environmental Design (LEED) Building Design and Construction.

The current South Terminal BHS requires this upgrade to efficiently handle current and future projected passenger volumes. The Central Terminal is also outdated and needs a new automated sortation system. These upgrades will enhance efficiency and security for the

airlines and the passengers. Furthermore, all upgrades will be fully compliant with TSA-required design standards.

On August 14, 2015, Qualification Statements were received from the following four (4) firms:

- Skanska USA Building, Inc. (Skanska)
- Parsons-Odebrecht JV (POJV)
- Suffolk Construction Company, Inc. (Suffolk)
- Munilla Construction Management, LLC d/b/a MCM (MCM)

The Evaluation/Selection Committee held a prescreening meeting on September 14, 2015 and reviewed respondents' qualification statements. The Committee recommended oral presentations from all responsive respondents.

The Committee invited the firms to a public hearing on October 1, 2015 and heard presentations from all responsive firms. After the oral presentations, the Committee evaluated and ranked the firms. The Committee recommended POJV for negotiations. The overall ranking is reflected below:

OVERALL RANKING		
RESPONDENT	**TECHNICAL CRITERIA POINTS**	**OVERALL RANKING**
Parsons-Odebrecht Joint Venture	423	1
Skanska USA Building, Inc.	421	2
Munilla Construction Management, LLC d/b/a MCM	367	3
Suffolk Construction Company, Inc.	280	4

The appointed Negotiation Committee subsequently negotiated a contract with the top-ranked firm, POJV.

PROJECT: CMAR for BHS Improvements at MIA

PROJECT NO.: RFQ NO. MDAD-15-01

COMPANY NAME: Parsons-Odebrecht Joint Venture

COMPANY PRINCIPAL(S): Perfecto Solis, Parsons
Michael Johnson, Parsons
Marinaldo Azevedo, Odebrecht
Jairo Flor, Odebrecht

LOCATION OF COMPANY: Building 3025
NW 22Street, Perimeter Road

Miami, Florida 33159

GENDER/ETHNICITY OWNERSHIP: Entity is a joint venture.

YEARS IN BUSINESS: 13

CONTRACT MEASURES: This solicitation includes Disadvantaged Business Enterprise (DBE) contract measures of 17.5 percent based on $1,711,625.00 pre-construction phase services. Separate DBE goals will be placed on the work packages issued by POJV. POJV will ensure that work packages provide sufficient opportunity for DBE utilization such that the goal on the work can be met. Notwithstanding the preceding, the County will monitor compliance with DBE contractor participation throughout the term of the contract.

CONTRACT MEASURES ACHIEVED AT AWARD: 17.6 percent based on the construction manager's pre-construction fee of $1,711,625.00, which excludes the contingency allowance account, business information management allowance account, dedicated allowance account, performance and payment bonds, and IG fee.

DBE CONSTRUCTION SUBCONTRACTORS:

MCO Construction and Services, Inc. - 2%
Commercial Interior Contractors Corporation - 4.3%
Overnight Success, Inc. - 4.3%
CES Consultants, Inc. - 4%
FRAGA Engineers, Inc. - 1.5%
TNT Management Team, - LLC 1.5%

RESPONSIBLE WAGES: Davis Bacon

TERM: The contract time for the pre-construction phase work is 90 calendar days from the effective date established in the pre-construction Notice to Proceed (NTP). POJV may perform the work set forth in Sub-article 4.1.20 of the contract without additional compensation for an additional 30 calendar days. POJV will be required to submit the guaranteed maximum price for the construction phase services within 90 days after the pre-construction NTP, but no later than 120 days after issuance of the pre-construction NTP.

COMMUNITY WORKFORCE PROGRAM (CWP): Not applicable to the pre-construction services. POJV

will submit separate work packages for CWP applicability.

TABLE A2: CONTRUCTION MANAGER'S PRE-CONSTRUCTION FEE			
Item No.	**Description**	**Compensation Method**	**Amounts**
1	**Construction Manager Pre-Construction Fee**	Lump Sum	$1,711,625.00
2	**BIM Staff Allowance Account**	Allowance Account (Owner Directed BIM Work)	$73,302.00
	Dedicated Allowance for Enabling Work	County's Sole Discretion	$5,000,000.00
3	**Cost of Payment & Performance Bonds**	Reimbursable	$14,279.00
	Sub-Total A		**$6,799,206.00**
4	**Contingency Allowance Account (10%)**	County's Sole Discretion	$679,920.60
	Sub-Total B		**$7,479,126.60**
5	**IG Fee (.0025%)**		$18,697.82
	TOTAL MAXIMUM AMOUNT		**$7,497,824.42**

TABLE A3: NOT TO EXCEED (NTE) CONSTRUCTION PHASE SERVICES			
MDAD NTE ESTIMATE	**POJV NTE PROPOSAL**	**ALLOWANCE ACCOUNT**	**FINAL NTE**
$171,935,112.00	$156,700,000.00	$20,300,000.00	$177,000,000.00

PREVIOUS CONTRACTS WITH THE COUNTY WITHIN THE PAST FIVE (5) YEARS: None

USING AGENCY: Miami-Dade Aviation Department

INSPECTOR GENERAL: Provisions included

Jack Osterholt
Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: October 9, 2015

To: Pedro J. Betancourt, Chairperson
Evaluation/Selection Committee
Miami-Dade Aviation Department

From: Carlos A. Gimenez
Mayor

Subject: Negotiation Committee - Request For Qualifications for Construction Manager at Risk for Baggage Handling System Improvements at Miami International Airport, RFQ No. MDAD-15-01

With reference to your report of October 2, 2015, (copy attached) concerning the above captioned subject, this is to advise you that pursuant to Implementing Order 3-38, I hereby authorize the Department to negotiate a contract on the above referenced project with the first ranked firm listed below:

1. Parsons Odebrecht JV
2. Skanska USA Building, Inc.
3. Munilla Construction Management, LLC d/b/a MCM
4. Suffolk Construction Company, Inc.

Furthermore, I hereby appoint the following Negotiation Committee for the purpose of negotiating the contract for the Construction Manager at Risk for Baggage Handling System Improvements at Miami International Airport, RFQ No. MDAD-15-01 with Parsons Odebrecht JV:

Pedro Hernandez, MDAD
Alda Bao-Garciga, MDAD
Jose L. Rodriguez, MDAD
Robert Binish, AvAirPros

The Negotiation Committee is to proceed with the contract negotiations and submit the signed contract for final approval to this Office ready to be presented to the Board of County Commissioners. Transmit with the signed contract, a cover memorandum written from the Negotiation Committee to my office, including the below listed information:

1. A general description of the project or services.
2. The price and source of funding for the services.
3. The term of the contract.
4. A brief description of the selection process.

If a satisfactory contract cannot be reached with the firm, a report is to be prepared fully explaining all problems resulting from the negotiations. The final contract and report should be sent to this Office.

Attachments

C: Ken Pyatt, MDAD
Barbara Jimenez, MDAD
Marie Clark-Vincent, MDAD
Clerk of the Board of County Commissioners

EVALUATION/SELECTION COMMITTEE:

Aida Bao-Garciga, MDAD
Jose L. Rodriguez, MDAD
Brian S. Miller, Delta Airlines
Richard Welch, BCAD
Robert Binish, AvAirPros

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2015

To: Carlos A. Gimenez
Mayor

From: Pedro J. Betancourt, Chairperson
Evaluation/Selection Committee
Miami-Dade Aviation Department

Subject: Evaluation/Selection Committee Report for Request For Qualifications for Construction Manager at Risk for Baggage Handling System Improvements at Miami International Airport, RFQ No. MDAD-15-01

As authorized by Implementing Order 3-38 and your memorandum dated September 8, 2015, the designated Evaluation/Selection Committee met and conducted the selection process for the subject project on September 14, 2015 for the Prescreening Meeting, and for the Public Hearing on October 1, 2015. This process was conducted in accordance with the procedures specified by the Request for Qualifications ("RFQ") as described in the attached summary minutes of these meetings.

PRESCREENING MEETING OF SEPTEMBER 14, 2015

As announced in the Metro Calendar, the Evaluation/Selection Committee met on September 14, 2015 at the Miami-Dade Aviation Department, 4200 N.W. 36 Street, Bldg. 5A, 4th Floor, Conference Room F, Miami, Florida and discussed the Qualification Statements submitted by the following four (4) firms:

- Skanska USA Building, Inc.
- Parsons-Odebrecht JV
- Suffolk Construction Company, Inc.
- Munilla Construction Management, LLC d/b/a MCM ("MCM")

The Committee recommended oral presentations from all four (4) firms.

PUBLIC HEARING OF OCTOBER 1, 2015

As announced in the Metro Calendar, the Evaluation/Selection Committee met on October 1, 2015 at the Miami-Dade Aviation Department, 4200 N.W. 36 Street, Bldg. 5A, 4th Floor, Conference Room F, Miami, Florida, to listen to oral presentations from the following responsive Respondents:

- Skanska USA Building, Inc.
- Parsons-Odebrecht JV
- Suffolk Construction Company, Inc.
- Munilla Construction Management, LLC d/b/a MCM

The Chairperson conducted a general discussion regarding the four (4) firms and the Evaluation/Selection Committee was then reminded of their responsibilities as Committee members pursuant to the County Mayor's appointment memorandum. The Committee members were advised that it was their responsibility to determine whether the Respondents were responsible and met the desired minimum qualifications as set forth in the RFQ. The Committee

members proceeded to review the Qualification Statements as it relates to responsibility and the minimum qualifications.

The Committee undertook an evaluation and ranking process based on the Qualification Statements and oral presentations provided by the Respondents. Upon concluding the technical ranking, the scores were read aloud. The Committee recommended Parsons Odebrecht JV for negotiations of the contract for the Construction Manager at Risk for Baggage Handling System Improvements at Miami International Airport.

Attached are the following items to substantiate the actions taken to date:

1. Summary Minutes of the Prescreening Meeting
2. Summary Minutes of the Public Hearing Meeting

cc: Ken Pyatt, MDAD
Barbara Jimenez, MDAD
Marie Clark-Vincent, MDAD
Clerk of the Board of County Commissioners

EVALUATION/SELECTION COMMITTEE:
Aida Bao-Garciga, MDAD
Jose L. Rodriguez, MDAD
Brian S. Miller, Delta Airlines
Richard Welch, BCAD
Robert Binish, AvAirPros

Request for Qualifications for Construction Manager at Risk for Baggage Handling System Improvements at Miami International Airport, RFQ No. MDAD-15-01

SUMMARY MINUTES OF PRESCREENING MEETING

September 14, 2015

An Evaluation/Selection Committee meeting was held on Monday, September 14, 2015, at the Miami-Dade Aviation Department, 4200 N.W. 36th Street, Building 5A, 4th Floor Conference Room "F", Miami, Florida, to review the Qualifications Statements submitted.

EVALUATION/SELECTION COMMITTEE
Pedro J. Betancourt, MDAD (Non-voting Chairperson)
Aida Bao-Garciga, MDAD
Jose L. Rodriguez, MDAD
Brian S. Miller, Delta Airlines
Robert Binish, AvAirPros
Richard Welch, BCAD

OTHER ATTENDEES
Marie Clark-Vincent, MDAD
Ricardo Solorzano, MDAD

Mr. Pedro J. Betancourt, Contracting Officer, opened the public meeting and noted that the meeting was being videotaped in accordance with Implementing Order No. 3-34. Furthermore, the attendees were informed that the videotape is a public record and available through the Miami-Dade County Office of Community Information and Outreach. The Evaluation/Selection Committee ("Committee") and audience were then asked to make introductions.

The Committee had been previously requested to complete and submit the Neutrality Affidavit and the completed Affidavits were subsequently forwarded to the Office of the Commission Auditor ("OCA") for the respective background checks pursuant to Resolution No. R-449-14. OCA advised on September 10, 2015, that there were no relevant findings.

Mr. Betancourt presented the Committee with an overview of the process and Ms. Aida Bao-Garciga, provided the Committee a summary of the scope of services. The Committee members had been provided a copy of the four (4) Qualification Statements submitted by the following firms:

- Skanska USA Building, Inc. ("Skanska")
- Parsons-Odebrecht JV ("POJV")
- Suffolk Construction Company, Inc. ("Suffolk")
- Munilla Construction Management, LLC d/b/a MCM ("MCM")

Mr. Betancourt advised the Committee that the solicitation included a Disadvantaged Business Enterprise (DBE) contract measure of 17.50%. The Committee was advised that the four (4) firms were in compliance with the DBE requirements.

Mr. Betancourt then directed the Committee's attention to the inventory of the submitted Qualification Statements. The Committee members were advised that it was their responsibility to determine whether the firms are responsible and meet the minimum qualifications as set forth in the RFQ. Mr. Betancourt informed the Committee that they had the option to invite the firms to oral presentations and if necessary request additional information, or if they determined that they had sufficient information, they could rank the firms accordingly, and take a motion on responsibility and minimum qualifications.

The Committee recommended oral presentations for all of the responsive Respondents in order to assess the qualifications and experience of the proposing firms.

The Committee proceeded with the following action:

Moved: Brian S. Miller

Motion: The Evaluation/Selection Committee recommends inviting the responsive firms to a public hearing.

Seconded: Aida Bao-Garciga

Action: Adopted unanimously

Prior to adjourning the meeting all attendees were instructed that a Cone of Silence remains in effect.

The Evaluation/Selection Committee meeting was then adjourned.

Pedro J. Betancourt, (MDAD Non-voting Chairperson)

PJB/

Request for Qualifications for Construction Manager at Risk for Baggage Handling System Improvements at Miami International Airport
RFQ No. MDAD-15-01

SUMMARY MINUTES OF PUBLIC HEARING MEETING

October 1, 2015

An Evaluation/Selection Committee meeting was held on Thursday, October 1, 2015, at the Miami-Dade Aviation Department (MDAD), 4200 N.W. 36th Street, Building 5A, 4th Floor Conference Room "F", Miami, Florida.

EVALUATION/SELECTION COMMITTEE
Pedro J. Betancourt, MDAD (Non-voting Chairperson)
Aida Bao-Garciga, MDAD
Jose L. Rodriguez, MDAD
Brian S. Miller, Delta Airlines
Robert Binish, AvairPros
Richard Welch, BCAD

OTHER ATTENDEES
David Murray, CAO
Marie Clark-Vincent, MDAD
Ricardo Solorzano, MDAD

Mr. Pedro J. Betancourt, Contracting Officer, opened the public meeting and noted that the meeting was being videotaped in accordance with Implementing Order No. 3-34. Furthermore, the attendees were informed that the videotape is a public record and available through the Miami-Dade County Office of Community Information and Outreach. The Evaluation/Selection Committee (Committee) was asked to make introductions.

Mr. Betancourt discussed the presentation format recommended by the Committee. The Committee then heard a presentation from the following four (4) responsive firms:

Skanska USA Building, Inc. ("Skanska")
Parsons-Odebrecht JV ("POJV")
Suffolk Construction Company, Inc. ("Suffolk")
Munilla Construction Management, LLC d/b/a MCM ("MCM")

Upon concluding the oral presentations, the Committee asked questions and requested clarifications associated with the operations. The Committee then undertook the evaluation and ranking process. The scores were reviewed and verified aloud with each Committee member and the final technical scores and rankings were also read aloud. As a result, the Committee recommended negotiations with the highest ranked responsive, responsible firm, which was Parsons-Odebrecht JV.

The Committee then proceeded with the following action:

Moved: Aida Bao-Garciga

Motion: The Committee finds that the four (4) responsive firms: Skanska USA Building, Inc., Parsons-Odebrecht JV, Suffolk Construction Company, Inc., and Munilla Construction Management, LLC d/b/a MCM, are responsible and meet the minimum qualifications.

Second: Brian Miller

Action: Motion adopted (5 – 0)

The Committee proceeded with the following action:

Moved: Brian Miller

Motion: The Committee recommends to the Mayor negotiations of the CMAR for BHS Improvements at MIA Contract with the top ranked responsive, responsible firm Parsons-Odebrecht JV.

Second: Aida Bao-Garciga

Action: Motion adopted (5 – 0)

Prior to adjourning the meeting all attendees were instructed that a Cone of Silence remains in effect.

The Public Hearing meeting was then adjourned.

Pedro J. Betancourt, (MDAD Non-voting Chairperson)

PJB/

COUNTY ATTORNEY
MIAMI-DADE COUNTY, FLORIDA

David M. Murray
dmmurray@miami-airport.com

AVIATION DEPARTMENT
P.O. BOX 025504
MIAMI, FLORIDA 33102-5504
Phone: (305) 876-7040
Fax: (305) 876-7294

MEMORANDUM

TO: Pedro J. Betancourt, Contract Officer
MDAD Contracts Administration

FROM: David M. Murray
Assistant County Attorney

DATE: September 30, 2015

SUBJECT: Legal Opinion for Construction Manager at Risk for Baggage Handling System Improvements at Miami International Airport
RFQ No. MDAD-15-01

You have asked if Munilla Construction Management, LLC d/b/a MCM (MCM) and/or Suffolk Construction Company Inc., (Suffolk) are responsive to the attached solicitation. Based on the information you provided, MCM and Suffolk are responsive.

As to MCM, the Request for Qualifications (RFQ) requires Proposers to have been a prime contractor or a construction manager at risk on a project at a United States airport valued at over $30,000,000.00. MCM, in its proposal, indicates that it meets this requirement as it completed MIA Project No. 756AD (the Project), valued at $155,696,736. However, MCM was not the contractor; the Contractor was MCM-Dragados Joint Venture.

Notwithstanding, MCM is responsive. First, the RFQ specifically provides at Section 1.4(f) that proposers who do not meet the minimum qualifications may be considered for award. By the express terms of the solicitation, therefore, it would be inappropriate to disqualify MCM even if it were not facially qualified. Secondly, MCM's role—as apart from Dragados'—in managing the work of MIA Project 756AD, is a fact based analysis properly within the realm of the selection committee. If the Committee is not satisfied that MCM's role in that joint venture was sufficient to allow to render MCM competent to perform the work of this RFQ, the Committee could find MCM non-responsible. Alternatively, if the Committee felt that MCM were non-responsible, but remained otherwise concerned about MCM's experience, the Committee could award MCM less points relative to its experience and qualifications.

In sum, whether or not MCM has managed or constructed sufficient projects as requested in Section 1.4(c)(2), it is responsive per 1.4(f). If the committee feels that MCM's proffered experience is insufficient, the committee retains the tools and discretion to take that into consideration when evaluating firms.

For similar reasons, Suffolk is also responsive. The RFQ states that the Baggage Handling System contractor paired with the Proposer must have completed at least three projects involving design, manufacturing, installation, and commissioning of baggage systems meeting TSA Planning Guidelines and Design Standards, Version 3.0 or higher. See RFQ at 1.4(d)(2). Suffolk is paired with a baggage system firm known as Pteris Global (Pteris). Pteris has provided evidence of one system which meets these criteria. Pteris has additionally indicated that it has constructed various baggage systems in Asia, but it is unclear what design parameters were used in the construction of these systems.

As was discussed above, even assuming Suffolk/Pteris cannot demonstrate strict compliance with Section 1.4(d)(2) of the RFQ, it remains responsive per Section 1.4(f) of the RFQ. Additionally, the Committee may inquire into the design standards of the other systems constructed by Pteris; to the extent that Pteris were able to demonstrate that it had designed and installed these systems in a manner which was consistent with TSA requirements, the Committee could give such proffer whatever weight it felt it deserved. Alternatively, if the Committee felt that Pteris was unable to demonstrate the requisite experience, the Committee could lower the scores given to its partner Suffolk, or find Suffolk non-responsible.

This opinion is based on the facts contained in your request dated September 4, 2015, a copy of which is attached. If any of those facts is incorrect, or if those facts materially change, the analysis above may change as well. Additionally, note that nothing herein should be deemed to constrain the discretion of the County Mayor or the Board of County Commissioners from evaluating proposer responsibility separate and apart from any responsibility evaluation conducted by the Selection Committee. Please contact me with any questions.

DMM:ram
Attachment

Memorandum

MIAMI-DADE COUNTY

Date: September 4, 2015

To: David M. Murray, Assistant County Attorney
County Attorney's Office

From: Pedro J. Betancourt, Contract Officer
MDAD Contracts Administration

Subject: Legal Opinion for Construction Manager at Risk for Baggage Handling System Improvements at Miami International Airport, RFQ No. MDAD-15-01

On August 14, 2105, the Clerk of the Board reported that four (4) Qualification Statements were submitted in response to the referenced solicitation as follows:

- Skanska USA Building, Inc. ("Skanska")
- Parsons-Odebrecht JV ("POJV")
- Suffolk Construction Company, Inc. ("Suffolk")
- Munilla Construction Management, LLC d/b/a MCM ("MCM")

I. RFQ Section 1.4, Minimum Qualifications, C. Construction Manager at Risk Qualifications, Page RFQ-5, states as follows:

C. "The Respondent <u>must</u> have the following minimum qualifications, in addition to the minimum qualifications listed above in Sections 1.4 (A) and 1.4 (B):

1) Have provided Construction Management services for a minimum of one (1) Baggage Handling System (BHS) or Checked Baggage Inspection Systems (CBIS) project including compliance with the TSA Planning Guidelines and Design Standards at a major international U.S. Airport.

2) Have successfully managed and/or constructed as a CMAR or Prime Contractor a 60,000 square foot or larger/$30,000,000 or more addition or new terminal building at a major international U.S. Airport.

3) Teamed with a single BHS Contractor who meets the minimum qualifications listed below (D) and name of the BHS Controls provider."

After reviewing the Questionnaire and Minimum Qualifications Affidavit (Appendix A) for each of the Respondents, Contracts Administration is seeking a responsiveness opinion on the following firms:

<u>Munilla Construction Management, LLC d/b/a MCM ("MCM")</u>
MCM lists six (6) projects on Appendix A. Two (2) of the six (6) projects reflect that MCM was a Prime Consultant/Contractor. In four (4) out of the six (6) projects, MCM is reflected in a sub-contracting capacity.

MCM states in Appendix A, that one (1) of the potential qualifying projects (MIA Project No. 756AD – North Terminal Improvements A155N-01 (Package 1) and A155N-02 (Package 2) reflected a $155,695,736 and consisted of a 470,000 square foot facility. MDAD records reflect that the total combined contract amount for Packages 1 and 2 was $155,695,736 (see attached Change Order No. 3 – Exhibit A). However, this item was awarded to MCM-Dragados JV (see attached contract award recommendation Exhibit B). The Respondent on this firm is MCM and not MCM-Dragados JV.

Opinion
Is MCM responsive given the fact that they are seeking to meet the minimum qualifications specified in RFQ Section 1.4, Minimum Qualifications, C. Construction Manager at Risk Qualifications, Page RFQ-5, based on a previous contract which was awarded to a different entity, MCM-Dragados JV?

II. **Suffolk Construction Company, Inc. ("Suffolk")**
Suffolk's qualifying BHS OEM, Pteris Global lists one (1) project with at least a PGDS 3.0, and with a total contract value of at least $20,000,000. It should be noted that Pteris has checked off the "ISAT Testing Conducted" boxes on Appendix A (see Attached Exhibit C) on two (2) other projects, with contract values in excess of the $20,000,000 threshold.

Addendum No. 1, RFQ Section 1.4, Minimum Qualifications, Page RFQ-11, D., 2) CBIS Experience states as follows:

2) **CBIS Experience** – Have successfully completed a minimum of ***three (3)*** BHS/CBIS projects requiring the design, manufacturing, installation and commissioning of the Checked Baggage Inspection System projects in accordance with the TSA Planning Guidelines and Design Standards, Version 3.0 or higher. **Provide *three (3)*** examples include a single page drawing depicting the entirety of the CBIS/BHS installation. Respondents CBIS/BHS experience to include integration of the either Morpho or L3 Communications In-Line Screening Devices (ISD) furnished by the Transportation Security Administration, development of the Checked Baggage Reconciliation Area (CBRA), completion of the Integrated Site Acceptance Test (ISAT) and development within the overall Baggage Handling System **with each project having a total value in excess *$20,000,000***, and with a minimum design peak hour throughput rate in excess of 1,800 bags per hour preferably at a major international U.S. Airport.

RFQ Section 1.4, Minimum Qualifications, C. Construction Manager at Risk Qualifications, Page RFQ-5, states as follows:

3) (CMAR) Teamed with a single BHS Contractor who meets the minimum qualifications listed below (D) and name of the BHS Controls provider."

Opinion
Is Suffolk responsive given the fact that the BHS OEM (Pteris Global) provided only one (1) of three (3) projects as specified in the minimum qualifications and also given the CMAR minimum qualifications requires the CMAR to be teamed with a BHS OEM Contractor that meets the minimum qualifications in D., 2, CBIS experience above?

C: Marie Clark-Vincent
Clerk of the Board

Attachments: Exhibit A: Change Order No. 3 MIA Project No. 756AD – (November 9, 2010)
Exhibit B: Contract Award Recommendation MIA Terminal Wide Improvements Program, Project No. 756AD – Package 1 and 2 – (February 7, 2008)
Exhibit C: Suffolk Construction Company, Inc. - Appendix A (see Pteris Global BHS OEM Section)

Memorandum

MIAMI-DADE COUNTY

Date: August 18, 2015

To: Pedro J. Betancourt
MDAD, Contructs Administration Division

From: Milton L. Collins
MDAD-Minority Affairs Division

Subject: Project: Construction Management at Risk for Baggage Handling System
Project No: MDAD-15-01
DBE Compliance Review

HAND DELIVERED

The Minority Affairs Division has completed its compliance review of the above-referenced project for compliance with the Disadvantaged Business Enterprise (DBE) Program as per the requirements of the Code of Federal Regulations (49 CFR Part 26). The contract measure applicable to this project is a DBE Subcontractor goal of 17.5% of total estimated cost.

On August 14, 2015, the Minority Affairs Division received from the Contract Administrations Division RFQ documents for four (4) firms for DBE Compliance Review (Enclosure 1 in alphabetical order).

1) **Munilla Construction Management, LLC** submitted:
   - Executed DBE Utilization Form, with 17.5% DBE participation offer,
   - Executed DBE Contract Participation Form with four (4) DBE certified firms as detailed in Table 1, and
   - The Bidder and Subcontractor's Information as prescribed by the Federal Regulation

Table 1

Project No. RFQ No. MDAD-15-01

Proposer: Munilla Construction Management, LLC

DBE Compliance Review Chart

DBE Special Provision/BID Forms	DBE Utilization %	LOI	CPF *	Bidder's List	Certified *
Jordim International Inc.	11.5%	YES	YES	YES	YES
CMC Contractors	2.5%	YES	YES	YES	YES
MCO Construction & Services, Inc.	2.5%	YES	YES	YES	YES
SDM Consulting Engineers, Inc.	1.0%	YES	YES	YES	YES
Total DBE Offered %	17.5%				
DBE Goal	17.5%				
Variance with Goal	0.0%	RESPONDENT MET THE DBE REQUIREMENTS			
* Source: Florida UCP, Enclosure 2	CPF= Contractor Participation Form				

Munilla Construction Management, LLC has met the DBE subcontractor goal of 17.5% and is in compliance with the DBE Participation Provisions and the Code of Federal Regulations 49 CFR Part 26 (Attachment 2).

2) **Parsons-Odebrecht, J.V.** submitted the required:
   - Executed DBE Utilization Form, with 17.5% DBE participation offer,
   - Executed DBE Contract Participation Form with six (6) DBE certified firms as detailed in Table 2, and
   - The Bidder and Subcontractor's Information as prescribed by the Federal Regulation

Table 2

Project No. RFQ No. MDAD-15-01

Proposer: Parsons-Odebrecht, J.V.

DBE Compliance Review Chart

DBE Special Provision/BID Forms	DBE Utilization %	LOI	CPF *	Bidder's List	Certified *
MCO Construction & Services, Inc.	2.0%	YES	YES	YES	YES
Commercial Interior Contractors Corp.	4.3%	YES	YES	YES	YES
Overnight Success, Inc.	4.3%	YES	YES	YES	YES
CES Consultants, Inc.	4.0%	YES	YES	YES	YES
FRAGA Engineers LLC	1.5%	YES	YES	YES	YES
TNT Management Team, LLC.	1.5%	YES	YES	YES	YES
Total DBE Offered %	**17.5%**				
DBE Goal	**17.5%**				
Variance with Goal	**0.0%**	**RESPONDENT MET THE DBE REQUIREMENTS**			
* Source: Florida UCP, Enclosure 2	CPF= Contractor Participation Form				

Parsons-Odebrecht, J.V. has met the DBE subcontractor goal of 17.5% and is in compliance with the DBE Participation Provisions and the Code of Federal Regulations 49 CFR Part 26.

3) **Skanska USA Building Inc.** submitted:
   - Executed DBE Utilization Form, with 23.0% DBE participation offer,
   - Executed DBE Contract Participation Form with three (3) DBE certified firms as detailed in Table 3, and
   - The Bidder and Subcontractor's Information as prescribed by the Federal Regulation

Table 3

Project No. RFQ No. MDAD-15-01 Proposer: Skanska USA Building Inc. DBE Compliance Review Chart					
DBE Special Provision/BID Forms	DBE Utilization %	LOI	CPF *	Bidder's List	Certified *
D. Stephenson Construction, Inc.	13.0%	YES	YES	YES	YES
Arora Engineers, Inc.	5.0%	YES	YES	YES	YES
Garth Solutions, Inc.	5.0%	YES	YES	YES	YES
Total DBE Offered %	**23.0%**				
DBE Goal	**17.5%**				
Variance with Goal	**+5.5**	**RESPONDENT EXCEEDED THE DBE REQUIREMENTS**			
* Source: Florida UCP, Enclosure 2	CPF= Contractor Participation Form				

Skanska USA Building Inc. has met and exceeded the DBE subcontractor goal of 17.5% by 5.5%. Skanska is in compliance with the DBE Participation Provisions and the Code of Federal Regulations 49 CFR Part 26.

4) **Suffolk Construction Company, Inc.** submitted:
   - Executed DBE Utilization Form, with 17.5% DBE participation offer,
   - Executed DBE Contract Participation Form with three (3) DBE certified firms as detailed in Table 4, and
   - The Bidder and Subcontractor's Information as prescribed by the Federal Regulation

Table 4

Project No. RFQ No. MDAD-15-01 Proposer: Suffolk Construction Company, Inc. DBE Compliance Review Chart					
DBE Special Provision/BID Forms	DBE Utilization %	LOI	CPF *	Bidder's List	Certified *
JADOR International Corporation	1.0%	YES	YES	YES	YES
MCO Construction & Services, Inc.	7.5%	YES	YES	YES	YES
CMC Contractors	9.0%	YES	YES	YES	YES
Total DBE Offered %	**17.5%**				
DBE Goal	**17.5%**				
Variance with Goal	**0.0%**	**RESPONDENT MET THE DBE REQUIREMENTS**			
* Source: Florida UCP, Enclosure 2	CPF= Contractor Participation Form				

Suffork Construction Company has met the DBE subcontractor goal of 17.5% and is in compliance with the DBE Participation Provisions and the Code of Federal Regulations 49 CFR Part 26.

We have verified with Florida Unified Certification Program (FUCP) database that the certifications for the DBE firms are current and valid. If any of the DBE firms listed on the Contractor Participation Form as DBE are found not to be eligible after award, it must be substituted in accordance with Section V of the DBE Participation Provisions contained in the project RFQ documents.

Please note that Minority Affairs staff only reviewed and addressed compliance with the DBE Program.

Should you have any questions or need additional information, please contract me at (305) 876-7221 or Abebe Tecle at (305) 876-7386.

Enclosures (2)

c:

M. Clark-Vincent
A. Tecle
Project File

OVERALL RESULTS

MIAMI-DADE AVIATION DEPARTMENT
REQUEST FOR QUALIFICATIONS FOR CMAR FOR BHS IMPROVEMENTS AT MIA
RFQ-MDAD-15-01
DATE: OCTOBER 1, 2015

FIRM	SCORE INDIVIDUAL EVALUATORS						
	1 ABG	2 JLR	3 RB	4 RW	5 BM	TOTAL TECH. POINTS	FINAL OVERALL RANKING
SKANSKA USA BUILDING, INC.	81	80	89	82	89	421	2
PARSONS ODEBRECHT JV	99	90	76	84	74	423	1
SUFFOLK CONSTRUCTION COMPANY INC.	60	61	50	59	50	280	4
MUNILLA CONSTRUCTION MANAGEMENT, LLC D/B/A MCM	79	72	76	76	64	367	3

EVALUATORS
Pedro J. Betancourt, MDAD (Chairperson) Non-voting
1. Alda Bao-Garciga, MDAD
2. Jose L. Rodriguez, MDAD
3. Robert Binish, AvAirPros
4. Richard Welch, BCAD
5. Brian Miller, Delta Airlines

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: July 19, 2016

FROM: Abigail Price-Williams
County Attorney

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

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**

_____ **Statement of social equity 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
Veto _____
Override _____

Agenda Item No. 8(A)(1)
7-19-16

RESOLUTION NO. _____

RESOLUTION APPROVING AWARD OF THE CONTRACT FOR THE CONSTRUCTION MANAGER AT RISK FOR BAGGAGE HANDLING SYSTEM IMPROVEMENTS AT MIAMI INTERNATIONAL AIRPORT, PROJECT NO. RFQ-MDAD-15-01, TO PARSONS-ODEBRECHT JOINT VENTURE IN THE AMOUNT OF $7,497,824.42 FOR THE PRE-CONSTRUCTION PHASE SERVICES; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AND EXECUTE AN AMENDMENT TO SUCH CONTRACT ESTABLISHING CONSTRUCTION DURATION, LIQUIDATED DAMAGES, LIQUIDATED INDIRECT COST, AND A GUARANTEED MAXIMUM PRICE AT ANY PRICE LESS THAN $177,000,000.00; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO ISSUE CHANGE ORDERS TO THE CONTRACT, WHICH INCREASE THE CONTRACT VALUE TO $177,000,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND TO EXERCISE ALLOWANCE ACCOUNTS, AND TERMINATION AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum and documents, 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 hereby approves (i) the award of the Construction Manager at Risk for Baggage Handling System Improvements at Miami International Airport Contract, Project No. RFQ-MDAD-15-01 to Parsons-Odebrecht Joint Venture, in substantially the form on file with the Clerk of this Board, a summary of which is attached hereto and made a part hereof, in an amount not to exceed $7,497,824.42 for the Pre-Construction Phase Services; (ii) authorizes the County Mayor or

County Mayor's designee to negotiate and execute an amendment to the Contract establishing the guaranteed maximum price ("GMP") at any price less than $177,000,000.00, subject to the prior approval of project cost by the Majority In Interest Airlines at Miami International Airline pursuant to the requirements of the Airline Use Agreement, and establishing contract duration, and the liquidated and indirect damages; (iii) authorizes the County Mayor or the County Mayor's designee to negotiate and execute Change Orders to the Contract, which Change Orders may increase or decrease the Contract value, or increase or decrease the contract duration, except that the cumulative impact of such Change Orders may not cause the Contract value to exceed $177,000,000.00 without the prior approval of this Board; and (iv) authorizes the County Mayor or County Mayor's designee to execute the agreement and to exercise the provisions contained therein, including termination provisions.

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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of July, 2016. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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. CAL

David M. Murray

CONTRACT SUMMARY

THIS CONTRACT made and entered into as of the _____day of _____2016, by and between Miami-Dade County, Florida, by its Board of County Commissioners, hereinafter called the Owner and **Parsons – Odebrecht Joint Venture** hereinafter called the Construction Manager:

WITNESSETH, that the said Construction Manager, for and in consideration of the payments hereinafter specified and agreed to be made by the County, hereby covenants and agrees to furnish and deliver all the materials required, to do and perform all the Work and labor, in a satisfactory and workmanlike manner, required to complete this Contract within the time specified, in strict and entire conformity with the Plans, Technical Specifications and other Contract Documents, which are hereby incorporated by reference, for;

PROJECT TITLE: CMAR FOR BAGGAGE HANDLING IMPROVEMENTS AT MIA

PROJECT NO: RFQ NO. MDAD-15-01

CONTRACT TIME: Contract consists of two (2) primary phases; I. Pre-Construction Phase and II. Construction Phase Services. The Pre-Construction Phase Services requires that the CMAR submit to the Owner, the CMAR's Guaranteed Maximum Price ("GMP") for the costs of the Construction Phase Services within ninety (90) days after the CMAR is issued the PCNTP, but in no case later than one hundred twenty (120) days after issuance of the PCNTP.

I. PRE-CONSTRUCTION PHASE SERVICES

The Construction Manager agrees to make payment of all proper charges for labor and materials required in the aforementioned Work, and to defend, indemnify and save harmless the County and all its officers, employees and agents against and from all suits and costs of every kind and description, and from all damages to which the said County or any of its officers, agents and employees may be put, by reason of injury or death to persons or injury to property of others resulting from the performance of said Work, or through the negligence of the Construction Manager, its officers, agents or employees or through any improper or defective machinery, implements or appliances used by the Construction Manager, its officers, agents or employees in the aforesaid Work, or through any act or omission on the part of the Construction Manager, or its officers, agents or employees.

Completion of the Work within the Contract Time is of the essence. The Contract Time for the Pre-Construction Phase Services Work is ninety (90) calendar days from the effective date established in the Pre-Construction Notice To Proceed ("PCNTP"). The Construction Manager may perform the work set forth in Sub-article 4.1.20 without additional compensation for an additional thirty (30) calendar days.

In consideration of these premises, the County hereby agrees to pay to the Construction Manager for the Pre-Construction Phase Services, when fully completed, the total maximum sum of

One Million Seven Hundred Twenty-Five Thousand Nine Hundred Four Dollars, ($1,725,904.00), consisting of the following accepted items or schedules of Work as taken from the Exhibit 2 – Construction Manager Pre-Construction Fee ("CMPCF"):

CONTRACT SUMMARY - CMPCF (Continued)

Construction Manager and Pre-Construction Fees	$1,711,625.00
Separate Payment & Performance Bonds (Two (2) separate bonds for the CMPCF and two (2) separate bonds for the GMP)	$14,279.00
Owner BIM Allowance Account	$73,302.00
Dedicated Allowance for Enabling Work	$5,000,000.00
Owner Contingency Allowance Account (10%)	$679,920.60
Inspector General Audit Account (.0025%)	$18,697.82
TOTAL CMPCF MAXIMUM CONTRACT AMOUNT	**$7,497,824.42**

The total maximum Contract amount is subject to such additions and deductions as may be provided for in the Contract Documents. Partial and Final Payments will be made as provided for in the Contract Documents.

II. CONSTRUCTION PHASE SERVICES

If the GMP Proposal is accepted, in writing, by the Owner, it will become an Amendment to this Contract which will establish the GMP, Contract Time, and Liquidated Damages and the Liquidated Indirect Costs for that phase of the Work. Separate Payment and Performance Bonds on the Owner's standard forms, and insurance certificates shall be provided by the CMAR simultaneously with the execution of the GMP Maximum Price Contract Amendment, Exhibit 1. The GMP shall be less or equal to the not to exceed amount of $177,000,000.00.

CONTRACT SUMMARY (Continued)

IN WITNESS WHEREOF, the above parties have caused this Contract to be executed by their appropriate officials as of the date first above written.

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

By: _____
Mayor or designee

ATTEST: Harvey Ruvin Clerk

By: _____
Deputy Clerk

(MIAMI-DADE COUNTY SEAL)

_____

Approved for Form and Legal Sufficiency

_____
(Assistant County Attorney)

CONSTRUCTION MANAGER (if Partnership or Corporate Joint Venture)

(A) PARTNERSHIP OR CORPORATE JOINT VENTURER:

PARSONS TRANSPORTATION GROUP, INC.
(Corporate Name)

By: _____
President

Attest _____
Secretary

(B) PARTNERSHIP OR CORPORATE JOINT VENTURER:

ODEBRECHT CONSTRUCTION, INC.
(Corporate Name)

By: _____
President

Attest _____
Secretary

(ATTACH ADDITIONAL SHEETS FOR EACH JOINT VENTURER, AS NEEDED)

(CORPORATE SEAL)

NAME OF MANAGING JOINT VENTURER:

By _____
Signature of Authorized Representative of Joint Venture

Witnesses as to Above

_____

_____