

Memorandum

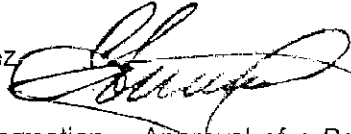
MIAMI-DADE
COUNTY

Date: June 4, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

Supplement to
Agenda Item No. 8(F)(4)

From: Carlos A. Gimenez
Mayor



Subject: Supplemental Information – Approval of a Professional Services Agreement
for ISD Project No. A16-MDAD-04: Airport Wayfinding and Signage Services

This supplemental memorandum provides additional information regarding the evaluation process, including standard tie-breaking procedures that were utilized during the procurement of the subject Agreement. This procurement was conducted consistent with our standard practices and it is in the best interest of the County to proceed with the contract award recommendation and award the Professional Services Agreement pursuant to the solicitation for ISD Project No. A16-MDAD-04 to M.C. Harry and Associates, Inc.

Background

On June 23, 2003, Administrative Order (A.O.) 3-39 was adopted to establish a standard process for the acquisition of professional Architectural, Engineering, Land Surveying and Mapping Services, General Construction Services and other project delivery methods. Pursuant to A.O. 3-39, **qualitative** scores assigned by a Competitive Selection Committee (CSC) during evaluations of professional Architecture and Engineering (A&E) services as defined by Florida Statute 287.055, are to be used in the ranking of proposers, including tie breaking procedures. On April 6, 2010, through Ordinance 10-23, the County modified Section 2-10.4 of the Miami-Dade County Code adopting the use of an **ordinal** ranking process to award A&E services by converting the CSC assigned qualitative scores into ordinal scores.

The current A.O. 3-39 has not been updated to reflect the changes to Section 2-10.4 of the Code, and the Code is silent on how to perform ordinal tie-breaking at the CSC member level. This tie-breaking at the CSC member level is necessary to assign a unique ordinal ranking to each firm which then is used to calculate the final ordinal ranking at the CSC level. In the absence of an updated A.O. 3-39, ISD procurement staff has adopted a tie-breaking procedure that has been consistently applied for all competitively procured professional A/E solicitations since 2010. Ties in the scores assigned by the CSC members are extremely common during evaluations. The higher the number of proposals being evaluated in a solicitation, the higher the number of ties.

This adopted tie-breaking process has been widely accepted by the A&E industry. On May 17, 2016 the Board of County Commissioners established a Professional Services Task Force to review the existing legislation, administrative practices, and competitive solicitation documents for the purchase of professional services covered under the Consultants' Competitive Negotiation Act (CCNA), including without limitation, Section 2-10.4 of the Code of Miami-Dade County and Administrative Order 3-32, and to offer recommendations for their improvement to achieve a more equitable distribution of County contracts, all consistent with the intent and the requirements of the CCNA. The task force made more than 12 recommendations; however, no recommendations were made to change the tie-breaking process.

Tie-breaking During Evaluations of the Subject Project

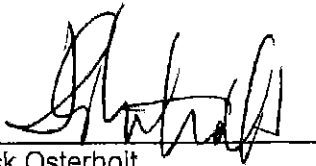
Ten (10) proposals were received and evaluated in response to the subject solicitation. The tie-breaking methodology was explained to the CSC during the First Tier and Second Tier meetings. The adopted tie-breaking methodology was used during both the First Tier evaluations on December 1, 2017 and Second Tier evaluations on January 9, 2018. There were twelve (12) ties broken during the First Tier evaluation using said methodology. There was one (1) tie broken during the Second Tier evaluation at the CSC level. There were no Second Tier ties for the final ranking after the tie was broken at the CSC level.

The County received a letter dated January 17, 2018 contesting the tie-breaking methodology that was used during the Second Tier evaluations by highlighting the preliminary total ordinal score for each proposer before the tie-breaking established process had taken place at the CSC level. The letter requested that the County re-score the Second Tier proposals in a manner inconsistent with the County's standard process of breaking ties. The solicitation specifies the conversion of the Second Tier qualitative scores given by each CSC to an ordinal score pursuant to the Miami-Dade County Code Section 2-10.4. All ties for this project were broken based on the adopted tie-breaking procedures, including the tie during the Second Tier evaluations which the letter is referencing.

Recommendation

The ISD adopted tie-breaking methodology has been consistently used since 2010, including numerous awards completed using this methodology and multiple solicitations which are pending negotiations and/or contract award. To use a different methodology, other than the adopted methodology in place for the past nine years for this specific solicitation, would be both confusing to the industry and may have unintended consequences as well as negative repercussions on the County's past and existing A&E procurement awards.

ISD procurement staff is currently drafting a revision to A.O. 3-39 to be compatible with the 2010 changes in the Code and to memorialize the existing tie-breaking process. Until the governing legislation is updated, it is recommended to continue using the current tie-breaking methodology on the subject solicitation and all A&E procurements.



Jack Osterholt
Deputy Mayor