

**BCC Meeting:  
April 7, 2020  
Research Notes**

**Item No. 8F7  
File No. 200131**

**Researcher: MF    Reviewer: PGE**

RESOLUTION APPROVING FOUR NON-EXCLUSIVE CONTRACTS FOR THE MIAMI-DADE AVIATION DEPARTMENT HAZARDOUS MATERIAL REMOVAL SERVICES, REQUEST TO QUALIFY RTQ-01064 TO CHEROKEE ENTERPRISES, INC., CROSS ENVIRONMENTAL SERVICES INC., DECON ENVIRONMENTAL & ENGINEERING, INC., AND MCO ENVIRONMENTAL, INC. FOR A TOTAL AMOUNT NOT TO EXCEED \$15,000,000 FOR THE FIVE-YEAR TERM; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY TERMINATION PROVISIONS CONTAINED THEREIN; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD WORK ORDERS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PERIODICALLY DURING THE TERM OF THE POOL AND RESULTING CONTRACTS, AWARD ADDITIONAL CONTRACTS TO VENDORS WHO MAY AT THE TIME OF SUCH AWARD, MEET THE MINIMUM REQUIREMENTS ESTABLISHED IN THE SOLICITATION

**ISSUE/REQUESTED ACTION**

Whether the Board should approve four non-exclusive contracts for the Aviation Department's hazardous material removal services Request to Qualify (*RTQ-01064*) for a five-year term in an amount of up to \$15,000,000.

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Internal Services Department (ISD)

The item was originally scheduled for the Tourism and the Ports (TAPS) Committee meeting of March 11, 2020. However, no action was taken because the meeting was cancelled.

**ANALYSIS**

The purpose of this item is to establish a long-term replacement award for the delivery of hazardous material removal services for the Aviation Department. Approval of the item establishes four non-exclusive contracts and delegates authority to the Administration to establish a prequalification pool under *RTQ-01064* in the amount of \$15,000,000 for a five-year term. The contract awardees are: Cherokee Enterprises, Inc., Cross Environmental Services, Inc., Decon Environmental & Engineering, Inc., and MCO Environmental, Inc. Note that the Mayor's memo is silent on whether the construction safety records for the recommended awardees were considered or reviewed as required by Resolution No. 1181-18.

The scope of work consists of providing hazardous materials removal services associated with demolitions and related construction services on an as-needed basis. The following is a list of the work to be performed:

- Asbestos abatement;
- Air quality remediation including mold remediation;
- Contaminated soil removal, transportation and disposal;
- Demolition and reconstruction;
- Removal and installation of storage tank systems;
- PCB transformer and lead paint removal; and
- Petroleum hazardous material handling.

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The fiscal impact is \$15,000,000 for a five-year term. The mayoral memorandum does not set forth the slated projects covered by the requested allocation. The prior contract (*ITB-MDAD-03-11*) was established pursuant to Resolution No. R-733-12 on September 18, 2012 for a five-year term in an amount of \$15,037,500 and expired on October 9, 2019. The awarded vendors under that contract were: Cherokee Enterprises, Inc., DPC General Contractors, Inc., Decon Environmental & Engineering, Inc., and MCO Environmental, Inc. Of those vendors, Cherokee Enterprises, Decon Environmental and MCO Environmental are being recommended under the present item.

To prequalify for the pool, the vendor shall provide and maintain at least one of the following:

- A Certificate of Registration as a General Contractor issued by the State of Florida Construction Industry Licensing Board;
- A Certificate of Registration as a General Contractor issued by the State of Florida Construction Industry Licensing 489.117; and, hold a Certification of Competency as a General Contractor issued by the Miami-Dade Construction Trades Qualifying Board; and
- A Certificate of Registration as a Building Contractor issued by the State of Florida Construction Industry Licensing 489.117; and hold a Certificate of Competency as a Sub-General or Building Contractor issued by the Miami-Dade Construction Trades Qualifying Board.

Vendors must also provide evidence and maintain all of the following licenses or certifications:

- An Asbestos Contractor License pursuant to the provision of Florida Statutes Section 455.303;
- A Florida Certified Asbestos Supervisor on staff locally;
- An Environmental Protection Agency (EPA) Accredited Contractor that is certified to engage in lead based paint activities;
- A State Certified Mold Remediator; and
- A National Air Duct Cleaners Association (NADCA) Certified HVAC System Remediator and Air Duct Cleaning Specialist.

Note that all work awarded under the pool shall be assigned via Project Order.

This procurement was advertised on August 28, 2019 and closed on October 15, 2019, the “bid open date.” Five vendors responded to the solicitation, of which four are being recommended for award. One vendor – DPC General Contractors Inc. – was deemed nonresponsive because the company does not carry the required general contractor’s license. The nonresponsive opinion has not been included in the agenda package as required by Implementing Order 2-13. DPC was an awarded vendor under the prior contract.

Moreover, as per ISD’s Small Business Development Division, Decon Environmental & Engineering (one of the four vendors being recommended under this solicitation) achieved zero percent of the required 10% SBE-Con goal established under the previous contract. The vendor currently has a deficit of \$103,624 on that contract. Deficits in SBE-Con goals are subject to an SBE-Con make up requirement on a future contract and a monetary penalty equal to a percentage of the deficit.

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Regarding the timeliness of the reprourement of this contract, note that the current contract (*ITB-MDAD-03-11*) expired on October 9, 2018 and received a one-year extension through October 9, 2019. The item is silent regarding the specific timeline of the reprourement solicitation and does not address why the contract was able to expire prior to the establishment of a replacement as required by County policies, i.e., Resolution Nos. R-718-17 and R-515-19.

Illustration 1 shows the type of work typically performed during the asbestos abatement and remediation services process.

**Illustration 1**



Pursuant to an ISD SBD compliance review memorandum dated November 13, 2019, the contract measures established for this project are SBE-Con 5%, SBE-Good 0.37% and SBE-Service 0.63%. There is also a CWP goal of 10%.

OCA conducted a search on the Business Management Workforce System's Certified Vendor Directory on March 6, 12 and April 2, 2020. for the following commodity codes: 92645 (Hazardous Material & Waste Services), 92678 (Remediation Services, Environmental-Waste & Mold), 96127 (Decontamination Services), 562910 (Asbestos removal contractors), 562910 (Remediation and cleanup of contaminated buildings, mine sites, soil or ground water), 562910 (Site remediation services), 238990 (All other specialty trade contractors), 97500 (Rental or lease services of agricultural, aircraft, airport, automotive, marine, and heavy equipment), 34500 (First Aid and safety equipment), 48500 (Janitorial supplies, general line), 61500 (Office supplies) and 562910 (Mold remediation services). BMWS retrieved 110 firms with 136 certifications.

Listed below are some of the local SBEs identified. An asterisk (\*) identifies the awarded vendor pertinent to this item.

- 911 Protection Corp. Hialeah Gardens, FL SBE-G&S
- A & B Hardware, Inc. dba A & B Hardware Lumber, Inc. Miami, FL SBE-G&S
- AA Equipment & Services, Inc. Miami, FL SBE-G&S
- AAP Construction Group Corp. Miami Lakes, FL SBE-G&S
- Advanced Concrete & Pavers, Inc. Miami, FL SBE-G&S
- Advanced Filing Systems, Inc. dba Florida Office Systems Medley, FL SBE-G&S
- Agile Courts Construction Company, Inc. Miami, FL SBE-G&S

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- BioResponse Corp., dba BioResponse Restoration, Miami, FL SBE-G&S
- ECO Solution Group, LLC Miami, FL SBE-G&S
- MCO Environmental, Inc.\* Miami, FL SBE-G&S
- Oasis Solutions of Florida, LLC Miami Lakes, FL SBE-G&S
- The Chappell Group, Inc. Miami Shores, FL SBE-G&S
- United Medical Industries Corp. Miami, FL SBE-G&S
- Vinward Construction Corp. Miami, FL SBE-G&S

OCA performed due diligence on the awarded vendors on the following dates: March 6, 9 and 10, 2020 and April 1, 2020; below are the findings. Of the four awarded firms, one is SBE and three are incumbents and identified accordingly.

Awarded Firm(s)	Corporate Registration	Tax Collectors Office	Florida DBPR	Westlaw
Cherokee Enterprises Inc.  <b>(Incumbent)</b>	Florida Profit Corporation  Active  Principal Address: 12981 NW 113 Ct. Medley, FL  Filed: January 25, 1999	Business Address: 8765 NW 100 St. Medley, FL  Status: Paid and Current	Active  Licensed for: Certified General Contractor; Certified Pollutant Storage System Contractor; Geology Business; Certified Underground Utility and Excavation Contractor; Asbestos Business; Certified Mechanical Contractor; Certified Business Information	No relevant cases
Cross Environmental Services, Inc.	Florida Profit Corporation  Active  Principal Address: 39646 FIG Ave. Zephyrhills, FL  Filed: February 10, 1988	Status: Paid and Current	Active  Licensed for: Construction Business Information; Certified Mechanical Contractor	<i>Sietech, Inc. v. Cross Environmental Services, Inc., et al.</i> Case No. 5:16-CV-10943 filed in the U.S. District Court, Eastern District of Michigan (Ann Arbor) on March 16, 2016. Allegation: Defendant breached the subcontract by failing to perform its work and failing to make payment to the plaintiff. Case status: Dismissed with prejudice on Feb. 27, 2019.

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<p>Decon Environmental &amp; Engineering, Inc.  (Incumbent)</p>	<p>Florida Profit Corporation  Active  Principal Address: 2652 NW 31 Ave. Ft. Lauderdale, FL  Filed: October 13, 1987</p>	<p>No account on file</p>	<p>Active  Licensed for: Asbestos Business; Course Sponsor; Certified Pool/Spa Contractor; Construction Business Information; Mold Related Services CE Course; Course Sponsor</p>	<p><i>Medina, Crystal Angelica v. Construction Services by Martinez Inc., et al.</i> Case No. 2018CA012621 filed in the Fifteenth Judicial Circuit, Palm Beach County on October 5, 2018. Allegation: Defendants negligently failed to maintain premises in a safe condition so that plaintiff tripped and fell resulting in injuries. Case status: Pending court action; as of January 9, 2020, the parties are to hold a case management conference between 60 to 90 days of this last court action.</p>
<p>MCO Environmental, Inc.  (SBE &amp; Incumbent)</p>	<p>Florida Profit Corporation  Active  Principal Address: 7275 NW 64 St. Miami, FL  Filed: May 26, 1988</p>	<p>Business Address: 7275 NW 64 St. Miami, FL  Status: Paid and Current</p>	<p>Active  Certified for: Certified Pollutant Storage System Contractor; Certified General Contractor; Asbestos Business</p>	<p>No relevant cases</p>

OCA also reviewed the performance history of the recommended awardees in the Capital Improvements Information System on April 2, 2020 and found the following as depicted in Table 1 below.

**Table 1**

Contractor	Evaluation Count	Average Evaluation
Cherokee Enterprises, Inc.	124	3.3
Cross Environmental Services, Inc.	7	3.8
Decon Environmental & Engineering, Inc.	8	3.9
MCO Environmental, Inc.	34	3.6

**ADDITIONAL INFORMATION**

OCA accessed the website of the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA), which regulates asbestos exposure in all work as defined in federal code 29 CFR 1910. Additional information may be accessed here:

<https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.1101>

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Based on information found on the recommended vendors' websites, below is a brief business profile of each company.

- ❖ Cherokee Enterprises – Among the company's recent contracts are the Palm Beach County Repair of Fuel Systems Equipment and the Pepsi Fuel Island Demolition. <https://www.cherokeecorp.com/>
- ❖ Cross Environmental Services, Inc. – Founded in 1988, the company is one of the largest owner-operated full service environmental, asbestos abatement and demolition firms in Florida. <https://www.crossenv.com/>
- ❖ Decon Environmental & Engineering, Inc – The company provides environmental remediation for mold and abatement for asbestos, among other services. <https://www.decon.com/>
- ❖ MCO Environmental, Inc. – Established in 1988, the company is a family-owned business and certified Minority and Woman Owned Business Enterprise. <http://mcoenvironmental.com/>

**APPLICABLE LEGISLATION/POLICY**

**Section 2-11.16 of the Code of Miami-Dade County** (Country construction), a) In addition to the other elements of the term "responsible bidder" in law or in the discretion of the Board of Commissioners of Miami-Dade County, as applies to competitively bid County contracts in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration, and/or repair, including painting or decorating, of public buildings or public works, shall mean a bidder who provides documented proof in its bid that the various classes of laborers and mechanics will be paid no less than the specified overall hourly rates as set forth in the contract specifications. All leases and contracts entered into after the effective date of this ordinance which provide for privately funded construction, alteration or repair of buildings or improvements located on County-owned land shall require laborers and mechanics performing such work be paid no less than the overall hourly rates required on competitively bid County construction contracts under this Section unless specifically exempted below. Fees for monitoring compliance with this Section shall be charged as provided in the most current County-wide Budget as follows: for County construction contracts, the Small Business Development shall charge the using department therefor; for leases and contracts which provide for privately funded construction, alteration or repair of buildings or improvements on County owned land, the party contracting with the County shall be charged therefor. (b) The specifications for each competitively bid County contract in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration and/or repair, including painting or decorating, of public buildings or public works shall specify an initial overall per hour rate to be paid to each craft or type of employee necessary to perform the contract work as listed in local area nondiscriminatory negotiated contracts (hereinafter referred to for purposes of this subsection (b) as "negotiated contracts") between organizations which represent employees and contractors. In ascertaining the initial overall per hour rate to be paid, the minimum standard shall be the combined overall dollar value on an hourly basis of the wages (paid as set forth below) and of the hospitalization, medical, pension and life insurance benefits (paid as set forth below) for such craft or type of employee under negotiated contracts in effect as of January 1st of the calendar year in which said proposal bid is expected to be advertised, or, in the case of a lease or contract providing for privately funded construction on County-owned land subject to this Section, under the negotiated contracts in effect as of January 1st of the calendar year in which said proposed lease or contract is expected to be executed. Thereafter, the specifications shall provide that the overall per hour rate to be paid for work performed under the contract during each subsequent calendar year shall be the overall per hour rate in effect as of January 1st, of the year in which the work is performed. If a particular craft or type of employee is not listed in such negotiated

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contracts, in ascertaining the initial overall per hour rate to be paid those employees, the minimum standard shall be the combined overall dollar value on an hourly basis of the "basic hourly rate of pay" (as defined in 29 CFR 5.24) (paid as set forth below) and of the fringe benefits payments (paid as set forth below) for hospitalization, medical pension and life insurance benefits for such craft or type of employee under the Secretary of Labor's wage determination (made pursuant to the provisions of the Davis-Bacon Act) in effect for Miami-Dade County, Florida, as of the end of the calendar year in which the proposed bid is expected to be advertised. The foregoing and the provisions of Section 2-11.16(e) notwithstanding, where not otherwise precluded by state or federal law, the overall per hour rate shall be the higher rate under this Section 2-11.16 or the rate of wages to be paid under the requirements of the Davis-Bacon Act; provided, further, that the overall per hour rate shall not be the higher rate if the federal government requires the County as a condition of receiving federal funds for a project to pay no more than the wages as determined by the U.S. Department of Labor under the Davis-Bacon Act on project contracts.

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**Section 2-1701 of the Code of Miami-Dade County, (Community Workforce), A. Application:** Except where state, or federal laws or regulations mandate to the contrary, the provisions of this ordinance shall require review of Capital Construction Contracts/Work Orders for public improvements located in Designated Target Areas to determine the appropriateness of applying a local workforce goal requiring that a minimum of 10% of the persons performing the construction trades and labor work under the contract be residents of Designated Target Areas as set forth in this ordinance. The provisions of this ordinance shall apply to all such Capital Construction Contracts/Work Orders entered into and issued by the County, its departments and agencies including the Public Health Trust or funded in whole or in part by County funds or with private funds on County property. The foregoing notwithstanding, the Board may by Implementing Order provide that Contracts and/or Work Orders below a certain dollar amount shall not be subject to the requirements of this ordinance. **B. Establishment of local workforce goal:** A local workforce goal may be applied to a Capital Construction Contract/Work Orders subject to review under this section based on the Scope of Work the relative local unemployment rate, and an estimate of the trades and workforce necessary to perform construction trades work and labor under the contract. The RC is responsible for recommending to the Mayor or the Mayor's Designee whether a workforce goal should be applied to a Capital Construction Contract/Work Order. The contract language for a Capital Construction Contract/Work Order to which a local workforce goal is applied shall specify that a certain percentage of the workforce performing construction trades and labor work under such contract be residents of Designated Target Areas as provided herein. **C. Workforce Plan:** Bid and proposal documents for Capital Construction Contracts/Work Order to which a local workforce goal has been applied shall require the contractor, to develop and submit to the County, within fifteen (15) days of notification of award of the contract, a Workforce Plan outlining how the goal will be met and containing all of the information and elements required by this Section. The Plan shall specify the total number of persons that will be used by the contractor (as well as by all subcontractors) to perform all of the construction trades and labor work of the contract, broken down by trade and labor category, minimum qualifications for each category, and the number of persons to be utilized in each category. The Plan shall identify by name, address and trade category of all persons proposed to perform work under the contract currently on the contractor's (or on any proposed subcontractor's) payroll who reside in any Designated Target Area. The Plan shall also indicate the number of positions shown on the work, trade categories and minimum qualifications therefore of the positions to be hired by the contractor (or by any proposed subcontractors) to perform the construction trades and labor work under the contract. The County will not enter into the contract until it receives the contractor's Workforce Plan and deems the Plan acceptable. The contract language of a contract subject to a local workforce goal shall provide that in the event that at contract completion, the contractor fails to comply with the established local workforce goal, liquidated damages equal to a minimum of \$3,000.00 per position or the salary that would be payable for such position had the person(s) been

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hired for the position as listed on the approved workforce plan to include all approved revisions to the workforce plan, whichever is greater shall be withheld from the contractor's final payment as liquidated damages and be applied to pay part of the costs of the Community Workforce Program under this ordinance. In calculating the salary, a minimum of eight (8) hours per day times (i) the position's wage rate or (ii) the applicable Responsible Wages and Benefits Schedule wage rate will be used. An updated Plan shall be submitted to SBD on a monthly basis. In the event that during the contract time a new hire or a person identified in the Plan as already on the contractor's (or any proposed subcontractor's) payroll to meet the local workforce goal is replaced, Miami-Dade County will require the contractor to immediately contact SBD identifying the replacement. Notwithstanding anything to the contrary above, the contractor may be relieved from the requirements of this ordinance, in part or in whole, if such contractor can demonstrate to SBD that it has utilized its best efforts to achieve the goal in accordance with the prescribed Implementing Order. D. *Goal compliance:* The following shall count towards compliance with a local workforce goal. Within 15 days of approval of the Workforce Plan, the contractor shall complete and submit a Job Order Request Form (in the form attached to Resolution No. R-1145-99, the Clearinghouse for posting of job opportunities) to the Employee Relations Department for each position designated in the approved Workforce Plan for recruitment. The employer/contractor Information portion of the Job Order Request Form shall provide the relevant information for the contractor or subcontractor who will employ the new hire. Persons designated in the approved Workforce Plan as already on the contractor's (or on any proposed subcontractor's) payroll at the time of bid submittal who reside in the DTA in which the public improvement is located and who perform any construction trades work or labor of the contract shall count towards meeting the local workforce goal. Each New Hire residing in the DTA where the public improvement project is located who is hired to any position designated in the approved Workforce Plan who performs construction trades or labor work of the contract for a minimum duration of one hundred twenty (120) days or the length of the job whichever is less, shall also count towards meeting the goal. Persons that reside in a DTA other than the DTA in which the public improvement is located, may be counted towards meeting the goal provided the first priority in hiring for such position was given to persons residing in the Designated Target Area in which the public improvement is located, and when the hiring party as well as the WDOs and WROs have demonstrated to SBD that they have been unable to identify a qualified resident of the Designated Target Area in which the public improvement is located. In the event that at contract completion, goal compliance cannot be determined due to the contractor's failure to submit and obtain SBD approval for a revised Workforce Plan, \$10,000.00 shall be withheld from the contractor's final payment as liquidated damages, and applied to pay costs of the Community Workforce Program. E. *Exceptions:* Due to the regional significance of Airport and Seaport public improvement projects as sources of employment, contractors performing work at the Airport and Seaport may hire residents of DTAs other than the DTA where the project is located and are not required to give first priority to persons residing in the DTA where the project is located. Persons designated in the approved Workforce Plan as already on the Airport or Seaport contractor's (or on any proposed subcontractor's) payroll at the time of bid submittal who reside in any DTA and who perform any construction trades work or labor of the contract shall count towards meeting the local workforce goal. Each New Hire residing in any DTA who is hired to any position designated in the approved Workforce Plan who performs construction trades or labor work on the Airport or Seaport Capital Construction Contract for a minimum duration of one hundred twenty (120) days or the length of the job whichever is less, shall also count towards meeting the goal.

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**Section 2-11.17 of the Code of Miami-Dade County** (Residents First Training and Employment Program), *Program Scope.* (a) The provisions of this ordinance shall apply to County Construction Contracts which are subject to Section 2-11.16 of the Code of Miami-Dade County, Florida (the "Code"), entered into after the effective date of the ordinance by the County, and its Departments. (b) 11.16 The provisions of this Section shall be applied to reinforce and



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complement the provisions of Sections 2-11.16 and of the Code. (4) *General Program Requirements.* (a) Except where state or federal laws or regulations mandate to the contrary, all contractors and subcontractors of any tier performing on a County Construction Contract shall satisfy the requirements of this Section. (b) As a condition of submitting a bid or proposal for a County Construction Contract, a general contractor, construction manager or other contractor seeking award of a contract shall submit a Responsible Contractor Affidavit with its bid or proposal. (c) The Responsible Contractor Affidavit shall be completed on a standard form prepared by the County and shall reference the County Construction Contract for which a bid or proposal is being submitted by name and contract or project number. Any agency, department, or other party responsible for awarding a County Construction Contract shall require contractors to use the standard form prepared by the County. (d) A County Construction Contract shall not be executed until all requirements of this Section have been fulfilled. (e) Prior to awarding or approving future County Construction Contracts, the County shall review prior work performed by proposed contractors and subcontractors, including their compliance with the terms of the Responsible Contractor Affidavit. (f) The County shall provide notice to any contractor who fails to submit a Responsible Contractor Affidavit, that said contractor has forty-eight (48) hours from the time of notification to submit a Responsible Contractor Affidavit or its bid or proposal will be deemed nonresponsive and disqualified.

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**Section 2-285 of the Code of Miami-Dade County** (County Manager's authority as to contracts for the Aviation Department), As to any Aviation Department contract to which Sections 2-8.2, 2-8.3 or 2-8.4 are applicable, the County Manager may advertise any competitive contract in which appropriate contract measures as provided in Sections 2-8.2 (3)(c), 2-8.2.3 (3)(c), and 2-8.2.4(3)(c) have been specified; issue bid and proposal documents including addenda thereto; receive, open and review bids and proposals; issue notices to proceed after award; advertise, select committees for, and negotiate professional services agreements under Section 2-10.4 of the Code; issue amendments to any professional services agreement after award by the Board, including any professional services agreement that relates to a construction or project contract which has been increased in scope hereunder or by approval by the Board (subject, however, to any limitations on such authority as may be contained in the statutory and code provisions applicable to competitive selection of professional services); and perform all the foregoing for professional services agreements not subject to Section 2-10.4; provided however, that the authority in this subsection (1) is subject subsection (4) of this section; (2) The County Manager may provide in the bid specifications and contract documents that the contract time may be extended and that liquidated damages for failure to comply therewith may be waived before or after the specified date for completion of the contract; (3) The County Mayor may negotiate and settle contractor claims, and issue change orders for additional work under contracts and amendments for professional services agreements; as to any specific contract or agreement, change orders or amendments thereto shall not exceed five hundred thousand dollars (\$500,000.00) in cumulative dollar amount and shall not exceed fifteen (15) percent of the contract price in cumulative percentage amount; provided however, that the foregoing limitation shall not apply to any change order or amendment related to environmental remediation or health requirements, and the foregoing change orders and amendments shall require ratification by the Board; provided further, that the County Mayor may reduce in any amount the scope and compensation payable under any contract and grant compensable and non-compensable time extensions thereunder. Any County contract or amendment with small business measures is required to meet at least eighty-five percent (85%) of the small business goals applicable to the tasks and value of the portion(s) of the contract work performed to date before a change order or contract amendment may be considered for approval, unless the following explanatory information as delineated has been provided. Except for non-compensatory time extensions, items with small business measures which failed to meet this minimum threshold or equivalent percentage must clearly explain (i) the circumstances as to why the goal(s) was not achieved, (ii) steps taken by the prime contractor(s) and the contracting

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department to meet the goal(s), and (iii) how the small business goal(s) will be achieved in the change order or contract amendment, or the proposed change order or contract amendment cannot be considered for approval; (3.1) The provisions of subsection (3) above notwithstanding, the County Mayor shall have the authority to issue change orders or amendments provided that the cumulative effect of any such change orders and amendments to a specific contract or agreement does not exceed twenty (20) percent of the original amount of such contract or amendment, and further provided that the consulting engineer (under the existing trust indenture), the Aviation Director, and the Miami-Dade Aviation Consultants (DAC) concur in such action, that the change order or amendment is submitted to the Board for ratification within one hundred eighty (180) days. Any County contract or amendment with small business measures is required to meet at least eighty-five percent (85%) of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment be considered for approval. Except for non-compensatory time extensions, items with small business measures which failed to meet this minimum threshold or equivalent percentage must clearly explain (i) the circumstances as to why the goal(s) was not achieved, (ii) steps taken by the prime contractor(s) and the contracting department to meet the goal(s), and (iii) how the small business goal(s) will be achieved in the change order or contract amendment, or the proposed change order or contract amendment cannot be considered for approval. The County Mayor shall report on a monthly basis to the Aviation Operations Committee of the Board on his actions taken in exercising the authority delegated to him hereunder. The County Mayor shall not have delegated authority hereunder to issue any change order or amendment that is the result of design errors or omissions, and any such change order or amendment shall require prior Board approval; (4) All actions taken by the County Manager under this section shall not require review by any Committee, but the County Manager shall obtain approval of the Board to execute any contract or agreement submitted under subsection (1); (5) For any lease with an airport tenant, the County Manager may authorize reimbursement for construction and other costs for the tenant's relocation of all or a portion of its premises, preparation of premises for occupancy, or making emergency repairs, provided the tenant obtains competitive bids for construction work, follows the procedures in Section 2-10.4 for obtaining professional services covered therein, complies with contract measures as approved by the County Manager, and complies with direction otherwise provided by the Aviation Department; (6) Subject to ratification of the Board, the County Manager may execute all standard form federal grant documents or state joint participation agreements, including acceptance of grant or joint participation commitments required to be imposed by federal or state law as a condition to the County's receiving grant or joint participation benefits; (7) The County Manager may delegate authority for execution by the Aviation Director or his immediate designee of actions and authorizations permitted hereunder; (8) For all Aviation Department contracts subject to Section 2-8.3 of the Code, the County Manager may waive the provisions of Section 2-8.3 to the extent provided in the solicitation documents; and (9) The County Manager shall prepare and submit to the County Commission for approval, an Administrative Order which shall establish procedures to expedite the review and approval of change orders, including total quality management techniques and concurrent review by departmental and consultant staff.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXXXIIAVDE\\_S2-28SCOMAAUCOAVDE](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXXXIIAVDE_S2-28SCOMAAUCOAVDE)

**Administrative Order 3-63**, sets forth the County's process for Employ Miami-Dade, an initiative in which Miami-Dade County, CareerSource South Florida, Neighbors and Neighbors Association, and other local agencies partner to offer construction certification training to help put eligible Miami-Dade County residents back to work. The goal of the Employ Miami-Dade initiative is to provide skill training and employment opportunities for participants.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-63.pdf>

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April 7, 2020  
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**Implementing Order 3-41**, sets forth the County’s process for the Small Business Enterprise (“SBE”) Program shall apply to all County and Public Health Trust contracts for the purchase of goods (“SBEGoods”) or services (“SBE-Services”), respectively, including professional services other than architectural, engineering, architectural landscape and land surveying and mapping professional services of seven hundred thousand dollars (\$700,000.00) or less, governed by Florida Statutes Section 287.055. The SBE Program shall not apply to construction or construction management services of seven hundred thousand dollars (\$700,000.00) or less; purchase, leases or rental of real property; licenses and permits; concessions; franchise agreements; or contracts for investment banking services.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-41.pdf>

**Implementing Order 3-22**, sets forth the County’s process for the following: A. Except where Federal or State laws or regulations mandate to the contrary, this Implementing Order governs construction services (including design build, alteration, installation, painting, maintaining or repairing a public improvement), funded in whole or in part by County funds for all Miami-Dade County departments and agencies. B. This Implementing Order applies to all construction projects regardless of project or contract size. C. Applicability to the public health trust: The application of contract measures to construction services purchased by the Public Health Trust shall be governed by this Implementing Order.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO03-22.pdf>

**Implementing Order 2-13**, sets forth the guidelines and procedures regarding legal opinions with respect to County competitive processes. Authorizes the County Mayor or designee to issue a written request for a Responsiveness Opinion when an issue of responsiveness is identified in response to a solicitation that will affect the ultimate award of the solicitation. Requires responsiveness opinions to be presented to the Board with agenda item.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-13.pdf>

**Implementing Order No. 3-38** sets forth the County’s processes for the purchase of goods and services including professional services (other than those professional services whose selection is governed by Section 287.055 F.S. and Secs. 2-10.4 and 2-10.4.01 of the Code. It establishes the roles and responsibilities of ISD, methods of purchasing goods and services, and the authority to award contracts.

<https://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

**Resolution No. 515-19**, adopted May 7, 2019, changed the deadline to seek approval for award of successor contracts or extensions of existing contracts from 30 days to 60 days prior to expiration.

<http://intra/gia/matter.asp?matter=190943&file=true&yearFolder=Y2019>

**Resolution No. R-828-19**, adopted July 23, 2019, established a County policy for disclosure of past and present discrimination lawsuits in solicitation submissions; requiring the following: 1) implementing a policy of disclosure of discrimination lawsuits; 2) requiring in competitive and non-competitive solicitation documents the disclosure of lawsuits that include allegations of discrimination and dispositions of such lawsuits for a 10-year period through the date of the solicitation or non-competitive award recommendation; and 3) provide a report to the Board.

<http://www.miamidade.gov/govaction/matter.asp?matter=190936&file=true&fileAnalysis=false&yearFolder=Y2019>

**Resolution No. R-477-18**, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons why goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75% of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

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**Resolution No. 1181-18**, adopted November 8, 2018, directs the County mayor to 1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; 2) confirm the safety records of recommended contractors and first-tier subcontractors were considered and report any instance where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board; and 3) provide a report to the Board within 60 days.

<http://intra/gia/matter.asp?matter=182536&file=true&yearFolder=Y2018>

**Resolution No. R-718-17**, adopted July 6, 2017, directs the Mayor or his designee to commence planning for re-procurement no later than 18 months PRIOR to the expiration of contracts and Lists of Prequalified Vendors for the purchase of goods and/or services; and directs the Mayor or their designee, on a quarterly basis to identify in writing to the Office of Commission Auditor those contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration.

<http://www.miamidade.gov/govaction/matter.asp?matter=171632&file=true&fileAnalysis=false&yearFolder=Y2017>

**Resolution No. 1011-15**, adopted November 3, 2015, directs the County Mayor or designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

**Resolution No. 140-15**, adopted February 3, 2015, directs the County Mayor or designee to conduct a full review, prior to re-procurement of replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County, to include information in recommendations to the Board, and to consult with the Small Business Development Division regarding solicitation and contract language.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

**Resolution No. R-187-12**, adopted February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

**Resolution No. R-716-12**, adopted September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

**Resolution No. R-733-12**, adopted September 18, 2012, approves four non-exclusive contracts for the Miami-Dade Aviation Department, hazardous material removal contract, project number ITB No. MDAD-03-11 to Cherokee Enterprises, Inc., DPC General Contractors, Inc., Decon Environmental & Engineering, Inc., and MCO Environmental, Inc., for a maximum shared contract amount of \$15,037,500 for a term of five years.

<http://intra/gia/matter.asp?matter=121742&file=true&yearFolder=Y2012>