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

Memorandum

MIAMI-DADE COUNTY

Date: March 4, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Agenda Item No. 8(O)(1)(A)

Resolution No. R-226-08

Subject: Rescission of Recommendation to Award and Rejection of Proposals for RFQ No. 98: Homeland Security Consulting Services

RECOMMENDATION

It is recommended that the Board of County Commissioners reject all proposals received for Homeland Security Consulting Services for General Services Administration (GSA). This recommendation supersedes and rescinds the previous award recommendation dated March 29, 2007 (see attached).

RFQ NO:	98
RFQ TITLE:	Homeland Security Consulting Services
DESCRIPTION:	To obtain homeland security consulting services, on an as needed basis, via work orders. The consultant shall utilize a systems engineering approach and appropriate risk assessment and protection methodologies for critical infrastructure (e.g., Homeland Security Comprehensive Assessment Model (HLS-CAM) and Crime Prevention Through Environmental Design (CPTED). The work performed and processes utilized shall comply with requirements established by Miami-Dade County's local mitigation strategy, pertinent federal, state and local statutes and regulations, Department of Homeland Security (DHS) requirements, and the National Incident Management System (NIMS). The consultant shall use selected methodologies to perform a variety of projects including, but not limited to, identifying security vulnerabilities, conducting threat and consequence analyses, developing security protection options based upon the results of those analyses, recommending plans for improvement, and assisting in the implementation of those plans. At the outset, it is anticipated that the consultant will provide consulting services for the Integrated Command Facility Project and for risk assessments of critical County assets and systems (building, technology, and infrastructure). The Contractor, its subcontractors, and assigned staff, will enter into standard confidentiality agreements for this project which meet the County's requirements, as applicable.
PROJECT MANAGER:	Daniel Payne, General Services Administration
APPROVAL TO ADVERTISE:	January 26, 2007

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TERM:	Three years with three (3) one-year options-to-renew.
CONTRACT AMOUNT:	Not to exceed $9.8 million for the initial three-year term
FUNDING SOURCE:	General Fund
METHOD OF AWARD:	An open, competitive Request for Qualifications process was used.
VENDORS RECOMMENDED FOR AWARD:	None
VENDORS NOT RECOMMENDED FOR AWARD:	Tetra Tech, Inc. (Local vendor) 1180 SW 36th Avenue, Suite 203 Pompano Beach, Florida 33069 Principle: Dan L. Batrack URS Corporation Southern (Local vendor) 7650 Corporate Center Drive, Suite 401 Miami, Florida 33126 Security Solutions International, LLC (Local vendor) 14005 SW 127th Street, Building 120 Miami, Florida 33186 Kherubim (Non-local vendor) 825 College Boulevard, Suite 102 Oceanside, California 92057 Science Applications International Corp. (Non-local vendor) 8301 Greensboro Drive M/S E-12-7 McLean, Virginia 22012 TranSystems Corp. (Local vendor) 3610 Park Central Boulevard, North Pompano Beach, Florida 33064 USProtect, Inc. (Non-local vendor) 801 Roeder Road, Suite 1000 Silver Spring, Maryland 20910 SIM-G Technologies, LLC (Local vendor) 6157 NW 167th Street, Suite F8 Miami, Florida 33015

USING/MANAGING AGENCY:	General Services Administration
CONTRACT MEASURES:	The Review Committee of January 10, 2007, recommended a Small Business Enterprise selection factor for this solicitation.
LIVING WAGE:	The services being provided are not covered under the Living Wage Ordinance.
USER ACCESS PROGRAM:	The solicitation included the 2% User Access Program provision.
LOCAL PREFERENCE:	Applied in accordance with applicable ordinances, but did not affect the outcome.
ESTIMATED EFFECTIVE DATE:	Ten days after date adopted by the Board of County Commissioners, unless vetoed by the Mayor.

BACKGROUND

General Services Administration is developing a Security, Survivability, and Interoperability Master Plan (SSIMP) that will provide an operational and policies framework to ensure that pending and future County capital improvement projects are planned, designed and implemented with a consistent set of security, survivability and interoperability principles. Once completed, the SSIMP will (1) provide a narrative and graphical record of current County capabilities and conditions (natural features, buildings, structures, utilities, transportation systems, and other improvements), and (2) identify and quantify the proposed capabilities necessary to ensure that security, survivability, and interoperability requirements are achieved.

In mid-November 2006, GSA coordinated a weeklong workshop for department staff in order to identify the scope of work required to develop a SSIMP that would effectively guide the County's efforts to strengthen its critical systems and facilities so as to survive an attack, disaster or criminal act and continue to effectively function following the event. That planning effort identified a substantial need to (1) further protect or "harden" critical buildings and infrastructure, and (2) link critical systems (life safety, building management, evacuation, communication, and security) to ensure effective communication and information sharing among public safety and government agencies during and immediately following an emergency.

This solicitation was issued to provide for the consulting services necessary to develop and implement the objectives of the SSIMP. As a result of an open, competitive Request for Qualifications process, a recommendation to award a contract to the highest ranked proposer was issued in March 2007. Subsequent to the recommendation, another proposer raised concerns regarding whether the recommended proposer had a competitive advantage as their subcontractor had worked with GSA on the workshop mentioned above. The document resulting from the workshop that identified the scope of work required to develop an SSIMP was deemed confidential due to the nature of its contents. Only certain County personnel and the contractor and their subcontractor that had participated in the preparation of the document were aware of its contents.

The Office of the Inspector General reviewed this issue and released their final report on October 25, 2007 (see attached) sustaining URS' allegation that the recommended proposer for award of a contract as a result of RFQ No. 98 had some degree of advantage relating to the scope of work intended to be performed under the resultant contract. While it is difficult to determine whether having knowledge of the aforementioned document's preparation and contents provided one proposer with a competitive advantage that would be unfair, staff has since determined that a sufficient redacted version of the document could have been provided to all proposers to alleviate such concerns.

Rejecting proposals will allow the County the opportunity to initiate a fair and open competitive process that will cure the perception of any unfairness. Additionally, staff will re-evaluate the various projects that may require these types of services, prioritizing those projects most needed that have funding available. Such projects, including the Integrated Command Facility, may be included in a subsequent expedited solicitation with a re-designed procurement process to meet the County's needs.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: March 4, 2008

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

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

Please note any items checked.

_____	**"4-Day Rule" ("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**
_____	**Bid waiver requiring County Manager's written recommendation**
_____	**Ordinance creating a new board requires detailed County Manager's report for public hearing**
_____	**Housekeeping item (no policy decision required)**
_____	**No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(O)(1)(A)
03-04-08

RESOLUTION NO. **R-226-08**

RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR THE REQUEST FOR QUALIFICATIONS TO OBTAIN HOMELAND SECURITY CONSULTING SERVICES (RFQ 98)

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby rejects all proposals received for Request for Qualifications No. 98 for Homeland Security Consulting Services.

The foregoing resolution was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **aye**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**absent**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of March, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. DF

Danny Frastai

Memorandum

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To: Honorable Carlos Alvarez, Mayor, Miami-Dade County

Honorable Joe A. Martinez, Chairman, Budget & Finance Cmte.
and Members Budget & Finance Cmte.

From: Christopher Mazzella, Inspector General

Date: October 25, 2007

Subject: OIG Final Report re: RFQ No. 98; Proposed Award of Contract No. Q98 for *Homeland Security Consulting Services*; Lightspeed Building/Integrated Command Facility (ICF) Project

Attached please find the Office of the Inspector General's (OIG) Final Report regarding the above-captioned proposed contract award. This proposed contract award was last scheduled to be heard on the May 15, 2007 Budget and Finance Committee agenda; however, it was withdrawn by the County Manger's Office. Our review addressed a concern that the recommended awardee, Tetra Tech Inc. (Tetra Tech) had an unfair competitive advantage in this procurement process because its sub-consultant, A Secure America, Inc. (ASA), developed the scope definition for the present proposed contract.

In summary, our review sustains the concern that ASA's prior work for the County's General Services Administration (GSA) gave its consulting partner, Tetra Tech, an advantage relating to the scope of work, specifically the work breakdown structure, intended to be performed under Contract No. Q98. And, while there is no way to quantify the advantage the Tetra Tech/ASA team had over its competitors in the instant procurement, we believe that there was some degree of advantage. We also identified some other concerns relating to the funding and cost aspect of this project, including potential funding lags and their impact on the project. We recommend a full fiscal impact analysis including design and build-out costs, relocation costs, costs of maintaining the anticipated-to-be-vacant facilities and converting them to support training and redundancy strategies.

This report, as a draft, was previously circulated to DPM, GSA, Tetra Tech, ASA and ASI (another Tetra Tech sub-consultant) for comments. Responses were received from both Tetra Tech and ASA and a joint response was received from DPM and GSA. All three responses are included as Appendix A, B and C. We have carefully considered all the responses and feel that no changes to the report are warranted.

Cc: George M. Burgess, County Manager
Dennis Morales, Chief of Staff, Office of the Mayor
Wendi Norris, Director, General Services Administration
Miriam Singer, Director, Department of Procurement Management
Ian Yorty, Special Assistant/Director, Office of Capital Improvements
Charles Anderson, Commission Auditor
Clerk of the Board (copy filed)

Tetra Tech, Inc. (under separate cover)
A Secure America, Inc. (under separate cover)

INTRODUCTION & SYNOPSIS

The OIG reviewed the above-captioned recommended contract award upon receiving two different sets of concerns related to the recommended awardee. The first concern related to the status of Tetra Tech Inc.'s (Tetra Tech) claims against the County for capital improvement projects at the Seaport. The second complaint related to Tetra Tech's sub-consultant, A Secure America, Inc. (ASA), and ASA's prior relationship with the County's General Services Administration (GSA) for work performed that may have given Tetra Tech a competitive advantage in the procurement process resulting in the proposed award of Contract No. Q98.

Shortly after the OIG initiated this review, a supplemental report was prepared by the County's administration to answer concerns raised by a commissioner during a briefing.[1] The supplemental report, prepared for the May 15, 2007 Budget and Finance Committee, broke down the types of proposed consulting services into three separate categories and reduced the total requested contract allocation from $15 million to $9.8 million **(Exhibit 1)**.

The supplemental report also provided additional information in the subject areas of: 1) necessity of the work; 2) internal staffing capacity to perform the work; 3) contract allocation; 4) contract funding by each of the three category areas; 5) duplication with other security consulting contracts; and 6) the "relationship of the firm recommended for the award herein with the company recently named in arbitration proceedings with the Port of Miami."[2]

Upon review of the supplemental report and our own checking of the Seaport's capital improvement projects, we found that the supplied response regarding the claim/arbitration issue was sufficiently accurate. Upon further assessment, we decided to focus the remainder of our review on the complaint about ASA's prior involvement on the Security, Survivability, and Interoperability Master Plan (SSIMP) project for GSA, and its related issues.

In summary, our review sustains the concern that ASA's prior work for GSA gave its consulting partner, Tetra Tech, an advantage relating to the scope of work, specifically the work breakdown structure, intended to be performed under Contract No. Q98. It is important to note that Tetra Tech, the recommended awardee on the instant contract, was ASA's sub-consultant on the aforementioned prior GSA work. While there is no way to quantify the advantage the Tetra Tech/ASA team had over its

[1] See minutes to the report for Legislative Item, File Number: 071015.
[2] See Supplemental Report, Legislative Item, File Number 071459.

competitors in the instant procurement, we believe that there was some degree of advantage. For instance, we found that approximately 25% of the *Project Approach* portion of Tetra Tech's proposal is identical to ASA's Final Report delivered to GSA—a report that the County paid for. The entire report, which is a Final Scope Definition for the Security, Survivability, and Interoperability Master Plan (SSIMP), was classified as Security Sensitive Information (SSI), and, thus, it was explicitly not made available to the other proposers, yet the Tetra Tech/ASA team actually borrowed from it in preparing its proposal. We are sensitive to the needs to keep security information confidential, however, in the public procurement arena, we also recognize the importance of having a high level of transparency and maintaining a level playing field. In this case, we would also disagree that the entire document should have been classified SSI.

During the course of our review, we also identified some other concerns relating to the funding and cost aspect of this project. As mentioned above, the County Manager's supplemental report categorized the anticipated projects covered by this contract into three categories. Each of the projects are to be tasked and funded on a work order basis. The amounts shown on page 1 of the supplemental report are an exact match to the pricing proposal submitted by ASA. This pricing estimate is contained in the final report, which was deemed SSI. The pricing component of the RFQ, on the other hand, was based only on proposed hourly rates. There is no correlation between the cost estimates/proposal submitted by ASA to the evaluation of the proposers' prices in the RFQ. The correlation we now see is that ASA's previous proposed figures are being restated by the administration as proposed contract allocations. Thus, our concern here is that the consulting team of Tetra Tech/ASA—not GSA—appears to be setting the projects' costs estimates, which was not part of the procurement process.

Furthermore, during our review, we verbally advised both DPM and GSA managers of our dissatisfaction over the written description of Category 1) *Integrated Command Facility Project* ***(conversion of existing County building).*** Specifically, we felt the term **"conversion"** is not accurate because the associated dollar amount—$4,517,000—only represents the 30% conceptual design portion of the total project as represented in the ASA Final Report. Going by ASA's estimates, as presented in its Final Report/proposal, the total cost to convert (design and construction) the existing facility exceeds $60 million. In addition, the proposal includes an additional $40 million for an adjacent facility. In short, the contract allocated amount—$4.5 million—is not the projected cost of what it will take to "convert" this building into a fully functional ICF.

As for the concept of an Integrated Command Facility (ICF), the OIG finds it laudable and understands that, if completed, the envisioned ICF would be a premiere facility, not just for Miami-Dade County, but for any local or state government. However, the OIG believes that the need for, and the scope of, such a project should be thought through again. This time consideration should be given to possible less costly alternative solutions in light of the current fiscal demands being placed on the County.

In addition to these concerns, the OIG believes that there should be a full fiscal impact analysis of not only the costs to relocate the intended ICF user-departments to the new facility but also an analysis of the costs of maintaining the pre-existing facilities for training purposes and back-up/redundancy strategies.

Another OIG concern involves potential funding lags and their impact on the project. Specifically, the County must determine the feasibility of the timely completion of the ICF project when the conceptual designs for the ICF are completed. This conversion is highly complex and technical in nature and, in the opinion of the OIG, the final design, construction and move-in cannot be separated by large gaps in time waiting for funding to be secured. Technology moves rapidly. The design for the conversion will rely heavily on technological solutions to integration. Once Phase 2 begins, it should signal the approval of the full project and have the funding sources earmarked and dedicated for the remaining phases of the work. If not, we will have spent a considerable amount of time and money on only 30% of the conceptual design. By the time the remaining project funds are put in place, the designs may be outdated.[3]

Moving forward, the OIG recommends that the County administration consider the issues raised herein, including whether any adjustments to the recommended contract award are in order, whether the scope of any planned projects require adjustment, and whether there are foreseeable funding issues that would create large gaps in time between design and construction of the ICF, which would likely increase the cost of the overall project.

[3] Funding for the Lightspeed Building was addressed in the FY 07-08 Proposed Budget. For FY 07-08, $21 million of future financing is proposed for the "Build-out and Fit-up." An additional $4 million is proposed for future years. (See Attachment H of the County Manager's Information for First Budget Hearing Memorandum, a.k.a., First Change Memo, dated September 6, 2007.) The OIG is of an understanding that this item was approved. Additionally, there is an unfunded cost estimate of $50 million for "Phase Two build-out requirements at Lightspeed including a parking garage." (See Pgs. 365 and 513, FY07-08 Proposed Resource Allocation and Multi-Year Capital Plan, Vol. 2.)

Further, the OIG recommends that the Board of County Commissioners consider requiring the administration to project the full fiscal impact and timelines of the ICF project, including the fiscal impact of the facilities that will be vacated by the current users when they relocate to the ICF.

The remainder of this memorandum provides background and additional information relating to our observations.

BACKGROUND

In 2005, Miami-Dade County accessed a competitively bid Orange County, Florida, Contract Y4-1077, that was awarded to A Secure America, Inc. (ASA) to provide Homeland Security Consulting Services. Consulting services were provided to various County departments on a work-order basis, during a two-year period from April 2005 to April 2007. GSA requisitioned approximately $100,000 in consulting services for a risk and vulnerability assessment of all GSA-owned and operated facilities and scoping/pre-design services for converting an existing county facility, the Lightspeed Building, into the envisioned Integrated Command Facility (ICF). The deliverable product, dated January 16, 2007, was a *Final Security, Survivability, and Interoperability Master Plan (SSIMP) Scope Definition Report*. The report's listed authors are ASA, Tetra Tech and Adept Systems, Inc. The entire document was classified by the County as Sensitive Security Information (SSI). Specifically, for our review, the OIG requested and received a copy of the report.

Initially, in the fall of 2006, GSA wanted to expand ASA's scope of work by accessing another competitively bid government contract between ASA and the City of Clermont, Florida. The new scope of work was to include providing certain services for a portion of the overall Phase 2 work, including threat, risk and vulnerability assessments, and assistance with design strategies and assisting with other related security issues. On December 21, 2006, a bid waiver to access Clermont's contract with ASA was prepared and forwarded to ASA for execution. The total budgeted amount was $950,000. However, in early January 2007, the Department of Procurement Management (DPM) decided instead to combine this limited scope of work into an overall Phase 2 procurement, which resulted in Request for Qualifications (RFQ) No. 98 for Homeland Security Consulting Services. The contemplated bid waiver to access the City of Clermont's contract was, therefore, never concluded.

RFQ No. 98 covered two major projects: 1) to produce the overall County SSIMP Master Plan and 2) pre-design services for converting a County-owned building, known as the "Lightspeed Building", into an Integrated Command Facility.

RFQ No. 98, Section 2.0 – Scope of Services states:

> GSA recently contracted for, and completed, a weeklong workshop in an effort to identify the scope of work required to develop a master plan (SSIMP) that would effectively guide the County's efforts to strengthen the County's critical systems. . . The information gathered from the workshop and subsequent discussions was used by the County to develop a detailed "Scope Definition" for the SSIMP, including the scope, boundaries and information to be evaluated, timeframe or planning horizon, and the individual tasks to be performed during the SSIMP development. The selected Proposer will be provided with the report (Scope Definition: Phase 1 of the SSIMP) upon issuance of the applicable work orders and completion of required security protocols and confidentiality agreements. (Emphasis in original.)

The Lightspeed Building is a large multi-use facility located at 11500 NW 25th Street, Miami, FL. The purchase of this building was approved by the BCC on April 25, 2006 (R-361-06) for the purchase price of $23.1 million with $4.7 million coming from the People's Transportation Plan (PTP) surtax funds. The roughly 200,000 square-foot building was originally built in 2000-2001 to serve as a high-tech business hosting and data transmission hub and was designed/constructed to withstand a Category 5 hurricane. The County's plan is to use this building to house a consolidated operations center for departments whose operations are critical to maintaining County services during times of disasters. Initially, it was thought that these critical departments would include the 3-1-1 and 9-1-1 call centers, the Enterprise Technology Services Department (ETSD), the Emergency Operations Center (EOC) and the Public Works Department's Traffic Signs & Signals Division.

RFQ No. 98 was advertised on or about January 26, 2007. A pre-proposal conference took place on February 5, 2007 and proposals were due on February 9, 2007. The two highest-ranked proposers made oral presentations to the Evaluation Committee; thereafter, the proposers were re-evaluated and a recommendation was made to award the contract to Tetra Tech.[4] Among Tetra Tech's listed sub-consultants

[4] While the procurement vehicle was a Request for Qualifications, we are at a loss to understand the pricing component of this procurement. First, we do not understand the appropriateness of requesting pricing in a RFQ; second, the pricing proposals were evaluated and scored on a subjective basis (see Article 4.6 of the RFQ). As part of our review, we listened to the Evaluation Committee's deliberations on this very subject. Practically each member of the

are A Secure America (ASA) and Adept Systems, Inc (ASI). According to the RFQ and subsequent recommendation memoranda, the conversion of the Lightspeed Building into the ICF was intended as the initial priority project to be assigned under the contract.

OIG REVIEW

Our review consisted of reviewing the complete procurement process of RFQ No. 98, including listening to all audio tapes of the oral presentations and deliberations, reviewing ASA's work order history pursuant to Orange County Contract Y4-1077 relative to GSA's projects, reviewing matters related to acquiring consulting services by accessing Clermont's contract, reviewing the Final SSIMP Scope Definition Report, a site tour of the Lightspeed Building, and interviewing members of the GSA and DPM staffs about the history of the project and the procurement process.

Subsequent to the start of our review, the OIG received a copy of a letter from the second highest ranked proposer, URS Corp. Southern (URS), detailing its concerns relative to the fairness of the process that was employed to select the apparent winner of the competition, Tetra Tech. The letter, dated April 25, 2007, was addressed to the Chairman of the Budget and Finance Committee, with copies supplied to the Committee members. **(Exhibit 2)** Subsequent to the transmittal of this letter, the proposed contract award was withdrawn from the May 15, 2007 Budget and Finance Committee Agenda. It is the OIG's understanding that the item was withdrawn by the County Manager's Office for additional review.

While some of the areas reviewed by the OIG overlapped areas of concern expressed by URS, we did not contact URS for any input. Similarly, as our review related to the procurement process, we did not contact Tetra Tech, ASA, or any other proposer. Rather, this report, as a draft, was circulated to DPM, GSA, Tetra Tech, ASA and ASI for comments. Responses were received from Tetra Tech and ASA **(see Appendix A and B)** and a joint response was received from DPM and GSA **(see Appendix C)**.

Our observations and concerns can be grouped in the following categories:

committee asked questions and expressed confusion over how they were to evaluate and score the pricing proposals.

- The winning Tetra Tech team includes a sub-consultant, ASA, who was the prime consultant for Phase 1 of the project, and who had developed, as part of its Final Report, the scope for Phase 2, the conceptual design.

- The Final Report, titled *Scope Definition Security, Survivability, Interoperability Master Plan (SSIMP)*, prepared as a contract deliverable by ASA under Contract #Y4-1077 for Phase 1 is, in actuality, a written proposal for completing Phase 2, and has now been classified in its entirety as SSI.

- There is a significant overlap of content between the ASA Final Report and the Tetra Tech's proposal for RFQ No. 98.

- Cost estimates in ASA/Tetra Tech's proposal prepared under Phase 1 appear to be driving the County's budget estimates for the pre-design, final design, and construction phases of the Lightspeed Building/ICF project.

ASA's Involvement in Phase 1

ASA was tasked in Phase 1 of the project with providing the scope definition for a SSIMP. Phase 1 activities included preparing and conducting a master plan workshop among County stakeholders, assessing and prioritizing County facilities to collect scoping information relevant to the execution of Phase 2, and the development of the scoping definition report.

ASA accomplished this task by performing interviews of staff, conducting research and conducting a five-day SSIMP workshop to identify information to define the SSIMP (categorize critical infrastructure, prioritize primary facilities based on risk and foster support for SSIMP objectives from GSA tenants and service providers). ASA was also given a site tour of the Lightspeed Building and had access to some of the building plans. ASA was afforded interaction with GSA project and facility managers and was placed in a position to understand GSA's vision for the ICF.

While ASA was the prime consultant for the Phase 1 work, ASA brought in Tetra Tech and Adept Systems, Inc. as sub-consultants. Conversely, for RFQ No. 98, Tetra Tech included ASA and Adept Systems, among others, as its sub-consultants.

ASA's Report Contains a Cost Proposal for Performing Phase 2 Work

The ASA Final Report was basically a proposal from the ASA Team on its approach to completing Phase 2. It was, in essence, a "how-to" manual for performing the Phase 2 activities, including the development of an overall SSIMP, and a complete scope of services in the form of a descriptive Work Breakdown Structure (WBS) formulated specifically for the GSA-owned facilities, and, in particular, the Lightspeed Building. Within the introduction portion of the delivered report, ASA expressly states that the report provides the basis for the ASA team to provide a cost proposal for performing the Phase 2 work.[5] The report also contains a Rough Order of Magnitude (ROM) estimate, which provides a summary breakdown of project cost estimates.

The RFQ stated that only the winning proposer would be furnished with this Final Report to be used as the starting point for Phase 2 activities. The OIG believes that if the security sensitive portions of the Final Report would have been removed from the document, each of the other proposers could have received this detailed scope description of the requirements for Phase 2 of the project. By doing so, the redacted report could have offered them the opportunity to prepare a proposal more responsive to GSA's needs.

Moreover, the OIG believes that there was no justification to classify a proposal, especially a cost proposal, as SSI. This is further discussed below.

Overlap between Tetra Tech's Proposal and the ASA Final Report

After comparing Tetra Tech's proposal to the final report prepared by ASA under Phase 1, the OIG found that approximately 25% of the *Project Approach* section of Tetra Tech's proposal was taken word-for-word from ASA's Final Report. While this is only roughly seven pages of material within the *Project Approach* section a higher percentage of overlap exists relative to the associated planning for converting the Lightspeed Building into the Integrated Command Facility. The WBS presented by Tetra Tech in its proposal to RFQ No. 98 is an exact match to a portion of the WBS prepared by ASA for the ICF as presented in its Phase 1 deliverable.[6]

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[5] Tetra Tech, in its response, denies that SSIMP was a proposal but instead "a plan." However, the document deemed in its entirety to be SSI expressly uses the term "proposal."

[6] In its response, Tetra Tech flatly denies that it used any SSI in its response to the RFQ. At the same time, it also maintains that the entire SSIMP document [Phase 1 deliverable] "was deemed SSI because it is difficult to separate information that truly could provide SSI to a terrorist from supporting engineering and management documentation." As we state above, several pages of material are a word-for-word match.

The aforementioned Phase 1 deliverable was classified in its entirety as Security Sensitive Information (SSI). It was not made available for review to the proposers on RFQ No. 98 even though it was the scope definition for the eventual SSIMP that would be finalized under Phase 2. Even though the work was classified as SSI, the Tetra Tech/ASA team borrowed from it in preparing its proposal for Phase 2 work. We are sensitive to the needs to keep security information confidential, however, in the public procurement arena, we also recognize the need for a high level of transparency and the maintaining of a level playing field. As noted above, we also do not understand the justification for designating this type of information as SSI.

We have reviewed the two highest ranked proposers' proposals and have carefully listened to the oral presentations, especially on each team's approach to the ICF and their assessments of the amount of work required to convert the building into an integrated command facility. Our review sustains the concern that the Tetra Tech/ASA team, by its participation in Phase 1, ascertained institutional knowledge that allowed them to tailor their presentation accordingly. We believe that this insight was especially true regarding the Lightspeed Building conversion project.

Project Cost Estimates

The initial proposed Contract No. Q 98 award requested a $15 million allocation. The Supplemental Report reduced the contract allocation to $9,827,000 and contained a breakdown of how the money was to be allocated among three categories of work:

(1)	Integrated Command Facility Project (conversion of existing County Building)	$4,517,000
(2)	A series of priority projects to identify vulnerabilities and design security, survivability and interoperability solutions for critical County facilities, systems and infrastructure. Through the design and implementation of these projects, a consistent set of goals, principles and policies will be put in place (Master Plan) that will guide the planning, design and implementation of all future County capital improvement projects. Initial priorities include projects affecting the County's Downtown Government Center complex, Civic Center Complex, IT and radio communications infrastructure, and integrated building environmental and security control infrastructure.	$4,311,000
(3)	A series of projects to conduct threat and consequence analyses, identify security vulnerabilities, and develop technology-based security protection alternatives, all with the purpose of (a) improving the overall safety and security of County facilities, (b) reducing annual operating expenditures for County and private security staff, and (c) tying in communication of key facility data with the incident-response command systems and the County's Integrated Command Facility. Projects at this level will typically be significantly smaller in individual value that the prior categories.	$999,000

Moreover, many will be subsidized wholly or in part by the long-term savings accrued in future security personnel expenditure reductions. Projects could include less critical County office buildings, neighborhood and community centers, Miami-Dade Housing developments, police and fire stations, libraries, maintenance shops, fueling sites and remote sites such as radio towers and landfills.

Total Requested Contract Allocation **$9,827,000**

Had one not seen the ASA Final Report, one could only guess where these estimates came from. The initial proposed contract award for $15 million did not define any tasks or allocate monies among projects. Similarly, RFQ No. 98 did not evaluate price based on project or category. There was no mention of project estimates in RFQ No. 98. RFQ No. 98, instead, required the proposers to submit hourly rates for individuals by name, title and description.

It first appears that there is no correlation between the winning proposer's hourly rates and the project allocations stated in the County Manager's Supplemental Report. These allocations seem fairly exact, as if they were estimates. Coincidentally, the dollar allocations for each category are an exact match to the proposal/cost estimates submitted by ASA. This cost proposal just happened to be included in the Final Report, which has been classified as SSI.

The OIG recognizes that this is a consulting services agreement and $9,827,000 represents a "ceiling"; that these allocations are not "lump sum" contracted amounts and that the total cost for the work may be well below the contract allocated amount. Our concern here, though, is that the consulting team of Tetra Tech/ASA—not GSA—appears to be setting the projects' costs estimates.

Also, the first sub-item in the County Manager's Supplemental Report reads "Integrated Command Facility Project (conversion of existing county building)... $4,517,000." To the casual reader, it could be construed that this amount represents the total cost of converting the Lightspeed Building to the ICF, including pre-design, final design, permitting, and construction. In fact, according to ASA's cost estimate/proposal, seemingly relied upon for allocation purposes, $4,517,000 only represents the pre-design fees to bring the construction documents up to 30 percent completion. But, according to the County's proposed budget authorizations and projections, the cost to convert and build-out the ICF, including adding a parking garage, is $21 million for FY 07-08 and $50 million plus in future years. (See footnote 3, previously referenced.)

CONCLUSIONS AND RECOMMENDATIONS

The degree of impact that the Tetra Tech team's prior knowledge of scope and "inside" information of County plans for the ICF had on the competition for the RFQ No. 98 procurement is difficult to quantify. In this case, the proposers were advised that only the selected proposer would have access to the scope definition report because it was classified as security sensitive. In actuality, the proposing team of Tetra Tech/ ASA/ASI had access to it and utilized portions of it in its proposal, even before they were recommended as the contract awardee.

Upon careful review of the Final Report, we believe there are portions of the report that are not sensitive and could have been included in the RFQ, such as the detailed scope description for the Phase 2 conceptual design for the ICF. These redacted portions could have been distributed to the other proposers and, in the opinion of the OIG, perhaps would have resulted in more competitive proposals addressing each specific WBS item of work. The County could have also determined that only the "qualified" proposers, advancing to the second phase of the procurement process, be allowed under security protocols and confidentiality agreements, the ability to review the scope definition report. Similarly, site visits for the proposers could have been arranged under security protocols.

Alternatively, since it was likely known by GSA from its Phase 1 relationship with ASA that ASA did not have the resources or the capabilities to lead a full Phase 2 effort, including conceptual design of the ICF, and would, therefore, most likely become part of a team as a sub-consultant to a prime consultant, each of the proposers could have been required by the County to include ASA on its team. Each proposing team would then have the ability to use the background information ASA obtained in Phase 1 in its respective proposals to the County.

To reiterate our recommendations made earlier in this memorandum, we suggest that in moving forward, the County administration consider the issues raised herein, including whether any adjustments to the recommended contract award are in order, whether the scope of any planned projects require adjustment and whether there are foreseeable funding issues that would create large gaps in time between the design and construction of the ICF, which would likely increase the cost of the overall project.

Furthermore, we recommend that the Board of County Commissioners consider requiring the administration to forecast the full fiscal impact of the ICF project and timelines, including the fiscal impact of the facilities, which will be vacated by the current users and whose functions will be relocated to the ICF.

Memorandum

MIAMI-DADE COUNTY

Date: May 15, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

B&F
Supplement to
Agenda Item No. 3(G)

From: George M. Burgess
County Manager

Subject: Supplemental Report to Award Contract No. Q98: Homeland Security Consulting Services

This supplemental report provides additional background information regarding the recommendation to award the referenced contract to Tetra Tech, Inc. to procure homeland security consulting services for General Services Administration (GSA). This report addresses the purpose and need for the requested services, costs and funding for anticipated projects, as well as the relationship of the selected proposer and the company recently named in arbitration proceedings with the Port of Miami (POM).

The contract amount in the award recommendation for the initial three year term is set as a maximum ceiling to cover the currently projected costs of identified projects and needs. Projects will be assigned via work orders, based on need and the availability of funding. The projects fall within three general categories, listed in their order of importance, with an estimated total contract allocation identified for each:

(1) Integrated Command Facility Project (conversion of existing County building). $4,517,000

(2) A series of priority projects to identify vulnerabilities and design security, survivability and interoperability solutions for critical County facilities, systems and infrastructure. Through the design and implementation of these projects, a consistent set of goals, principles and policies will be put in place (Master Plan) that will guide the planning, design and implementation of all future County capital improvement projects. Initial priorities include projects affecting the County's Downtown Government Center complex, Civic Center Complex, IT and radio communications infrastructure, and integrated building environmental and security control infrastructure. $4,311,000

(3) A series of projects to conduct threat and consequence analyses, identify security vulnerabilities, and develop technology-based security protection alternatives, all with the purpose of (a) improving the overall safety and security of County facilities, (b) reducing annual operating expenditures for County and private security staff, and (c) tying in the communication of key facility data with the incident-response command systems at the County's Integrated Command Facility. Projects at this level will typically be significantly smaller in individual value than the prior categories. Moreover, many will be subsidized wholly or in part by the long-term savings accrued in future security personnel expenditure reductions. Projects could include less critical County office buildings, neighborhood and community centers, Miami-Dade Housing developments, police and fire stations, libraries, maintenance shops, fueling sites and remote sites such as radio towers and landfills. $ 999,000

TOTAL REQUESTED CONTRACT ALLOCATION: **$9,827,000**

Note: The award recommendation will be amended to reflect this amount.

EXHIBIT 1 tabbies

Additional Information

Initially scheduled for consideration at the April 10, 2007 Budget and Finance Committee meeting, staff requested that the item be deferred in order to more thoroughly address a number of questions raised by Board members and their staff prior to that meeting. The responses to those questions are summarized below.

- ***Is this work necessary?***

  Yes, this work is necessary. The $2.9 billion Building Better Communities General Obligation Bond Program (BBC) includes $184 million in allocations for facility construction/renovation and infrastructure improvement projects managed by GSA. Other capital development programs such as the People's Transportation Plan include major facility construction allocations. The Office of Emergency Management (OEM) advises that the County has a pending request for over $32 million in Urban Area Security Initiative grants from the U.S. Department of Homeland Security. Applications for millions more in disaster mitigation and/or homeland security funding have been submitted to other sources. All of these projects must be planned, designed and constructed with coordination and interconnection. Given the state of world events, and the potential for those events to directly impact critical urban communities such as Miami-Dade, together with the area's annual potential for being seriously impacted by a hurricane or other natural disaster, the need to strengthen the security, survivability, and interoperability of County systems and infrastructure has never been greater.

  GSA operates many of the County's most critical facilities. These include administrative office towers that serve as hubs for critical government service delivery; the seats of government for the local legislature, chief executive, and judiciary; government technology centers, regional and branch court facilities; utility plants, the County Morgue, among others. With millions of dollars allocated from various bond programs and other funding sources for the upgrade of these facilities, and the construction of new facilities, GSA has taken the initiative to coordinate the development and issuance of the contract, recommended herein, that will provide an essential benefit to County agencies. The beneficiary agencies include, but are not limited to, Miami-Dade Police (MDPD), Miami-Dade Fire Rescue, OEM, the Enterprise Technology Services Department (ETSD), Public Works and the 311 Answer Center. This contract provides us with an important tool to make our buildings and infrastructure more secure, more technologically sound, reliable and interconnected, and will significantly enhance operational capabilities during and following catastrophic events.

  Since 2002, the County has applied for over $708 million in state and federal homeland security-related grants. Of that amount, approximately $151 million has been received over the past four years. The services provided by this contract will considerably improve the County's position in securing grants from these sources, by placing these project requests into the context of a Countywide Security Master Plan, and by providing fully developed improvement plans (including up to 30 percent design) for each project.

- ***Can County staff provide these services?***

  The County does not have in-house staff with the expertise and specialized skill set required to perform this work. The following considerations were carefully evaluated in determining the need for the contract services:

- The manpower requirements do not support full-time staff. The duration of the need for these services is anticipated to be limited – from less than three years to a maximum of five years, depending upon the availability of funding for individual assignments (work orders). In addition, some staff will work on only one project (e.g., Integrated Command Facility), and will not be required again. Others may work on multiple projects that may or may not be able to be implemented in close sequence to one another (i.e., there may be gaps in timing of work). In either case, once the work, or a particular phase of the work, is completed, there will be no further need for these very specialized, unique and costly services. Expecting to attract such specialists to the County for limited-duration projects is not realistic.

- It is essential that a substantial number of professional staff be available to meet the broad scope of services and abbreviated timeframes for some of the projects. Many of the projects require that a number of different disciplines be brought in at various intervals to work both independently and collectively. Expertise and/or disciplines required include: threat and vulnerability assessment; physical protection systems planning, design and implementation; physical plant and systems survivability; facilities conversion design; continuity of operations planning (COOP); information security and IT protection planning; building and landscape architecture; civil, traffic, fire protection, environmental, electrical, infrastructure, mechanical, IT, and structural engineering; three-dimensional photorealistic modeling and CADD design; GIS mapping and land surveying; and site planning. All of the individuals employed on these projects will have to be highly experienced in applying the principles of their various disciplines within the context of designing secure, survivable, and interoperable systems.

- ***Does approval of this contract obligate the County to expend the entire contract allocation?***
  Approval of the contract does not obligate the County to expend the entire allocation. This is a blanket consulting contract, with the work to be performed over a three to five-year period. The allocation provides a cap on total contract utilization. The work is authorized on a project-by-project basis, only as funding is identified (e.g., through capital projects and departmental operating budget authorizations). The contract allocation was established using a rough estimate of the cost of specific projects. During the contract term, as projects are implemented, community conditions change, and security needs evolve, funding availability is likely to change as well to meet those circumstances. This is also likely to result in some shifts in project priority. The structure of the contract provides flexibility, but its use will be restricted by the availability of authorized funding.

- ***Is the projected work fully funded at present?***
  The proposed contract is not fully funded in this fiscal year. Please see explanation above regarding multi-year nature of contract.

  - **Category 1** funding (i.e., for the Integrated Command Facility Conversion) will be provided through a pro rata share of People's Transportation Plan funding (Public Works' portion of the facility), the Capital Outlay Reserve and future Sunshine State financing. Debt service for the financing share of costs will be funded by future rent payments supported by the general fund or internal service charges.

- **Category 2** projects will be implemented over the life of the contract as funding becomes available. Funding for some projects is immediately available from existing GOB projects (e.g., the Fire/Life Safety and Building Environmental Controls Systems Upgrade for the Downtown Government Center, and the Security Operations Center Improvement Project). GSA has specifically earmarked $1.5 million in FY06-07 and FY07-08 departmental operating reserves for other Category 2 projects. An additional $1 million in Urban Area Security Initiative grant funding is expected to be approved and available for further project implementations. The remainder of the projects in Category 2 will be performed as funding is identified over the term of the contract, likely beyond FY07-08.

- **Category 3** projects are less expensive projects, and are expected to be funded through departmental operating funds, or through savings achieved from reductions in security expenses (e.g., avoided payments to security guard vendors for personnel eliminated by technology improvements).

- ***Does this contract duplicate the work of earlier security consulting projects?***
  There is no duplication of effort or expense associated with the work orders to be issued under this contract. There have been a number of consulting contracts performed through the years since September 11, 2001, for a variety of County departments, including OEM, GSA, Port of Miami, Miami-Dade Aviation, ETSD, Miami-Dade Water and Sewer, and MDPD, among others. Purposes range from the performance of facility vulnerability assessments to infrastructure analyses, and various training exercises. To the extent that the information garnered in those earlier efforts is applicable to the work to be performed under this contract, the data will be made available to the consultants, and their work will be monitored to ensure that they do not charge the County for performing beyond the bare minimum required for each work order to be effectively and efficiently carried out, and to avoid unnecessary work.

- ***What is the relationship of the firm recommended for the award herein with the company recently named in arbitration proceedings with the Port of Miami?***
  This award recommendation is to Tetra Tech, Inc. After the recommendation was filed, an inquiry was received regarding arbitration proceedings between the Port of Miami and Tetra Tech FW, Inc. before the American Arbitration Association. In December 2001, the Port contracted with P&O Ports Florida, Inc. (P&O) as the master developer to provide design and construction services needed for the Ports infrastructure improvement program. P&O subsequently hired Foster Wheeler Environmental Corporation for professional design services. Around February 2003, Foster Wheeler was acquired by Tetra Tech and became Tetra Tech FW, Inc. (now Tetra Tech EC, Inc.). P&O's rights in the subject contract were later assigned to the County when P&O was removed from its role as the County's agent.

  The arbitration is a result of a claim made by Tetra Tech FW, Inc. concerning disputes over rates, scope change requests by POM, reimbursable expenses, and interest. The County has responded to the claim essentially denying the assertions and claiming escalated design costs were due to the performance of the contractor, including rejected designs. Furthermore, the County has filed a counter claim. The arbitration is ongoing and has not been settled as of the date of this memorandum.

  Tetra Tech, Inc. has indicated that Tetra Tech FW, Inc., while an operating unit of Tetra Tech, Inc., is its own separate company. The work required under the recommended Homeland Security Consulting Services contract will be performed by other operating units of the firm (primarily Tetra Tech EEC) and will not be connected to, nor performed by, any personnel from,

Tetra Tech FW, Inc. The County has checked references for Tetra Tech, Inc., Tetra Tech EEC, Inc. and/or its subcontractors for work performed for the Port, OEM and GSA as well as work performed for non-County clients, and has confirmed high quality performance delivery on projects for services similar to those required to be provided through this contract. Some of Tetra Tech, Inc.'s related projects include:

- U.S. Department of Homeland Security Headquarters (Security Command Center)
- Metropolitan Transit Authority (Physical Security Upgrades)
- U.S. Capitol Police Force (Joint Security Command Center, Communications Control Center, Chief's War Room, Security Command Center, and NASA and Air Force Space Command/Security Command Center/Main Launch Complex)
- U.S. General Services (Federal Office Building)
- State of Delaware (Statewide Facility Assessment - Department of Corrections, and Feasibility Studies and Master Planning - Department of Services for Children, Youth and Families)

Assistant County Manager

URS

April 25, 2007

Honorable Joe A. Martinez
Chairman Miami-Dade County
Budget and Finance Committee
111 NW 1st Street, Suite 220
Miami, Florida 33128

Subject: Miami-Dade County, Department of Procurement Management
RFQ No. 98 Homeland Security Consulting Services

Dear Mr. Chairman,

The intent of this correspondence is to bring to your attention a matter for potential policy determination by your committee relating to the subject solicitation. The policy determination respectfully requested for your consideration is whether it is acceptable for a firm to have a significant competitive advantage over other respondents for an important contract with Miami-Dade County having a value of $15,000,000.

In February of this year, URS Corporation Southern (URS) along with several other firms pursued the above referenced solicitation. After Tier 2 evaluation (Oral Presentations), the team led by Tetra Tech with A Secure America and other subcontractors was identified as the prevailing entity. URS takes no issue with the scoring and does not desire to protest said selection. However, subsequent to URS' presentation and receipt of final scoring results (URS finished 2nd), our firm ascertained an audio copy of the presentation made to the Selection Committee by the Tetra Tech team. URS wanted to listen to the presentation made by the Tetra Tech team, as the URS team was ranked number 1 by the Selection Committee going into the Oral Presentations (Tier 2) and we desired to understand how the Tetra Tech team had delivered a better presentation. Upon review of the Tetra Tech presentation we were quite frankly shocked at certain comments made by the Tetra Tech team. Specifically, the President of A Secure America provided a detailed chronology of the services they had performed for the County leading up to the advertisement of RFQ No. 98. A Secure America details in their presentation how they prepared the Security, Survivability, and Interoperability Master Plan (SSIMP) for the relevant work associated with the subject solicitation, assisted in the development of the scope of the proposed solicitation and even developed consensus with the County and members of the technical advisory panel regarding the procurement of RFQ No. 98 for Homeland Security Consulting Services. A CD of the Tetra Tech presentation has been provided for verification of the specific comments made by A Secure America ***(CD: ES Committee 3.2.07 1; Time Code: 17:00 – 20:15)***.

Although the testimonial provided by A Secure America in their presentation seems somewhat alarming to URS and it appears to imply that Tetra Tech supported these efforts, it may not be obvious why this, in and of itself, necessarily gives the Tetra Tech team a competitive advantage over the other respondents. It is the fact that at the pre-bid conference for the subject solicitation, a copy of the SSIMP Master Plan was requested by the potential respondents and **all present at the pre-bid were clearly told that for security purposes the SSIMP Master Plan would only be made available to the successful respondent**. The Master Plan would have been used by potential respondents to aid in both crafting submittals and understanding the overall objectives of the County. **The fact that the Tetra Tech team had working knowledge of the SSIMP Master Plan and**

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EXHIBIT 2
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utilized this knowledge to likely improve their qualifications package and clearly tout their unique capabilities at the presentation (clearly spoken in the provided CD) is with no doubt a competitive advantage over other respondents. Add to the competitive advantage previously referenced, the elements of building consensus with the County for the development of RFQ 98 and participating in the actual scope development (again clearly spoken in the provided CD) and one can not possibly conclude that this solicitation is consistent with the Counties desire for fair competition.

URS submits to the Budget and Finance Committee that the preparation of a Master Plan in and of itself provides the preparer with an advantage over other respondents for the subsequent phase of work; this would be true even if the Master Plan was shared with all potential respondents. In a case where a Master Plan is prepared by a competing entity and not shared with all potential respondents (for a subsequent solicitation of associated work), there is no way for the potential respondents to ascertain the institutional knowledge so that they may tailor a qualifications package or presentation accordingly. We bring this matter to your attention, as we believe the system failed in this instance to afford a fair competition. **It is our opinion that A Secure America, at a minimum, should have either been on ALL teams or on no teams. Additionally if A Secure America was allowed to use their first hand knowledge of the SSIMP Master Plan to sell the committee or use the plan to craft a response to the RFQ, then in this case, ALL respondents should have received a copy of the SSIMP Master Plan.** We ask as a matter of policy whether it is acceptable or not for a firm to have such a significant competitive advantage over other respondents for a Homeland Security Contract with Miami-Dade County having a value of $15,000,000.

Respectfully Submitted,

URS CORPORATION SOUTHERN

Thomas J. Logan, P.E.
Senior Vice President / Regional Manager

c:
Commissioner Carlos A. Gimenez
Commissioner Katy Sorenson
Commissioner Javier D. Souto
Commissioner Jose "Pepe" Diaz

Enclosures

TETRA TECH

MIA... OFFICE OF THE INSPECTOR GENERAL
2007 SEP 28 AM 9:02

27 September 2007

Office of the Inspector General
ATTN: Mr. Christopher R. Mazzella
19 W. Flagler Street, Suite 220
Miami, Florida 33130

Subject: Response to OIG Draft Report – IG07-61

Dear Mr. Mazzella:

Tetra Tech, Inc. is grateful to have the opportunity to present clarification to the Office of the Inspector General (OIG) Draft Report – IG07-61 and for the time provided to provide a written response. This response has been drafted in reply to the four observations and concerns shown on Pages 6 of 11 and 7 of 11 in the Draft Report.

- **Observation and Concern #1**
  The winning Tetra Tech team includes a sub-consultant, ASA, who was the prime consultant for Phase 1 of the project, and who had developed, as part of its Final Report, the scope for Phase 2, the conceptual design.

  Tetra Tech Response to Observation and Concern #1
  Tetra Tech, A Secure America, Inc. (ASA), and Adept Systems, Inc. (ASI) have a history of working together on security-based projects. ASA, as the prime contractor for Phase 1, included Tetra Tech as a subcontractor to provide engineering, command and control consultancy, and project management experience to the team. Tetra Tech was an integral member of the team that developed the methodology, logic, and processes for completion of Phase 1 and the execution methodology for Phase 2.

  The competition for Phase 2 required a large firm, with sufficient resources and capabilities to offer a holistic and competitive response. Therefore, Tetra Tech, with exclusive teaming agreements, included ASA and ASI on our team in response to RFQ 98. As a result, no other respondents would have had access to members of the Tetra Tech/ASA/ASI team.

- **Observation and Concern #2**
  The Final Report, titled *Scope Definition Security, Survivability, Interoperability Master Plan* (SSIMP), prepared as a contract deliverable by ASA under Contract #Y4-1077 for Phase 1 is, in actuality, a written proposal for completing Phase 2, and has now been classified in its entirety as SSI.

  Tetra Tech Response to Observation and Concern #2
  The SSIMP was not a proposal for completing Phase 2. Rather, the SSIMP was a plan, prepared by the team of ASA, Tetra Tech, and ASI and submitted to the Miami-Dade County General Services Administration as one possible manner by which Miami-Dade County could

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APPENDIX A

increase the survivability of Miami-Dade County owned assets in the event of a malevolent act by individuals or a natural disaster such as a hurricane. The entire document was deemed SSI because it is difficult to separate information that truly could provide SSI to a terrorist from supporting engineering and management documentation. Those portions that may be considered security sensitive would include information such as the actual location of the LightSpeed facility and the proposed occupants. At no time did Tetra Tech use any SSI in our response to RFQ 98.

- **Observation and Concern #3**
  There is significant overlap of content between the ASA Final Report and the Tetra Tech proposal for RFQ No. 98.

  Tetra Tech Response to Observation and Concern #3
  The only portions of the SSIMP that were used in Tetra Tech's proposal were developed by the ASA-Tetra Tech-ASI team during development of the Phase 1 deliverable.

  Observation and Concern #3 appears to attempt to address the fact that, as an incumbent to previous work, Tetra Tech was knowledgeable of unique aspects and information which other teams would not be aware; thus providing the Tetra Tech team an advantage when responding to RFQ 98. As stated previously, Tetra Tech was an integral part of the team that developed the Phase 1 report. Tetra Tech's response to RFQ 98 was an attempt to show two things to the evaluators: 1) Tetra Tech is very qualified to execute Phase 2 because of the excellent work we have performed for other clients such as the U.S. Department of Homeland Security (DHS); and 2) our team was knowledgeable of Miami-Dade County needs and poised to respond immediately to those needs. As the ASA/Tetra Tech/ASI team was selected to perform the Phase 1 services based on the team's collective knowledge and expertise, the same team members could be expected to remain competitive for future phases of project work. To our knowledge, incumbency does not prevent a firm from bidding on a next phase of work unless that incumbent was specifically contracted to prepare and provide a pre-selection package.

- **Observation and Concern #4**
  Cost estimates in ASA/Tetra Tech's proposal prepared under Phase 1 appear to be driving the County's budget estimates for the pre-design, final design, and construction phases for the LightSpeed Building/ICF Project.

  Tetra Tech Response to Observation and Concern #4
  As noted previously, the Phase 1 deliverable was not a proposal, rather a plan (see Observation and Concern #2 above). As part of the planning efforts, rough-order-of-magnitude estimates were prepared to allow the County to properly budget future work associated with Phase 2 implementation. In continuing into Phase 2 services, good practice dictates that Tetra Tech will address programming and design of the LightSpeed facility program within the County's current budgetary parameters. The IG will note that none of the rough-order-of-magnitude estimates were used in our proposal in response to RFQ 98.

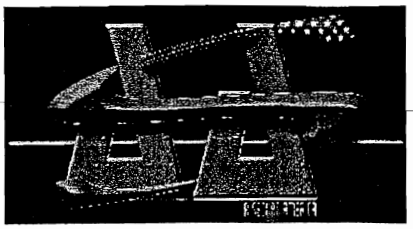
In conclusion, Tetra Tech believes the County's decision to award it the contract on the merit of our original proposal dated February 9, 2007 was entirely appropriate. It clearly indicates our superior support to similar work around the nation, including work for DHS and our ability to best

safeguard the citizens of Miami-Dade County from the current vulnerabilities. Thank you again for the opportunity to submit this response.

Respectfully,

B. Wayne Human, PE
Vice President

Copies:
Mr. William Brownlie, PE, Tetra Tech
Mr. Robert Milazzo, PE, Tetra Tech



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Email: charlesb@AsecureAmerica.com
www.asa-asecureamerica.com

2007 SEP 28 AM 9:02

September 27, 2007

Office of the Inspector General
Attn: Mr. Christopher Mazzella
19 W. Flagler Street
Suite 220
Miami, Florida 33130

Subject: Response to OIG Draft Report – IG07-61

Dear Mr. Mazzella,

On behalf of A Secure America, Inc. (ASA), I would like to express our appreciation to the Miami-Dade OIG for providing our company with a copy of the OIG draft report -- IG 07-61 and the opportunity to provide clarifying feedback.

ASA is aware of the Tetra Tech response to the same OIG report and that the Tetra Tech letter addresses all issues of concern to ASA regarding the matter; however, ASA would like to amplify the Tetra Tech response in clearing up any misconception that ASA behaved in any unethical or illegal manner giving Tetra Tech an unfair advantage by sharing the contents of the SSIMP Phase 1 report with Tetra Tech after the fact.

The Tetra Tech response to OIG **Observation and Concern #1,** addresses the allegation that the winning Tetra Tech team includes a sub-consultant, ASA, who was the prime consultant for Phase 1 of the project, and who had developed, as part of its Final Report, the scope for Phase 2, the conceptual design and shared that with Tetra Tech after the fact.

Tetra Tech has made it clear in their response that Tetra Tech was a sub consultant to ASA for the SSIMP Phase 1 project, and assisted ASA in developing a substantial portion of the report.

ASA' s chief concern is in protecting its good name and reputation. It is very difficult for any company or firm to build a solid, outstanding reputation. ASA believes that it has done so with Miami-Dade County. Unfortunately, it is far too easy to destroy or besmirch a company's good name or reputation even when allegations may actually not be substantiated. Often times when an allegation is made that reflects negatively on a business, the negative image can stick even if it is not deserved.

The most valuable asset a company or firm engaged in the business of providing professional advice and guidance is its reputation. ASA challenges any assertion that it has violated any

laws, rules, regulations, statutes, or ordinances, or that it has behaved unethically with regard to this or any other matter throughout its 13 year history.

ASA understands that all of the facts may not have been available to all concerned parties earlier in this process, but now ASA respectfully requests that it is made clear to all parties that ASA has strictly adhered to all Miami-Dade County procurement regulations and ordinances; furthermore, that all parties are cautioned not to further perpetuate any unsubstantiated insinuation that cast a negative light on ASAs good name or reputation.

Once again, ASA would like to thank OIG for this opportunity and for its diligence in pursuing "truth" in this matter and we trust that it will resolve this issue in the best manner possible for the citizens of Miami-Dade County and fairly in behalf of all concerned parties.

Respectfully,

Charles L. Butler, Jr.

CHARLES L. BUTLER, JR., MPA, SSEM
President

MIAMI-DADE COUNTY

Carlos Alvarez, Mayor

Procurement Management
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October 16, 2007

2007 OCT 17 AM 10: 11

VIA FAX (305-579-2656) and HAND DELIVERY

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Government Information Center
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

Christopher Mazzella
Inspector General
Miami-Dade County
19 West Flagler Street
Suite 220
Miami, Florida 33130

Re: Response to OIG Draft Report – IG07-61
Contract No. Q98, Homeland Security Consulting Services

Dear Mr. Mazzella:

Thank you for the opportunity to review and respond to the Office of the Inspector General's Draft Report regarding the proposed award of Miami-Dade County Contract No. Q98 for Homeland Security Consulting Services. The attached response identifies the issues raised in the aforementioned report and provides comments and clarifications.

Should you have any questions, or if you would like to meet to discuss this response, please do not hesitate to contact us at (305) 375- 2495 for Wendi or (305) 375-5257 for Miriam.

2007 OCT 17 AM 10: 11

Sincerely,

Wendi Norris
Director
General Services Administration

Miriam Singer
Director
Department of Procurement Management

Attachment

c: George M. Burgess, County Manager
Susanne M. Torriente, Chief Assistant County Manager

Delivering Excellence Every Day

"This pricing estimate is contained in the final report, which was deemed SSI [Security Sensitive Information]. The pricing component of the RFQ, on the other hand, was based only on the proposed hourly rates. There is no correlation between the cost estimates/proposal submitted by ASA [A Secure America] to the evaluation of the proposers' prices in the RFQ." (Page 2)

- It was never staff's intent to correlate the hourly rates submitted in response to the RFQ to the cost estimate submitted as part of the Security, Survivability and Interoperability Master Plan (SSIMP). As is typically the case with a Request for Qualifications (RFQ), none of the projects was sufficiently scoped to permit proposers to submit project pricing. For an RFQ such as this (when the scopes will be defined later), it is routine to request hourly rates in order to evaluate them for appropriateness relative to the services proposed by the vendor, and to enable staff to subsequently negotiate hourly billing rate caps for the contract. The project prices are established on a work order by work order basis, according to the specific scope of work set at the time of performance (utilizing the contracted hourly billing rate caps as a maximum).

"Thus, our concern here is that ... Tetra Tech/ASA – not GSA – appears to be setting the projects' costs estimates, which is not part of the procurement process." (Page 2)

- Project estimates from the Phase I study were utilized in order to provide a basis for capping the contract award recommendation. The contract value was requested during the Phase 1 work, specifically to provide staff with an estimate of the potential costs for later phases (i.e., Phase 2, and the subsequent construction phases). The contract value had to come from somewhere, and staff could not project it without the estimates previously provided through the Phase 1 work. Moreover, the value of the contract award would have been based upon the Phase 1 estimates regardless of which vendor had been recommended for award.

"... we verbally advised both DPM and GSA managers of our dissatisfaction over the written description of Category 1." (Page 2)

- Staff does not specifically recall this "dissatisfaction" being expressed; in any case, it was never staff's intent to hide or disguise any of the expense associated with the total project. Discussions, briefings and internal correspondence related to the scope or cost of the project noted that the contract would conclude at the 30% design stage, with the final design and construction components of the project to be contracted for separately via competitive bid. This was also specifically stated to proposers at the Pre-proposal Conference.

"... consideration should be given to less costly alternative solutions." (Page 3)

- At present, it is the view of County staff with professional experience and/or training in facility security that "less costly alternative solutions" would most likely require unacceptable sacrifices in overall security for the proposed Integrated Command Facility and the functions housed therein. The County is responsible for taking all appropriate actions to prepare the LightSpeed Building, as it was acquired specifically for the purpose of consolidating critical County security, communications, and emergency operations into a single location.
- It is the nature of a multi-year "work order" driven contract that the scopes of work initially identified to proposers may be modified in response to unanticipated circumstances. It is also routine to include a "value-engineering" component to these types of projects to ensure that funds are expended only for needed services, and that potential cost reductions result in responsible security decisions. Such efforts could result in the implementation of less costly solutions; however, such analyses would require the involvement of the contractor at the time specific work orders are issued, and not in advance of the current selection process, as appears to be suggested in the OIG Draft Report.

"there should be a full fiscal impact analysis . . ." (Page 3)

- Staff concurs with this OIG recommendation. It is noted that staff routinely performs all fiscal, and operational analyses necessary to evaluate its capital development and programmatic options, and makes appropriate business recommendations to the Board of County Commissioners. The decisions to purchase the LightSpeed Building, to recommend procurement of an outside Homeland Security expert to assist staff in planning and implementing security enhancements in County facilities, and to develop the LightSpeed Building as a high-security Integrated Command Facility are consistent and reflect careful evaluation of the resources and needs of the County. All pertinent information will continue to be provided to the Board for its consideration.

". . . the final design, construction and move-in cannot be separated by large gaps in time waiting for funding . . ." (Page 3)

- In some situations, time "gaps" may be necessary and unavoidable. Capital development decisions are made and implemented in such a way as to balance need with funding. For example, funding is currently allocated for the Traffic Operations Center, and it is required that these funds be expended within specific timeframes. Funding for other specific uses has also been identified, while funding options for some of the Lightspeed Building occupants has not been set. The Building is already owned by the County. It makes good business sense to initiate projects that *are* funded. Improvements can be made and buildings occupied in an incremental manner. It is imperative that a master plan for the facility be conducted to the degree of detail necessary. It is essential that the primary facility hardening/survivability work be completed prior to occupancy to maximize the opportunity to make needed improvements that will be beneficial in the long term.
- Staff concurs with the OIG that gaps between the design and construction of particular projects or project components should be minimized in a practical business manner. As a result, staff is reassessing the scope of the Integrated Command Facility (ICF) portion of the contract to ensure that the hardening/survivability work components are addressed first, and that interior design work is scoped out in such a way as to minimize any potential for waste due to subsequent delays in the availability of construction funding.

"OIG recommends that the County administration consider the issues raised herein, including whether any adjustments to the recommended contract award are in order, whether the scope of any planned projects require adjustment, and whether there are foreseeable funding issues that would create large gaps in time . . ." (Page 3)

- This contract has been established as a three-year award, with work orders issued on a project-by-project basis. The contract award amount is based upon current data, expertise and expectations. Adjustments to reflect present or future funding gaps, or other future operational issues, are best made at the time that specific work orders are defined and authorized, and not in the initial contract award. That is why the solicitation for this contract was issued as a Request for Qualifications. The work performed under this contract will provide critical cost-benefit information that will assist staff in making sound business decisions regarding subsequent work orders. Gaps in the phasing of projects or between preliminary design and construction are at times unavoidable. Such gaps are sometimes beneficial, especially when advance design work leads to a better future use of facilities.

"First, we do not understand the appropriateness of requesting pricing in an RFQ; second, the pricing proposals were evaluated and scored on a subjective basis . . ." (Page 5)

- This RFQ was used to qualify a firm. Obtaining an hourly rate (when project-specific pricing is not an option) allowed the County to review price during the competition process, but as a relatively small component of the overall scoring. Each work order will be negotiated in the County's best interest. Evaluating the pricing subjectively allows the committee to consider the whole picture, for example, whether the submitted hourly rates showed a particular firm(s) to be significantly more or less costly than other firms in the process, or whether the personnel or positions identified in the hourly rate information supported representations made in the proposals regarding project team and approach. This type of pricing is consistent with the recommended approach to pricing by County Attorney's Office, and is being utilized in other procurements.

- Inclusion of price evaluation in the scoring of the proposals ensured that all proposers provide hourly rates for the required competencies. The resulting information provides an Evaluation/Selection Committee a basis to determine whether the rates charged by the selected contractor are reasonable and fair, and strengthens staff's subsequent ability to negotiate rate reductions in the final contract. Without any pricing submission, or without having created a sense of "competitive value" (by attaching points to such submission), staff would be at a disadvantage trying to determine appropriate market value for such expertise.

"the item was withdrawn by the County Manager's Office for additional review." (Page 6)

- The item was withdrawn in response to the complaint made by URS, and to allow time for the completion of the subsequent OIG review.

"Even though the work was classified as SSI, the Tetra Tech/ASA team borrowed from it in preparing its proposal for Phase 2 work." (Page 6)

- In the Orange County contract (Contract No. Y4-1077), Article 20 states "All oral and written information not in the public domain or not previously known...shall be kept confidential by the Consultant and will not be disclosed to any *other* party..." (emphasis added). The information in the ASA deliverable is confidential, but could be shared with the County (a party to the contract). Since the proposal submitted in response to RFQ No. 98 is a public record, the vendor should have advised the County that information being submitted in a proposal was considered confidential (as required under Section 1.19 of the RFQ).

"...reviewing the proposals and carefully listening to the oral presentations (including the amount of work required to convert the ICE), ... they really knew what the County/GSA was looking for." (Page 8)

- Three of the four members of the Evaluation/Selection Committee had never seen the SSIMP, and the fourth only had limited exposure. The Committee reviewed the proposals in search of a qualified firm to perform the scope identified in the RFQ, rather than for a match to specific language set forth in the SSIMP.
- The OIG report assumes that, after the oral presentations, the Committee rated Tetra Tech higher because "Tetra Tech knew what the County wanted". The facts in the official project file do not support this conclusion and the County does not concur: (1) URS had a higher score for **approach and overall rating** prior to the oral presentations – as noted in the individual and composite scores in the official project files; (2) The shift in point totals away from URS following the oral presentations by the two firms is evident in all categories, not only "approach"; and (3) Committee discussions seem to indicate that Tetra Tech simply did a better job of presenting their proposed project team as being comprised of staff with direct, significant experience on projects similar to the scope in the RFQ.
- No specific attempt was made to hide the essential elements of what the "County was looking for." Tetra Tech did utilize narrative identical to the SSIMP; however, the scope of work narrative and subsequent discussion at the Pre-proposal Conference described the County's needs in sufficient detail to enable other proposers to respond. URS, in particular, submitted its written proposal and ranked first in technical scoring before the oral presentation. Their proposal cited numerous examples of previous projects that closely matched what the County was looking for at the LightSpeed Building, e.g. National Military Command and Control Center, LAPD Emergency Dispatch Center, San Antonio Emergency Operations Center, Dallas/Ft. Worth International Airport Operations Center, and the Tampa International Airport Communications Center, among others. In addition, the URS written proposal clearly depicted a competent understanding of the County's need for the Integrated Command Facility, the functions to be installed, the need for coordinated functionality, facility security, and a long-range telecommunications strategy. The Committee's recommendation for award to Tetra Tech was related to the willingness of Tetra Tech to commit a highly experienced and larger resource pool of homeland security experts to the project, while URS appeared to rely on its use of prior County employees for this contract.

"Coincidentally, the dollar allocations for each category are an exact match to the proposal cost estimates submitted by ASA." (Page 9)

- These numbers were added to the final report by staff directly from the Phase 1 Report. The numbers would have been the same regardless of the recommended contractor. Project estimates were not used by the Committee to evaluate the proposals.

"the degree of impact that the Tetra Tech team's prior knowledge had on the competition for the RFQ No. 98 procurement is difficult to quantify." (Page 10)

- It seems pertinent to note that the Evaluation/Selection Committee initially ranked URS over Tetra Tech based upon its written proposal. During the re-ranking of proposals following oral presentations, the committee reversed the ranking based upon the number of staff URS proposed to support the project, and their experience and reliance on former County staff as the key individuals to support the contract. Although URS cited a broad array of similar or related projects from around the Country, they did not offer to assign key individuals from those projects to manage the Miami-Dade project.
- The qualification submittals in response to the RFQ were rated and ranked based on a set of criteria, with a maximum of 100 total points per Committee member, as follows:

  1. Proposer's experience, qualifications and past performance (up to 40 points)
  2. Experience and qualifications of individuals, including individuals of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors (up to 30 points)
  3. Proposer's approach to providing the services (up to 20 points)
  4. Pricing (up to 10 points)

  The RFQ was structured to recommend award based primarily upon the experience and qualifications of the firm, personnel and subcontractors, which together represented a combined maximum of 70 out of a possible 100 points per Committee member. The firm's project approach and competitive pricing were also considered. Any advantage that Tetra Tech may have held, by having information that other Proposers did not, would have been limited to the project approach portion of their proposal.

- **Even if URS had scored a perfect 80 points (20 points x 4 Committee members) for their project approach, their proposal would not be the highest ranked recommended for award.** Prior to oral presentations, the composite scores for project approach were URS-71 points and Tetra Tech-68 points. Though URS lacked access to the confidential report, the firm initially scored higher in its project approach than Tetra Tech. Therefore, any advantage Tetra Tech may have had over URS in preparing its project approach, was not evident in the initial ratings. The final composite scores (after oral presentations) for the project approach were URS-63 points and Tetra Tech-71 points – a difference of 8 points.
- Alternatively, if the points for project approach are removed from the final scores, Tetra Tech is still the highest ranked proposer.

"we also do not understand the justification for designating this type of information as SSI." (Page 8)

"The OIG believes that if the security sensitive portions of the Final Report would have been removed from the [SSIMP] document, each of the other proposers could have received this detailed scope description of the requirements for Phase 2 of the project. By doing so, the redacted report could have offered them the opportunity to prepare a proposal more responsive to GSA's needs." (Pages 7 and 11)

- In retrospect, staff agrees with the OIG that the SSIMP report should have been redacted or the competition could have been limited to vendors with advanced confidentiality agreements in place. Staff evaluated the information contained in the SSIMP as best and fairly as they could, and determined that it would not be appropriate or in accord with State Statute to provide direct information regarding the security priorities of the County, names of its facilities deemed to be its most critical facilities, or indications of its security strategies for the future. In hindsight, it is possible that a redacted copy of the report could have been provided to all proposers, or to a subset of ranked

proposers. Even if all, or portions of, the confidential report had been provided to proposers, as suggested, the assertion could always be made that Tetra Tech had access to information that others did not, simply by virtue of having worked on the initial SSIMP assignment.

"Each of the proposers could have been required by the County to include ASA on its team." (Pages 7 and 11)

- At the time, it was unknown whether ASA would submit as a proposer or as a subcontractor; consequently, this option was never considered. Tetra Tech has subsequently advised that they have an exclusive arrangement with ASA, which suggests that, unless ASA is precluded from proposing (which CAO advises is not legal) the Tetra Tech/ASA team will always have certain knowledge based upon their initial assessment, regardless of who has access to the details of the report.