

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

Memorandum



Date: January 22, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

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

From: George M. Burgess
County Manager

Resolution No. R-35-09

Subject: Contract Award Recommendation for Orange Line Phase I - MIC-Earlington Heights Connector Metrorail Extension - Project No.: NCP004 PTP; Contract No.: NCP004-TR06-CT2, to Odebrecht-Tower-Community Joint Venture and Authorizing the Use of People's Transportation Plan (PTP) Transit Surtax Funds

RECOMMENDATION

This Recommendation for Award for Construction contract number NCP004-TR06-CT2 between Odebrecht-Tower-Community Joint Venture and Miami-Dade County in the amount of \$360,405,395.00 has been prepared by Miami-Dade Transit (MDT) and is recommended for approval. Proceeds from Charter County Transit System Sales Surtax (the Surtax) will be used to fund this project, therefore, approval by the Board of County Commissioners (BCC) and Citizens' Independent Transportation Trust (CITT) is required.

DELEGATION OF AUTHORITY

The authority of the County Mayor or County Mayor's designee to execute and implement this contract is consistent with those authorities granted under the Code of Miami-Dade County.

SCOPE

PROJECT NAME: Orange Line Phase I - MIC-Earlington Heights Connector Metrorail Extension

PROJECT NUMBER: NCP004 PTP

CONTRACT NO: NCP004-TR06-CT2

PROJECT DESCRIPTION: The Orange Line Phase I - MIC-Earlington Heights Connector Metrorail Extension Project (hereinafter referred to as the "Project") is an elevated 2.4 mile double-track, heavy-rail extension of the existing Miami-Dade Metrorail System. The Project's major components include the construction of an Elevated Guideway including Segmental Construction, a Three-Level Metrorail Station, Operating Systems, Trackwork, three (3) Traction Power Substations, New Roadways and Roadway Reconstruction, and Civil Sitework.

The Project includes four components which are part of the Florida Department of Transportation's (FDOT) Miami Intermodal Center (MIC) Program: the MIC Central Station - West Concourse; MIC Central Station - Vestibule; Bus Plaza; and Bus Plaza Roadway.

PROJECT LOCATION: The Project is located in central Miami-Dade County. This 2.4 mile double track, heavy rail extension corridor begins at the existing elevated Metrorail line to the west of the Earlington Heights station, and continues westerly along the north side of State Road 112, crosses State Road 112 and makes a southerly turn crossing over the Miami River Canal. It then crosses over the South Florida Rail Corridor (SFRC) and parallels the SFRC until it enters into the MIC. The FDOT project components are located at or within close proximity of the tri-level Metrorail Station.

PRIMARY COMMISSION DISTRICT: Various Districts

APPROVAL PATH: Board of County Commissioners

USING DEPARTMENT: Miami-Dade Transit

MANAGING DEPARTMENT: Miami-Dade Transit

FISCAL IMPACT / FUNDING SOURCE

OPERATIONS COST

IMPACT/FUNDING:

An additional \$22 million per year is required to support the new track (approximately 2.4 miles) between the MIC and Earlington Heights (EHT) Metrorail Station. The new service will increase current frequency from 7 ½ minutes peak service to 3 ½ minutes peak by adding trains at 6 ½ minutes peak service and 10-minute off-peak service between the MIC and Brickell Metrorail Station (approximately 5 miles) and will merge at the EHT Station with the existing service from Palmetto Metrorail Station to Dadeland South Metrorail Station.

Once new metrorail service to the MIC is implemented, net operations and maintenance (O&M) expenses will increase the operating budget, based on opening year 2012 Year of Expenditure (YOE).

MAINTENANCE COST
IMPACT/FUNDING:

As stated above, maintenance costs are part of the \$22 million.

LIFE EXPECTANCY
OF ASSET:

The Project, when completed, will have a life expectancy of 50 years for the station and 100 years for the guideway. The \$22 million operating and maintenance expenditures do not include the Infrastructure Renewable Program (IRP), which provides funds for the rehabilitation and recertification of the station and guideways.

FUNDING SOURCES:

SOURCE

The Project is funded by the following sources: People's Transportation Plan (PTP) Bond Program - \$335,730,395.00; FDOT Funding for all of the FDOT components- \$18,847,500; Capital Improvement Local Option Gas Tax (CILOGT) funding (50% contribution) for BIO-4 Bus Plaza - \$577,500.00; Federal Transit Administration (FTA) for the Bus Plaza Canopies - \$5,250,000.00. The total project cost of \$360,405,395.00 is included in the FY 2008-09 Proposed Capital Budget.

PTP FUNDING:

Yes

GOB FUNDING:

No

CAPITAL BUDGET
PROJECTS:

BUDGET PROJECT / DESCRIPTION

AWARD AMOUNT

6710190-EARLINGTON HEIGHTS (EH)/

\$24,675,000.00

MIAMI INTERMODAL CENTER (MIC)

BUS PLAZA Book Page: 115

Funding Year: Proposed Capital Budget Book
for FY 2008-09 from FY 2008-09 Funds through
FY 2010-11

6733210- EH/MIC CONNECTOR

\$336,933,801.00

Book Page: 118 (See attached revised
cash flow) Funding Year: Proposed Capital Budget Book
for FY 2008-09 from Prior Years' Funds through
FY 2011-12

Project Totals: \$361,608,801.00

BID PACKAGES ISSUED: 68
BIDS RECEIVED: 4
CONTRACT PERIOD: 1095 Days
CONTINGENCY PERIOD: 110 Days
**IG FEE INCLUDED IN
BASE CONTRACT:** Yes
ART IN PUBLIC PLACES: Yes
BASE ESTIMATE: \$322,952,403.00
**BASE CONTRACT
AMOUNT:** \$325,516,471.00

The construction cost includes estimates for both the County and the FDOT components.

Based on the bid results the construction costs for the County components are \$319,616,471 and \$5,900,000 for the FDOT components excluding FDOT Bid Option No 4, West Pedestrian Concourse, for \$12,600,000.00.

TOTAL BID OPTION NO 1: \$2,422,000.00

BIO-1: Upgrade of Escalators number 1 through 4, 7 and 8 to Transit Escalators.

TOTAL BID OPTION NO 2: \$800,000.00

BIO-2: Upgrade of Escalators number 5 and 6 to Heavy Duty Transit Escalator.

TOTAL BID OPTION NO 3: \$0.00

BIO-3: Upgrade of Machine Room Less (MRL) Elevators to Transit Grade Elevators.

TOTAL BID OPTION NO 4: \$12,600,000.00

BIO-4: West Pedestrian Concourse with Stairs in Lieu of Escalators (This option provides project cost savings of \$4 million by eliminating the escalators included in the original design).

TOTAL BID OPTION NO 5: \$0.00

BIO-5: Upgrade of West Pedestrian Concourse to include Escalators (This option was not exercised by FDOT).

**CONTRACT OPTIONS
BID SUBTOTAL:** \$15,822,000.00

**CONTINGENCY
ALLOWANCE
(SECTION 2-8.1
MIAMI DADE COUNTY
CODE) FOR BID OPTIONS:** \$791,100.00

CONTINGENCY ALLOWANCE (SECTION 2-8.1 MIAMI DADE COUNTY CODE):	TYPE	PERCENT	AMOUNT	COMMENT
	New Construction	5%	\$16,275,824.00	

SYSTEMS ALLOWANCE

ACCOUNT:	\$500,000.00	0.15%	Systems Parts (This amount represents 1% of the Systems' Engineer Estimate and is set aside for essential parts).
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ENVIRONMENTAL

ALLOWANCE ACCOUNT:	\$1,500,000.00	0.46%	Environmental Mitigation Allowance Account (this amount was based on Phase I & II Environmental Assessments for the drainage portion of the Project) requiring soil remediation during the construction phase.
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SUBTOTAL:	\$360,405,395.00		
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ART IN PUBLIC PLACES:	\$1,203,406.00	1.50%	Represents 1.5% of the estimated cost of the Three Level Metrorail Station (including both construction cost and contingency).
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TOTAL AMOUNT:	\$361,608,801.00	Inclusive of Art in Public Places of \$1,203,406.00	
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TRACK RECORD / MONITOR

SBD HISTORY OF

VIOLATIONS:

Yes-Report attached

This contract will be the first County project awarded to Odebrecht-Tower-Community Joint Venture.

However, the following SBD violations were cited for two (2) of the contractors that form the joint venture:

Community Asphalt Corp. had three violations reported. All violations have been closed.

Parsons/Odebrecht Joint Venture had two violations cited. Both violations have been closed.

EXPLANATION:

The Request to Advertise for the Project was approved on March 25, 2008. MDT advertised the Project in numerous local, nationwide and overseas publications. Sixty-eight (68) bid packages were issued. After ensuring that potential bidders had the opportunity to inspect all related project specifications and forward Request for Information, bids were formally received on August 4, 2008.

Four bids were received from the following bidders: Odebrecht-Tower-Community Joint Venture, hereinafter referred to as "OTC" - \$327,027,986.00; PCL Civil Constructors Inc. - \$340,521,000.00; MCM Dragados JV - \$353,867,642.00; Kiewit Southern Co. - \$349,183,100.00.

MDT staff conducted an extensive review of the four (4) bids received on August 4, 2008. In addition to pricing, bids were reviewed based on the bidders' past experience, licensing, local, federal and state requirements. Additionally, a specialized team conducted a review to analyze bids for Systems' compliance and Station Canopy Design and Installation requirements. Based on FDOT's participation, bids were then forwarded to FDOT for their review of the FDOT option components of the Project. After all evaluations were completed, OTC was the lowest, responsive and responsible bidder.

To reduce construction costs, MDT conducted two negotiations meeting, with the lowest bidder, OTC. The negotiation meetings took place on September 3 and October 10, 2008 and resulted in a reduction of \$1,587,090.00 to the original bid total. After negotiations were concluded, the bid total was reduced from \$361,992,485.00 to \$360,405,395.00 (excluding the Art in Public Places set aside). The recommended contract amount of \$360,405,395.00 is 5.66% higher than the approved advertisement amount of \$341,100,023.15.

Funding for this contract is contingent upon the County's ability to obtain a bond from the financial markets. MDT is currently working with the Finance Department to secure a bond by the Second Quarter of FY 2008-09. Any delay in securing this instrument as scheduled may affect MDT's ability to fund the contract beyond the Second Quarter of the FY 2008-09.

BID OPENING DATE:	8/4/2008
BID BOND EXPIRES:	2/4/2009
BID VALID UNTIL:	2/4/2009
ESTIMATED NOTICE TO PROCEED:	1/28/2009
PRIME CONTRACTOR:	Odebrecht-Tower-Community Joint Venture
COMPANY PRINCIPAL:	Gilberto Nieves
COMPANY QUALIFIERS:	Yvonne Meyer
COMPANY EMAIL ADDRESS:	ymeyer@odebrecht.com
COMPANY STREET ADDRESS:	201 Alhambra Circle, Suite 1400
COMPANY CITY-STATE -ZIP:	Coral Gables, FL 33134
YEARS IN BUSINESS:	See information listed below
PREVIOUS EXPERIENCE WITH COUNTY:	This contract will be the first County project awarded to Odebrecht-Tower-Community Joint Venture.

As part of the award process, MDT compiled information regarding OTC's past experience with the County. It was concluded that OTC had no prior experience with the County. However, information for the three entities that compose the OTC Joint Venture was sought. They are as follows: Odebrecht Construction, Inc., The Tower Group, Inc. and Community Asphalt, Inc. The overall ratings given to the individual entities were satisfactory or above. However, Miami-Dade Aviation Department noted that it is working with Odebrecht/Parsons JV to resolve certified project claims to avoid a potential lawsuit between Odebrecht/Parsons JV and the County.

According to the Firm History Report provided by Small Business Development, the following information pertains to the contractors that form the joint venture:

Odebrecht Contractors of Florida, Inc. - 10 years of experience
Experience with Miami-Dade County as Parsons/Odebrecht Joint Venture: Miami-Dade Aviation Department - South Terminal \$202,054,215.43, North Terminal \$1,045,501,216.00, MIA Mover \$342,278,032.15, A-B Infill \$9,838,764.00

The Tower Group, Inc. - 13 years of experience
Experience with Miami-Dade County: Cultural Affairs Department - South Miami-Dade Cultural Center \$40,734,490.00.

Community Asphalt Corp. - 28 years of experience
Experience with Miami-Dade County: Public Works Department - Roadway Improvements along NE 2nd Avenue from NE 91st Street to NE 105th Street \$8,314,420.12.

A review of the Capital Improvements Information System (CIIS) database included contractor evaluations for Parsons/Odebrecht Joint Venture, The Tower Group, Inc., and Community Asphalt Corp.

Parsons/Odebrecht Joint Venture -The Miami-Dade Aviation Department evaluated contractor's performance as satisfactory and on schedule for the South and North Terminal projects, two major projects.

The Tower Group, Inc. - The Cultural Affairs Department evaluated the contractor's overall performance as 2.1 out of a possible 4.0 points. According to the evaluating department, the project incorporated a very unique and complex project design, non-industry standard methods of construction, and specialized project features (acoustical, sound and communication, and theater design requirements). The evaluating department added that Tower has added reinforcements to its project management team to increase its responsiveness to project issues and improve performance ratings.

Community Asphalt Corp. - There were two evaluations given to the contractor by the Public Works Department with an average performance rating of 3.3 out of a possible 4.0 points.

**SUBCONTRACTORS AND
SUPPLIERS (SECTION 10-
34 MIAMI DADE COUNTY
CODE):**

Maytin Engineering Corp. *
Lanier Steel Products, Inc.
D.K.G. & Associates, Ltd. *
I & C Earthmovers, Corp. *
Roberts Traffic Marking Corp. *
J. Mori Painting Inc. *
Barreiro Concrete Corporation *
Peoples Plumbing Inc. *
Construct Group Corp. *
Eastern Rail Corp *
B&C Transit Consultants, Inc.*
Infinity Construction Services Inc. *
Railworks Track Systems, Inc.
Mass. Electric Construction Co.
Aldridge Electric, Inc.
Union Switch and Signal
Stantec Consulting Services, Inc.
GE Transportation Systems Global Signalizing, LLC
Siemens Transportation Systems, Inc.
Powell Electrical Systems, Inc.
*(Local vendors)

MINIMUM QUALIFICATIONS

EXCEED LEGAL

REQUIREMENTS:

Yes

The Construction Team must have prior experience in complex rail construction projects similar in size and scope to the Orange Line Phase I - MIC-Earlington Heights Connector Metrorail project.

Of the Project's major components listed above, the Operating Systems include the design, furnishing, and installation of Power Distribution, Train Control, Signaling, and Integration at Central Control, Communications, Variable Message Signs, and System Control and Data Acquisition. The Operating System Team must be experienced in the implementation of the Operating Systems and must meet the pre-qualification criteria included in the contract document.

STANDARD PAYMENT

AND PERFORMANCE BOND:

Yes

RESPONSIBLE WAGES:

Yes

**REVIEW COMMITTEE
ASSIGNED CONTRACT
MEASURES:**

<u>TYPE</u>	<u>GOAL</u>	<u>ESTIMATED VALUE</u>	<u>COMMENT</u>
DBE	12.00%	\$43,008,647.38	The Estimated Value is the percentage of the Base Contract Amount plus the Bid Options plus the Contingency Allowances.

**MANDATORY CLEARING
HOUSE:**

No

**CONTRACT MANAGER
NAME/PHONE/EMAIL:**

Jesus Valderrama (786) 469-5291 jvalder@miamidade.gov

**PROJECT MANAGER
NAME/PHONE/EMAIL:**

Ahmed Rasheed (786) 469-5263 arashd@miamidade.gov

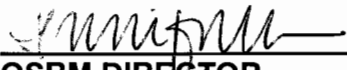
BACKGROUND

As part of this construction contract, MDT has agreed, through a JPA with FDOT (R-08-1442), to construct four components of the FDOT Miami Intermodal Center (MIC) Program. Three of these components are items included in the base bid: Central Station Vestibule, Bus Plaza and Bus Plaza Roadway, and one component is included as a Bid Option: Central Station West Concourse (BIO-4).

As stipulated in the contract documents, the County would choose to exercise none, some or all of the advertised optional components. As such, the following options were selected by the County: BIO-1 Upgrade of Escalators, numbers 1 through 4, 7 and 8 to Transit Escalators; BIO-2 Upgrade of Escalators, numbers 5 and 6, to Heavy Duty Transit Escalators; BIO-3 Upgrade of Machine Room Less (MRL) Elevators to Transit Grade Elevators; and BIO-4 West Pedestrian Concourse with Stairs in Lieu of Escalators. This last option will provide a project cost savings of \$4 million by eliminating the escalators included in the original design.

Moving forward with this recommendation is essential to maintaining the project on schedule and providing a vital link to the airport, which is a crucial economic engine for Miami-Dade County. Execution will also help stimulate the local economy by creating hundreds of jobs and providing numerous opportunities for local vendors.

Construction is expected to begin March 2009 and be completed by second quarter of 2012.

BUDGET APPROVAL
FUNDS AVAILABLE:  11/20/08
OSBM DIRECTOR DATE

APPROVED AS TO
LEGAL SUFFICIENCY:  11/12/08
COUNTY ATTORNEY DATE

CAPITAL
IMPROVEMENTS
CONCURRENCE:  11-25-08
OOI DIRECTOR DATE

 _____
ASSISTANT COUNTY MANAGER DATE

CLERK DATE _____
DATE



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: January 22, 2009

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

SUBJECT: Agenda Item No. 8(J)(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 Agenda Item No. 8(J)(1)(A)
Veto _____ 1-22-09
Override _____

RESOLUTION NO. R-35-09

RESOLUTION AUTHORIZING EXECUTION OF
AWARD FOR THE CONSTRUCTION OF THE ORANGE
LINE PHASE I - MIAMI INTERMODAL CENTER -
EARLINGTON HEIGHTS CONNECTOR PROJECT,
CONTRACT NO. NCP004-TR06-CT2, TO ODEBRECHT-
TOWER-COMMUNITY JOINT VENTURE IN THE
AMOUNT \$360,405,395.00

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
approves the execution of the Award for the Construction of the Orange Line Phase I –
Miami Intermodal Center – Earlington Heights Connector Project, Contract No. NCP004-
TR06-CT2, to Odebrecht-Tower-Community Joint Venture for the amount of
\$360,405,395.00; in substantially the form attached hereto and made a part thereof; and
authorizes the County Mayor or County Mayor’s designee to execute same for and on
behalf of Miami-Dade County.

The foregoing resolution was offered by Commissioner **Jose “Pepe” Diaz** ,
who moved its adoption. The motion was seconded by Commissioner **Dorrian D. Rolle**
and upon being put to a vote, the vote was as follows:

	Dennis C. Moss, Chairman	aye	
	Jose "Pepe" Diaz, Vice-Chairman	aye	
Bruno A. Barreiro	aye	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	absent	Joe A. Martinez	aye
Dorrian D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of January, 2009. This resolution shall become effective as follows: (1) 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, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission reaffirms its award by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final.

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.

Bruce Libhaber

Chuck Drago, Interim Secretary

Charlie Crist, Governor

May 21, 2008

CARLOS N. NUNEZ
P O BOX 99-6940
MIAMI, FL 33299

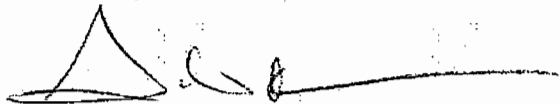
Dear Mr. Nunez,

This letter is to confirm that the statement of authority and joint venture agreement for "Odebrecht-Tower-Community Joint Venture" were received by the Florida Construction Industry Licensing Board. The agreement has been approved by the board office and the joint venture is now eligible to bid, pursuant to Rule 61G4-15.0022, Florida Administrative Code.

Please note that if the joint venture is awarded a contract, as the licensed contractor you must file an application to qualify the joint venture within 60 days, per Rule 61G4-15.0022(2)(e), F.A.C.

If you have any questions, please feel free to contact me directly.

Sincerely,



G.W. Harrell
Executive Director
Construction Industry Licensing Board

GWH/dcs

Memorandum



Date: September 30, 2008

To: Harpal Kapoor, Director
Miami-Dade Transit Agency

From: Hugo Benitez
Assistant County Attorney

Subject: Contract No. NCP004-TR06-CT2 - Orange Line Phase I- Miami Intermodal Center (MIC)-Earlington Heights Connector Metrorail Extension

Odebrecht-Tower-Community Joint Venture (hereinafter "OTC") is the apparent low bidder for the above project. Its bid of approximately \$349 million is \$14 million lower than the apparent second low bidder. You have asked whether OTC is authorized to bid for this project.¹ Because OTC has been determined eligible to bid by the State's Construction Industry Licensing Board and is in compliance with the requirements of Section 10-3 of the Code of Miami-Dade County, it is appropriately licensed to bid on this project.

Pursuant to the bid specifications, the County would enter into negotiations with the lowest responsive and responsible bidder to perform the work, with a view to recommending a potential contract award to the Board of County Commissioners. ITB, Instruction to Bidders. The ITB stated in relevant part: "For a bid to be accepted, the Bidder must hold, at the time of his Bid, a valid Certificate of Competency as required by Section 10-3 of the Code of Miami-Dade County, Florida. Any bid not in compliance with this Section shall be null and void". Section 10-3 provides in relevant part that a joint venture may not bid for construction work without having made application for and there having been issued a current valid certificate of competency or eligibility for the type of work to be done from either the Construction Industry Licensing Board of the State of Florida or the County's Construction Trades Qualifying Board.

OTC, a joint venture comprised of three certified State contractors, is eligible to bid as a joint venture pursuant to the rules of the Construction Industry Licensing Board. Specifically, Section 61G4-15.0022 of the Florida Administrative Code provides authority for joint ventures to submit bids on construction projects provided the venture makes application to the Construction Industry Licensing Board and complies with the other formal requirements of that Section. OTC's proposal contains satisfactory evidence of its compliance with the applicable rule. See Construction Industry Licensing Board letter dated May 21, 2008.

¹ This opinion has been requested in connection with the notice of intent to protest filed on September 2, 2008 by the second low bidder PCL Civil Constructors, Inc. ("PCL") challenging the responsiveness of OTC on various grounds. PCL's notice has been deemed premature because the Manager has not made a recommendation for award pursuant to Section 2-8.3. However, you have requested the opinion addressing one of the issues raised in the protest in light of OTC's status as apparent low bidder and ongoing negotiations for a potential recommendation

Under Section 10-3 of the Code, and the preemptive provisions of Chapter 489, eligibility to bid under a State license suffices to bid for a County construction project. As a limited exception, however, Sec 10-3 provides that projects specified in Section 489.103 of the Florida Statutes require a County license. The projects specified in Section 489.103, are "bridges, road, streets, highways, or railroads, and services incidental thereto". The Construction Industry Licensing Board has defined "services incidental thereto" by rule to exclude any work for which a general contractor's license would be sufficient under State law:

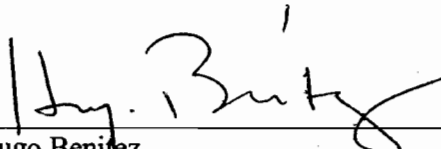
"Services incidental thereto" shall for the purpose of Section 489.103(1), F.S., only, mean all work on bridges, road, street, highways, and railroad except building construction and those subcontractor categories, defined in Section 489.105(3)(d)-(q).

Florida Administrative Code, Section 61G4-12.011.

The Project is a 2.4 mile extension of Metrorail, involving the construction of an elevated double track guideway, a three level station, operating system, track work, three traction power substations, and related roadway construction and civil site work. If these elements were bid as individual projects, some would fall within Section 489.103. However, other work clearly does not fall within the projects specified in 489.103, namely the construction of the three level station, operating system, and the substations. Because the County may not prohibit what State law allows, see e.g. Miami Beach v. Rocio Corp., 404 So.2d 1066, 1069 (Fla. 3d DCA 1981) (ordinance cannot "forbid what the legislature has expressly licensed, authorized or required"), Section 10-3 of the Code may not be read to prohibit a State licensed general contractor from bidding on a project involving building construction, for which the exemption provided on Section 489.103 clearly does not apply.

This opinion is consistent with recent County precedent in a similar project. In the MIA Mover APM System at Miami International Airport, involving substantially similar work, the specification made clear that a State license would suffice to bid, and that each of the subcontractors involved in the work would have to possess the requisite licenses to do the work. See Bid Specifications, MIA Mover APM System; Instructions to Proposers; Section 3.16. Moreover, this opinion is consistent with the State's recent enactment of Section 255.20 of the Florida Statutes, allowing those entities which comprise the joint venture and have been prequalified by the Florida Department of Transportation to perform the work for which they have been so prequalified.

Please call me if you have any questions.


Hugo Benitez

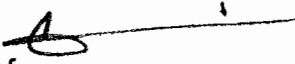
HB/es

Memorandum

MIAMI-DADE
COUNTY

DATE: January 3, 2008

TO: Harpal Kapoor
MDT Director

THRU: Cathy Lewis 
OCR/LR, Chief

FROM: Erigene Belony 
OCR/LR, DBE Manager

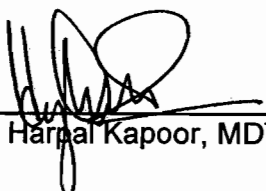
SUBJECT: 12% DBE Goal, MIC-Earlington Connector Metrorail Extension Project.

Miami-Dade Transit is preparing a Request to Advertise (RTA) for the MIC-Earlington Heights Connector Project. The Project is an elevated 2.4 mile double-track, heavy-rail extension of the existing Metrorail system, and connecting to the Miami Intermodal Center. Contract No.: NFP004-TR07-CT4. The total estimated cost is \$248,687,602.00. This project will be partially funded with Federal Dollars, State dollars and local participation.

After reviewing the scope of this project, which consists of construction services, for the development of the Airport Station, Bus Plaza, Bus Plaza roadway work, guideway foundations, guideway columns, guideway superstructure, guideway trackwork, ancillary buildings, roadway resurfacing and reconstruction, miscellaneous guideway items, operating system, communications, Bus Plaza canopies and connector level vestibule, we have determined that this project does have discernible subcontracting possibilities. Accordingly and based on the foregoing, a DBE goal of TWELVE (12%) percent is a reasonable goal to be established for this contract.

Upon careful consideration and examination of the Department of Small Business Development ("SBD") list of certified Disadvantaged Business Enterprises ("DBE") firms within this market area, we have identified three or more available certified DBE firms that are by reason of their certification ready, willing and able to provide the services requested on each item in the scope of work. Accordingly, we recommend a TWELVE (12%) DBE goal for this project.

Approval: _____

 for
Harpal Kapoor, MDT Director

STRATEGIC AREA: Transportation
DEPARTMENT: Transit

***** FUNDED PROJECTS *****
(dollars in thousands)

CAPITALIZATION OF PREVENTATIVE MAINTENANCE

PROJECT # 6634160

DESCRIPTION: Capitalize preventive maintenance for Metrobus, Metrorail, and Metromover

LOCATION: Countywide
Countywide

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

DISTRICT LOCATED: Countywide
DISTRICT(s) SERVED: Countywide

REVENUE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
FTA Section 5307/5309 Formula Grant	58,782	59,343	62,843	65,985	69,284	72,748	76,385	80,204	545,574
Capital Impr. Local Option Gas Tax	14,581	13,483	13,845	14,715	17,456	20,606	21,296	19,602	135,584
TOTAL REVENUE:	73,363	72,826	76,688	80,700	86,740	93,354	97,681	99,806	681,158
EXPENDITURE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
Other	73,363	72,826	76,688	80,700	86,740	93,354	97,681	99,806	681,158
TOTAL EXPENDITURES:	73,363	72,826	76,688	80,700	86,740	93,354	97,681	99,806	681,158

DONATION SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
FDOT Toll Revenue Credits	40,394	14,246	14,955	15,589	16,121	0	0	0	101,305
TOTAL DONATION:	40,394	14,246	14,955	15,589	16,121	0	0	0	101,305

EARLINGTON HEIGHTS (EH)/MIAMI INTERMODAL CENTER (MIC) BUS PLAZA

PROJECT # 6710190

DESCRIPTION: Construct a Bus Plaza and three FDOT MIC components at the EH/MIC connector station

LOCATION: Countywide
Countywide

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

DISTRICT LOCATED: Countywide
DISTRICT(s) SERVED: Countywide

REVENUE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
FTA Section 5309 Discretionary Grant	0	3,210	2,620	0	0	0	0	0	5,830
Capital Impr. Local Option Gas Tax	0	1,000	1,590	1,828	0	0	0	0	4,418
FDOT Funds	0	7,610	14,722	527	0	0	0	0	22,859
TOTAL REVENUE:	0	11,820	18,932	2,355	0	0	0	0	33,107
EXPENDITURE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
Construction	0	11,261	17,998	2,076	0	0	0	0	31,335
Project Contingency	0	559	934	279	0	0	0	0	1,772
TOTAL EXPENDITURES:	0	11,820	18,932	2,355	0	0	0	0	33,107

BUDGET PROJECT 6710190

Project Title: 6710190-EARLINGTON HEIGHTS (EH)/MIAMI INTERMODAL CENTER (MIC) BUS PLAZA

Project Desc: Construct a Bus Plaza and three FDOT MIC components at the EH/MIC connector station

Project(\$\$ in 000's)	Prior:	08-09:	09-10:	10-11:	11-12:	12-13:	13-14:	FUTURE:	Total:
Expenditures	0	11,820,000	18,932,000	2,355,000	0	0	0	0	33,107,000
Revenue	0	11,820,000	18,932,000	2,355,000	0	0	0	0	33,107,000

Project Type: Capital



Update Type

CDPWeb Project Milestones (\$ IN 000'S)

Milestone:	Prior:	08-09:	09-10:	10-11:	11-12:	12-13:	13-14:	FUTURE:	Total:
Construction	0	11,261,000	17,998,000	2,076,000	0	0	0	0	31,335,000
Project Contingency	0	559,000	934,000	279,000	0	0	0	0	1,772,000

CDPWeb Project Revenue (\$ IN 000'S)

Revenue:	Prior:	08-09:	09-10:	10-11:	11-12:	12-13:	13-14:	FUTURE:	Total:
FTA Section 5309 Disc	0	3,210,000	2,620,000	0	0	0	0	0	5,830,000
Capital Impr. Local O	0	1,000,000	1,590,000	1,828,000	0	0	0	0	4,418,000
FDOT Funds	0	7,610,000	14,722,000	527,000	0	0	0	0	22,859,000

Add GEO Coded Site

PROJECT SITES

EXIT

Current Contracts for Project 6710190

Dept	ContractNo	Contract Name	RTA Budget Allocation	Award Budget Allocation	CIIS Award
MT	NCP004-TR06-CT2	Orange Line Phase I - MIC-Earl	\$0.00	\$24,675,000.00	\$325,516,471.00

STRATEGIC AREA: Transportation
DEPARTMENT: Transit

***** FUNDED PROJECTS *****
(dollars in thousands)

Metrorail Projects

CENTRAL CONTROL OVERHAUL

PROJECT # 6733181

DESCRIPTION: Install new central control room system in the Stephen P. Clark Center

LOCATION: 111 NW 1 St
City of Miami

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

DISTRICT LOCATED: 5
DISTRICT(s) SERVED: Countywide

REVENUE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
FDOT Funds	375	106	2,205	0	0	0	0	0	2,686
Sunshine State Financing	133	0	0	0	0	0	0	0	133
PTP Bond Program	2,055	106	11,135	9,596	4,568	4,899	0	0	32,359
TOTAL REVENUE:	2,563	212	13,340	9,596	4,568	4,899	0	0	35,178
EXPENDITURE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
Site Development	0	0	12,840	9,096	4,068	4,599	0	0	30,603
Planning and Design	2,563	212	0	0	0	0	0	0	2,775
Other	0	0	500	500	500	300	0	0	1,800
TOTAL EXPENDITURES:	2,563	212	13,340	9,596	4,568	4,899	0	0	35,178

EARLINGTON HEIGHTS (EH)/MIAMI INTERMODAL CENTER (MIC) CONNECTOR

PROJECT # 6733210

DESCRIPTION: Extend Metrorail south 2.6 miles from the Earlington Heights Station to the Miami Intermodal Center (MIC) at Miami International Airport

LOCATION: Earlington Heights Metrorail Station to the MIC
Countywide

ESTIMATED ANNUAL OPERATING IMPACT: \$7,381

DISTRICT LOCATED: 2, 3, 5, 6
DISTRICT(s) SERVED: Countywide

REVENUE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
FDOT Funds	26,474	23,644	23,697	13,896	12,289	0	0	0	100,000
Sunshine State Financing	6,741	0	0	0	0	0	0	0	6,741
PTP Bond Program	52,217	108,450	115,504	116,292	27,325	0	0	0	419,788
TOTAL REVENUE:	85,432	132,094	139,201	130,188	39,614	0	0	0	526,529
EXPENDITURE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
Land/Bldg. Acquisition	31,987	14,168	14,806	0	0	0	0	0	60,961
Planning and Design	47,155	7,692	7,308	6,881	3,500	0	0	0	72,536
Construction	5,295	91,474	97,482	103,310	34,858	0	0	0	332,419
Equipment Acquisition	0	9,016	9,422	9,407	0	0	0	0	27,845
Project Contingency	995	9,744	10,183	10,590	1,256	0	0	0	32,768
TOTAL EXPENDITURES:	85,432	132,094	139,201	130,188	39,614	0	0	0	526,529

BUDGET PROJECT 6733210

Project Title: 6733210-EARLINGTON HEIGHTS/MIC CONNECTOR

Project Desc: Extend Metrorail south 2.6 miles from the Earlington Heights Station to the Miami Intermodal Center (MIC) at Miami International Airport

Project(\$\$ in 000's)	Prior:	08-09:	09-10:	10-11:	11-12:	12-13:	13-14:	FUTURE:	Total:
Expenditures	85,432,000	132,094,000	139,201,000	130,188,000	39,614,000	0	0	0	526,529,000
Revenue	85,432,000	132,094,000	139,201,000	130,188,000	39,614,000	0	0	0	526,529,000

Project Type: PTP

Update Type

CDPWeb Project Milestones (\$ IN 000'S)

Milestone:	Prior:	08-09:	09-10:	10-11:	11-12:	12-13:	13-14:	FUTURE:	Total:
Land/Bldg. Acquisitio	31,987,000	14,168,000	14,806,000	0	0	0	0	0	60,961,000
Planning/Design	47,155,000	7,692,000	7,308,000	6,881,000	3,500,000	0	0	0	72,536,000
Construction	5,295,000	91,474,000	97,482,000	103,310,000	34,858,000	0	0	0	332,419,000
Equipment Acquisition	0	9,016,000	9,422,000	9,407,000	0	0	0	0	27,845,000
Project Contingency	995,000	9,744,000	10,183,000	10,590,000	1,256,000	0	0	0	32,768,000

CDPWeb Project Revenue (\$ IN 000'S)

Revenue:	Prior:	08-09:	09-10:	10-11:	11-12:	12-13:	13-14:	FUTURE:	Total:
FDOT Funds	26,474,000	23,644,000	23,697,000	13,896,000	12,289,000	0	0	0	100,000,000
Sunshine State Financ	6,741,000	0	0	0	0	0	0	0	6,741,000
People's Transportati	52,217,000	108,450,000	115,504,000	116,292,000	27,325,000	0	0	0	419,788,000

CIIS Site Funding Info

SITE / Location:	Prior:	08-09:	09-10:	10-11:	11-12:	12-13:	13-14:	FUTURE:	Total:
69197-Earlington Hgts Rail Station to Miami Intl Airport	85,432,000	132,094,000	139,201,000	130,188,000	39,614,000	0	0	0	526,529,000

Add GEO Coded Site

PROJECT SITES

EXIT

Current Contracts for Project 6733210

Dept	ContractNo	Contract Name	RTA Budget Allocation	Award Budget Allocation	CIIS Award
MT	NCP004-TR06-CT2	Orange Line Phase I - MIC-Earl	\$310,587,402.15	\$0.00	\$325,516,471.00
MT	NCP004-TR06-CT2	Orange Line Phase I - MIC-Earl	\$0.00	\$335,730,395.00	\$325,516,471.00
MT	NCP004-TR07-CT1	Orange Line Phase I - MIC - Ea	\$20,444,054.40	\$0.00	\$18,950,905.00
MT	NCP004-TR07-CT1	Orange Line Phase I - MIC - Ea	\$0.00	\$20,845,995.50	\$18,950,905.00
MT	NFP004-TR07-CT4	Orange Line Phase I - MIC/Earl	Cancelled	Cancelled	Cancelled
MT	NFP004-TR07-CT4	Orange Line Phase I - MIC/Earl	Cancelled	Cancelled	Cancelled
MT	TR04-PTP1	Program Management Consulting	\$0.00	\$0.00	\$44,000,000.00

MT	TR04-PTP1	Program Management Consulting	\$0.00	\$0.00	\$44,000,000.00
MT	TR04-PTP1	Program Management Consulting	\$0.00	\$0.00	\$44,000,000.00
MT	TR05-EHT-PE	MIC/Earlington Heights Connect	\$0.00	\$17,929,994.00	\$16,299,994.00
Total Allocated:			\$331,031,456.55	\$374,506,384.50	

BID TABULATION
ORANGE LINE PHASE I - MIC/EARLINGTON HEIGHTS CONNECTOR PROJECT - CONTRACT NO. NCP004-TR06-CT2

BID OPENING - August 4, 2007

PAY ITEM NO.	DESCRIPTION	UNIT	Engineer's Estimate			PCL			KEWIT			MCM			ODEBRECHT			AGREEMENT
			QUANTITY	UNIT PRICE	TOTAL	QUANTITY	UNIT PRICE	TOTAL	QUANTITY	UNIT PRICE	TOTAL	QUANTITY	UNIT PRICE	TOTAL	QUANTITY	UNIT PRICE	TOTAL	
BI-1	GENERAL REQUIREMENTS	L.S.	1	\$ 24,180,095.00				\$ 24,180,095.00			\$ 32,970,000.00			\$ 26,267,763.00			\$ 30,145,493.00	\$ 30,001,357.21
BI-2	CONNECTOR LEVEL VESTIBULE	L.S.	1	\$ 2,636,345.00				\$ 2,636,345.00			\$ 1,890,000.00			\$ 3,427,854.00			\$ 1,700,000.00	\$ 1,700,000.00
BI-3	METRO RAIL AIRPORT STATION	L.S.	1	\$ 43,781,476.00				\$ 43,781,476.00			\$ 58,291,583.00			\$ 69,291,583.00			\$ 62,000,000.00	\$ 61,703,557.04
BI-3A	METRO RAIL AIRPORT STATION ESCALATORS # 1 THROUGH 4, 7	L.S.	1	\$ 2,455,968.00				\$ 2,455,968.00			\$ 1,400,000.00			\$ 2,817,439.00			\$ 1,500,000.00	\$ 1,492,827.99
BI-3B	METRO RAIL AIRPORT STATION ESCALATORS # 5 AND 6	L.S.	1	\$ 2,087,318.00				\$ 2,087,318.00			\$ 450,000.00			\$ 610,641.00			\$ 4,500,000.00	\$ 4,478,483.98
BI-3C	METRO RAIL AIRPORT STATION ELEVATORS	L.S.	1	\$ 525,100.00				\$ 525,100.00			\$ 2,070,000.00			\$ 4,714,810.00			\$ 2,000,000.00	\$ 1,990,437.32
BI-4	BUS PLAZA	L.S.	1	\$ 10,869,473.00				\$ 10,869,473.00			\$ 1,180,000.00			\$ 1,402,908.00			\$ 1,100,000.00	\$ 1,100,000.00
BI-5	BUS PLAZA CANOPIES (federally-funded)	L.S.	1	\$ -				\$ -			\$ 6,510,000.00			\$ 5,433,201.00			\$ 5,000,000.00	\$ 5,000,000.00
BI-6	GUIDEWAY FOUNDATIONS	L.S.	1	\$ 49,496,077.00				\$ 49,496,077.00			\$ 28,840,000.00			\$ 42,208,402.00			\$ 35,000,000.00	\$ 34,832,653.17
BI-7	GUIDEWAY COLUMNS	L.S.	1	\$ 11,105,545.00				\$ 11,105,545.00			\$ 24,870,900.00			\$ 14,562,816.00			\$ 15,000,000.00	\$ 14,928,279.93
BI-8	GUIDEWAY SUPERSTRUCTURE	L.S.	1	\$ 66,436,295.00				\$ 66,436,295.00			\$ 85,788,400.00			\$ 93,805,200.00			\$ 87,081,632.93	\$ 87,081,632.93
BI-9	GUIDEWAY TRACKWORK	L.S.	1	\$ 15,689,413.00				\$ 15,689,413.00			\$ 18,440,000.00			\$ 17,012,528.00			\$ 15,000,000.00	\$ 14,928,279.93
BI-10	ANCILLARY BUILDINGS	L.S.	1	\$ 9,421,962.00				\$ 9,421,962.00			\$ 7,520,000.00			\$ 7,072,613.00			\$ 4,700,000.00	\$ 4,677,527.71
BI-11	MISCELLANEOUS AT-GRADE ITEMS	L.S.	1	\$ 2,344,121.00				\$ 2,344,121.00			\$ 12,780,000.00			\$ 11,419,017.00			\$ 15,000,000.00	\$ 14,928,279.93
BI-12	MISCELLANEOUS GUIDEWAY ITEMS	L.S.	1	\$ 8,241,378.00				\$ 8,241,378.00			\$ 12,960,000.00			\$ 11,339,281.00			\$ 6,500,000.00	\$ 6,488,921.30
BI-13A	OPERATING SYSTEM TRACTION POWER	L.S.	1	\$ 24,711,497.00				\$ 24,711,497.00			\$ 13,160,000.00			\$ 11,193,142.00			\$ 10,000,000.00	\$ 9,952,186.62
BI-13B	OPERATING SYSTEM TRAIN CONTROL & SIGNALS S	L.S.	1	\$ 17,114,576.00				\$ 17,114,576.00			\$ 8,680,000.00			\$ 7,385,976.00			\$ 6,500,000.00	\$ 6,488,921.30
BI-13C	OPERATING SYSTEM COMMUNICATIONS	L.S.	1	\$ 12,848,802.00				\$ 12,848,802.00			\$ 3,340,000.00			\$ 2,841,782.00			\$ 2,782,493.00	\$ 2,789,188.96
BI-13D	CENTRAL CONTROL	L.S.	1	\$ 852,371.00				\$ 852,371.00			\$ 3,200,000.00			\$ 4,531,066.00			\$ 3,100,000.00	\$ 3,100,000.00
BI-14	BUS PLAZA ROADWAY WORK	L.S.	1	\$ 3,329,113.00				\$ 3,329,113.00			\$ 349,183,100.00			\$ 353,987,642.00			\$ 327,027,988.00	\$ 325,516,471.24
BASE BID TOTAL				\$308,110,925				\$308,110,925			\$ 349,183,100.00			\$ 353,987,642.00			\$ 327,027,988.00	\$ 325,516,471.24
1010.01	ALLOWANCE ACC FOR UNFORSEEN CHANGES (5% of Base Bid)			\$ 15,405,546.25				\$ 15,405,546.25			\$ 17,459,155.00			\$ 17,693,382.10			\$ 16,351,399.30	\$ 16,275,823.56
1010.02	ALLOWANCE ACC FOR ENVIRONMENTAL REMEDIATION (Ref. Section 01 21 00 - Allowances)			\$ 1,500,000.00				\$ 1,500,000.00			\$ 1,500,000.00			\$ 1,500,000.00			\$ 1,500,000.00	\$ 1,500,000.00
1010.03	ALLOWANCE ACC FOR SPARE PARTS FOR SYSTEMS (Ref. Section 01 21 00 - Allowances)			\$ 500,000.00				\$ 500,000.00			\$ 500,000.00			\$ 500,000.00			\$ 500,000.00	\$ 500,000.00
BASE BID TOTAL (Base Bid Sub Total + Allowance Accounts)				\$325,516,471.25				\$325,516,471.25			\$ 368,642,255.00			\$ 373,561,024.10			\$ 345,379,385.30	\$ 343,792,295.00
BIO-1	Upgrade of escalators numbered 1 through 4, 7 and 8 to Transit Escalators	Net L.S.	1	\$ 2,900,000.00				\$ 2,900,000.00			\$ 2,633,000.00			\$ 2,460,418.00			\$ 2,422,000.00	\$ 2,422,000.00
BIO-2	Upgrade escalators numbered 5 and 6 to Heavy Duty Transit Escalators	Net L.S.	1	\$ 1,000,000.00				\$ 1,000,000.00			\$ 907,200.00			\$ 813,643.00			\$ 800,000.00	\$ 800,000.00
BIO-3	Upgrade of MRL elevators to transit grade elevators	Net L.S.	1	\$ 350,000.00				\$ 350,000.00			\$ 1,488,200.00			\$ -			\$ -	\$ -
BIO-4	West Pedestrian Concourse with Stairs in Lieu of Escalators	L.S.	1	\$ -				\$ -			\$ 22,976,500.00			\$ 17,187,078.00			\$ 12,600,000.00	\$ 12,600,000.00
BIO-5	Upgrade of West Pedestrian Concourse to include Escalators	Net L.S.	1	\$ 14,268,408.00				\$ 14,268,408.00			\$ 6,498,800.00			\$ 4,614,231.00			\$ 4,000,000.00	\$ -
Contract Options Bid Subtotal				\$ 18,516,408.00				\$ 18,516,408.00			\$ 34,503,700.00			\$ 25,075,370.00			\$ 19,822,000.00	\$ 15,822,000.00
1010.01	ALLOWANCE ACCOUNT FOR UNFORSEEN CHANGES (5% of the Contract Options Bid Sub Total) - SELECTED OPTIONS		1	\$ 925,820.30				\$ 925,820.30			\$ 1,725,185.00			\$ 1,253,768.50			\$ 991,100.00	\$ 791,100.00
Contract Options Bid Total				\$ 19,442,226.30				\$ 19,442,226.30			\$ 36,228,885.00			\$ 26,329,138.50			\$ 20,813,100.00	\$ 16,613,100.00
ART IN PUBLIC PLACES				\$ 344,958,697.55				\$ 344,958,697.55			\$ 404,871,140.00			\$ 399,890,182.60			\$ 366,192,485.30	\$ 360,405,395.00
GRAND TOTAL																		\$ 1,203,406.00
GRAND TOTAL																		\$ 361,608,801.00

FDOT Did not select Option BIO-5 Upgrade of West Pedestrian Concourse to include Escalators

PROJECT TITLE: ORANGE LINE PHASE I - MIC-EARLINGTON HEIGHTS CONNECTOR CONTRACT NO. NCP004-TR06-CT2

IF THIS PROPOSAL IS ACCEPTED, THE UNDERSIGNED BIDDER AGREES TO COMPLETE ALL WORK UNDER THIS CONTRACT WITHIN 1095 CALENDAR DAYS AFTER THE EFFECTIVE DATE OF NOTICE TO PROCEED.

Note "A": The quantities below reflect the full project. No deductions were made for parcels not acquired prior to bidding.

Note "B": MDC shall select from the Contract Options prior to Contract Award. Selected Contract Options, if any, shall be part of the Work described in these Contract Documents.

Note "C": Refer to Section 01 11 00 - Summary of Work for a description of each Bid Item.

Note "D": Mobilization shall be included as a part of Bid Item BI-1, General Requirements. The "Mobilization" amount shall be not more than 5% of the "Base Bid Sub Total". Any bidder submitting an amount for "Mobilization" in excess of 5% of the Base Bid Sub Total may be deemed non-responsive.

Note "E": Do not add allowances to Base Bid Sub Total.

TO BE COMPLETED BY BIDDER AT BID SUBMISSION

BASE BID:

BID ITEM NO.

DESCRIPTION

UNIT QUANTITY

UNIT PRICE

TOTAL

BI-1	GENERAL REQUIREMENTS	LS	1.00	\$30,145,493	\$30,145,493
BI-2	CONNECTOR LEVEL VESTIBULE	LS	1.00	\$1,700,000	\$1,700,000
BI-3	METRORAIL AIRPORT STATION	LS	1.00	\$62,000,000	\$62,000,000
BI-3A	METRORAIL AIRPORT STATION ESCALATORS # 1 THROUGH 4, 7 & 8	LS	1.00	\$1,500,000	\$1,500,000
BI-3B	METRORAIL AIRPORT STATION ESCALATORS # 5 AND 6	LS	1.00	\$4,500,000	\$4,500,000
BI-3C	METRORAIL AIRPORT STATION ELEVATORS	LS	1.00	\$2,000,000	\$2,000,000
BI-4	BUS PLAZA	LS	1.00	\$1,100,000	\$1,100,000
BI-5	BUS PLAZA CANOPIES (federally-funded)	LS	1.00	\$5,000,000	\$5,000,000
BI-6	GUIDEWAY FOUNDATIONS	LS	1.00	\$35,000,000	\$35,000,000
BI-7	GUIDEWAY COLUMNS	LS	1.00	\$15,000,000	\$15,000,000
BI-8	GUIDEWAY SUPERSTRUCTURE	LS	1.00	\$87,500,000	\$87,500,000
BI-9	GUIDEWAY TRACKWORK	LS	1.00	\$15,000,000	\$15,000,000

CONTRACT NO. NCP004-TR06-CT2

BID FORM

ADDENDUM NO. 11

JULY 22, 2008

PAGE 54

COPY

BI-10	ANCILLARY BUILDINGS	LS	1.00	\$ 4,700,000	\$ 4,700,000
BI-11	MISCELLANEOUS AT-GRADE ITEMS	LS	1.00	\$ 15,000,000	\$ 15,000,000
BI-12	MISCELLANEOUS GUIDEWAY ITEMS	LS	1.00	\$ 6,500,000	\$ 6,500,000
BI-13A	OPERATING SYSTEM TRACTION POWER	LS	1.00	\$ 18,000,000	\$ 18,000,000
BI-13B	OPERATING SYSTEM TRAIN CONTROL & SIGNALS	LS	1.00	\$ 10,000,000	\$ 10,000,000
BI-13C	OPERATING SYSTEM COMMUNICATIONS	LS	1.00	\$ 6,500,000	\$ 6,500,000
BI-13D	CENTRAL CONTROL	LS	1.00	\$ 2,782,493	\$ 2,782,493
BI-14	BUS PLAZA ROADWAY WORK	LS	1.00	\$ 3,100,000	\$ 3,100,000
	BASE BID SUB TOTAL				\$ 327,027,986

01010.01 ALLOWANCE ACCOUNT FOR UNFORESEEN CHANGES, 5% of the Base Bid Sub Total (Ref. Contract Conditions, Article 1.08, Allowance Account)

01010.02 ALLOWANCE ACCOUNT FOR ENVIRONMENTAL

REMEDICATION (Ref. Section 01 21 00 - Allowances)

01010.03 ALLOWANCE ACCOUNT FOR SPARE PARTS FOR SYSTEMS (Ref. Section 01 21 00 - Allowances)

\$ 16,351,379

\$ 1,500,000.00

\$ 500,000.00

\$ 577,027,986
345,379,385.00

CONTRACT OPTIONS:

(Ref. Contract Conditions, Article 1.28 & Section 01 11 00 - Summary of Work)

	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
BIO-1	Upgrade of escalators numbered 1 through 4, 7 and 8 to Transit Escalators	Net LS	1.00	\$ 2,422,000	\$ 2,422,000
BIO-2	Upgrade escalators numbered 5 and 6 to Heavy Duty Transit Escalators	Net LS	1.00	\$ 800,000	\$ 800,000
BIO-3	Upgrade of MRL elevators to transit grade elevators	Net LS	1.00	\$	\$
BIO-4	West Pedestrian Concourse with Stairs in Lieu of Escalators	LS	1.00	\$ 12,600,000	\$ 12,600,000
BIO-5	Upgrade of West Pedestrian Concourse to include Escalators	Net LS	1.00	\$ 4,000,000	\$ 4,000,000
	CONTRACT OPTIONS BID TOTAL				\$ 19,822,000

COPY

 TO BE COMPLETED BY BIDDER AT BID SUBMISSION

PROJECT BASE BID TOTAL

THE SUM OF *three hundred forty five million, three hundred twenty nine thousand, three hundred eighty five* Dollars

 TO BE COMPLETED BY MIAMI-DADE COUNTY

<u>Opt. Selected</u> <u>By MDC</u>	<u>CONTRACT OPTIONS</u> (Ref. Contract Conditions, Article 1.28)	<u>UNIT</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
☐	BIO-1 Upgrade of escalators numbered 1 through 4, 7 and 8 to Transit Escalators	Net LS	1.00	\$	\$
☐	BIO-2 Upgrade escalators numbered 5 and 6 to Heavy Duty Transit Escalators	Net LS	1.00	\$	\$
☐	BIO-3 Upgrade of MRL elevators to transit grade elevators	Net LS	1.00	\$	\$
☐	BIO-4 West Pedestrian Concourse with Stairs in Lieu of Escalators	LS	1.00	\$	\$
☐	BIO-5 Upgrade of West Pedestrian Concourse to include Escalators	Net LS	1.00	\$	\$
SUB-TOTAL CONTRACT OPTIONS SELECTED BY MDC					
01010.01	ALLOWANCE ACCOUNT FOR UNFORESEEN CHANGES, 5% of the Contract Options Selected by Miami-Dade County (Ref. Contract Conditions, Article 1.08, Allowance Account)			\$	\$
Total Contract Options Selected by MDC (Sub-Total + Allowance)				\$	\$

PROJECT GRAND TOTAL INCLUDING: BASE BID TOTAL, MDC SELECTED OPTION(S) AND ALLOWANCE ACCOUNT FOR SELECTED OPTION(S)

THE SUM OF _____ Dollars
 (Print dollar amount)

 THE BIDDER UNDERSTANDS AND AGREES THAT THE ABOVE TOTAL IS INCLUSIVE OF ALL WORK NECESSARY TO COMPLETE THE WORK AS DESCRIBED IN THE CONTRACT DOCUMENTS, AND IF THIS BID IS ACCEPTED, THE UNDERSIGNED BIDDER AGREES TO ENTER INTO AND EXECUTE THE CONTRACT WITH THE NECESSARY BOND AND ACCEPT THE ABOVE TOTAL PRICE AS FULL COMPENSATION FOR THE WORK PERFORMED UNDER THIS CONTRACT.

D.C. CERTIFICATE OF COMPETENCY NO.: CGC016551 BIDDER'S NAME: Odebrecht-Tower-Community Joint Venture

BIDDER'S TELEPHONE NUMBER 305-341-8800

CONTRACT NO. NCP0-04-TR06-CT2

BID FORM

ADDENDUM NO. 9

JULY 1, 2008

PAGE 56

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1) Capital Project Cash Flow

Project Title: Orange Line Phase 1 - MIC/EHT Connector Project

In the chart below, provide a Year of Expenditure (inflation adjusted) cash flow based on the proposed budget for the project. Be sure to include all year to date spending, a reasonable estimate of current year expenditure by category and a reasonable, achievable estimate of all future year spending.

Category		All YTD Thru FY 07-08	Projected FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	Future Yrs	Total (YOE)
Inflation Rate		7.00%	7.00%	5.00%	4.50%	4.00%	3.50%	3.30%	3.30%	
Planning and Design	32,247,970	21,944,840	2,817,958	2,800,000	2,800,000	1,885,172	0		0	32,247,970
Construction	336,307,895	0	51,214,440	101,200,000	101,200,000	68,412,910	14,280,545		0	336,307,895
MDT Administration	7,592,430	4,274,165	717,750	817,750	817,750	672,585	292,430		0	7,592,430
Prog. Mngt Cons. (PMC)	14,000,000	11,583,189	400,000	750,000	600,000	400,000	266,811		0	14,000,000
Construction Admin.	19,627,964	0	4,500,000	5,400,000	5,400,000	3,000,000	1,327,964		0	19,627,964
Land/Bldg Acquisition	57,352,741	36,483,666	15,869,075		2,000,000	2,000,000	1,000,000		0	57,352,741
Utility Relo & New Service	30,500,000	3,521	10,000,000	2,000,000	15,000,000	3,496,479			0	30,500,000
Equipment Acquisition	24,500,000	0	0	8,000,000	8,000,000	8,000,000	500,000		0	24,500,000
Other	4,400,000	525,896	1,100,000	400,000	1,200,000	978,835	195,269		0	4,400,000
Project Contingency	0								0	0
Total MDT + FDOT 1st JPA =	526,529,000	74,815,277	86,619,223	121,367,750	137,017,750	88,845,981	17,863,019	0	0	526,529,000

FDOT 2nd JPA =

20,065,531

FTA Grant =

5,250,000

Total Project Budget =

551,844,531

NOTE:

Planning and Design = Preliminary Design + Final Design + Post Design
 Construction = Total Construction - FDOT and FTA components
 MDT Administration = MDT Administration
 Prog. Mngt Cons. (PMC) = PMC
 Construction Admin. = CE&I - CE&I for FDOT components
 Land/Bldg Acquisition = R/W acquisition + R/W relocation + Property management + PWD
 Utility Relo & New Service = All utility relocation + FPL new services
 Equipment Acquisition = 8 new rail vehicle + Procurement & Installation of Fare collection
 Other = Pre-operational Expenses + Permits + CSXT + APP + MCC Demolition

This cash flow is based on the negotiated Odebrecht construction bid amount.



MIAMI DADE COUNTY
Firm History Report

From: 10/01/1998 To: 10/30/2008

FIRM NAME: PARSONS/ODEBRECHT JOINT VENTURE

P.O Box 996940
Miami, FL 33299-6940

PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
RFQ-MDAD-STE (MDAD H010A)	1	AV-STP	GOAL CSBE 7%	07/26/2001	\$59,954,465.43
SOUTH TERMINAL EXPANSION PROGRAM (SIC 15)					
Change Order #	2	MAY-06-03			\$0.00
Change Order #	3	JUN-03-03			\$0.00
Change Order #	4	JUL-13-04			\$2,199,750.00
Change Order #	5	FEB-07-06			\$0.00
Change Order #	6	JUN-06-06			\$34,500,000.00
Change Order #	7	JUL-18-06			\$56,400,000.00
Change Order #	8	MAR-22-07	134 days		\$49,000,000.00
					<u>\$202,054,215.43</u>
* R-738-05					
NORTH TERMINAL DEVELOPMENT CONSOLIDATION PROGRAM F/MANAGING GENERAL CONTRACTOR					
	1	AV-AA	NO MEASURE	06/21/2005	\$542,041,500.00
Change Order #	2	MAY-22-07	393 days		\$503,459,716.00
					<u>\$1,045,501,216.00</u>
747B (SC-00068)					
A-B INFILL SHELL AND INTERIOR					
	1	AV	NO MEASURE	11/08/2007	\$9,838,764.00
					<u>\$9,838,764.00</u>

* Indicates closed or expired contracts



MIAMI DADE COUNTY
Firm History Report

From: 10/01/1998 To: 10/30/2008

FIRM NAME: PARSONS/ODEBRECHT JOINT VENTURE
P.O Box 996940
Miami, FL 33299-6940

PRIMES

PROJECT #	CONTRACT	DEPT	MEASURES	AWARD DATE	AWARD AMOUNT
Total Award Amount				\$611,834,729.43	
Total Change Orders Approved by BCC				\$845,559,466.00	
				\$1,257,394,195.43	

27



MIAMI DADE COUNTY A&E Firm History Report

From: 10/01/1998 To: 10/30/2008

FIRM NAME: PARSONS/ODEBRECHT JOINT VENTURE

P.O Box 996940
Miami, FL 33299-6940

PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT	PAID TO PRIME AS OF	REQ TO DATE	DATE REPORTED	SUBCONTRACTORS
(RFP) MDAD#J104A (BUILD) MIA MOVER (SIC 15)	1	AV	GOAL CSBE 11.54%	07/01/2008	\$342,278,032.15	\$0.00	\$0.00		* AMION ENTERPRISES INTERNATIONAL CORP. - \$0.00 * BCL CONSTRUCTION, INC. - \$0.00 * C. L. ELIAS CONSTRUCTION, INC. - \$0.00 * COMMERCIAL INTERIOR CONTRACTORS CORP. - \$0.00 * G - T CONSTRUCTION GROUP, INC. - \$0.00 * JASPER ENTERPRISES, INC. - \$0.00 * M C O CONSTRUCTION & SERVICES, INC. - \$0.00 * OVERNIGHT SUCCESS CONSTRUCTION, INC. - \$0.00 * PEOPLE'S PLUMBING, INC. - \$0.00 * U. S. BRIDGE & DREDGE, INC. - \$0.00
					<u>\$342,278,032.15</u>				
(RFP) MDAD#J104A (DESIGN) MIA MOVER (SIC) 871	1	AV	GOAL CBE 1.81%	07/01/2008	\$0.00	\$0.00	\$0.00	10/20/2008	* ADVANCE CONSULTING ENGINEERING SERVICES, INC. - \$0.00 * FRAGA ENGINEERS - \$0.00 * HR ENGINEERING SERVICES, INC. - \$0.00 * LAURA LLERENA & ASSOCIATES, INC. - \$0.00 * M.C. HARRY AND ASSOCIATES, INC. - \$0.00 * NETWORK ENGINEERING SERVICES, INC. - \$0.00 * NOVA CONSULTING, INC. - \$0.00 * PRECISION ENGINEERING GROUP, INC. - \$0.00 * RODRIGUEZ AND QUIROGA ARCHITECTS CHARTERED - \$0.00 * SANCHEZ-ZEINALI & ASSOCIATES, INC. - \$0.00
					<u>\$0.00</u>				

28

* Indicates closed or expired contracts

Change Orders without dates are pending BCC approval



MIAMI DADE COUNTY
A&E Firm History Report

From: 10/01/1998 To: 10/30/2008

FIRM NAME: PARSONS/ODEBRECHT JOINT VENTURE

P.O Box 996940
Miami, FL 33299-6940

PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT	PAID TO PRIME	AS OF	REQ TO DATE	DATE REPORTED	SUBCONTRACTORS
Total Award Amount						\$342,278,032.15				
Total Change Orders Approved by BCC						\$0.00				
Total Change Orders Approved After Requested Date Range						\$342,278,032.15				
Total Change Orders Pending						\$0.00				
						\$342,278,032.15				

29

* Indicates closed or expired contracts

Friday, November 21, 2008

Change Orders without dates are pending BCC approval

Page 2

Ver: 1



From: 10/16/2003 **To:** 10/16/2008

FIRM NAME: COMMUNITY ASPHALT CORP.
14005 NW 186th St
Hialeah, FL 33018

PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
20060439	1	PW	GOAL CSBE 18%	07/10/2007	\$8,314,420.12
PROPOSED ROADWAY IMPROVEMENTS TO NE 2ND AVENUE FROM NE 91ST STREET TO NE 105TH STREET (SIC 16)					
					<u>\$8,314,420.12</u>

Total Award Amount	\$8,314,420.12
Total Change Orders Approved by BCC	\$0.00
	<u>\$8,314,420.12</u>

* Indicates closed or expired contracts



MIAMI DADE COUNTY

Firm History Report

From: 10/16/2003 To: 10/16/2008

FIRM NAME: THE TOWER GROUP, INC
405 SW 148th Ave, Suite 1
Davie, FL 33325-0000

PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
9722A/9722B	1	CU	GOAL CSBE 19.1%	07/07/2005	\$38,412,280.00
SOUTH MIAMI-DADE CULTURAL CENTER-THEATER BLDG (SIC 15)					\$2,322,210.00
Change Order # 3 MAY-08-07					\$40,734,490.00
Total Award Amount					\$38,412,280.00
Total Change Orders Approved by BCC					\$2,322,210.00
					\$40,734,490.00