

**Date:** June 30, 2009

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

**From:** George M. Burgess  
County Manager

**Subject:** Equitable Distribution Program Professional Services Agreements  
Fourth Quarter 2008 and First Quarter 2009 Ratification Reports

Agenda Item No. 9(A)(6)

Resolution No. R-852-09

**Recommendation**

It is recommended that the Board of County Commissioners adopt the attached resolution ratifying the County Mayor's or County Mayor's designee's execution of 19 Equitable Distribution Program (EDP) Professional Services Agreements (PSA) during the Fourth Quarter of 2008 and the First Quarter of 2009 as identified on the attached EDP PSA Ratification Reports (Exhibits A and B). EDP contracts are regularly issued and renewed to qualified local architectural, engineering and landscape architectural firms (A&E) that are in good program standing. The EDP PSA is the formal mechanism which allows County departments/agencies to issue work authorizations to the eligible EDP participants. The contracts do not have an award value because there is no guaranteed compensation.

**Scope**

EDP professional service orders impact the capital improvement plans countywide.

**Fiscal Impact/Funding**

Funding for the professional services ordered under the EDP is identified at the time of issuance of the service order and is consistent with each department's capital project budgets.

**Tracking/Monitor**

Each EDP service order specifies the department's contact person responsible for the project. The "EDP Department Project Reports" are available in the Capital Improvements Information System (CIIS). The EDP program is managed by the Office of Capital Improvements (OCI).

**Delegated Authority**

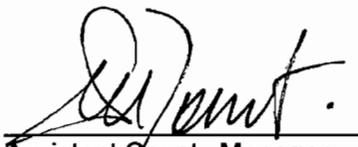
Resolution R-631-01 establishing the EDP Program which was superseded by R-667-03 delegated the authority to the County Manager to execute and terminate EDP contracts which are subsequently sent for Board ratification on a quarterly basis.

**Background**

The EDP was established by the Board in June 2001. The EDP is a pre-qualified pool of eligible A&E firms designed to increase opportunities for locally based businesses. The objectives of this program are to equitably and expeditiously distribute small capital improvement design projects within the thresholds established in Florida State Statute 287.055 for continuous contracts, as well as to facilitate contract opportunities for A&E firms. The EDP also affords County departments/agencies access to qualified professionals for smaller projects without necessitating a formal solicitation process. The program is structured to distribute projects to participants through a centralized rotational system based on each firm's prior contracting opportunities with the County. The intent of the legislation adopting the EDP was for all qualified A&E firms that have not had a previous service opportunity with the County to receive an EDP professional services agreement.

This program continues to serve its objective in providing many firms with valuable exposure and experience to successfully and more effectively compete in the marketplace. As a result, many new local firms have been able to foster a successful business relationship with the County. From the implementation of the EDP in 2002 through December 2008, there are 320 EDP firms; 85 percent certified Community Business Enterprise (CBE) firms; and over 1,250 EDP assignments totaling more than \$50 million in potential service fees distributed to 264 of the program participants. Assignments are issued on a rotational basis to eligible firms. Each firm's position in the EDP Pool is based on each of the firm's approved County technical categories and the rotational value determined from their net County dollars awarded and/or paid over the last three years.

The program has provided an efficient mechanism for capital departments to access qualified firms, and increase competition. The County has also benefited from the implementation of this program by providing A&E professional services in a more expeditious manner. Historically, the solicitation process for procuring miscellaneous contracts took approximately nine months. The average EDP project award takes approximately 30 days.

  
Assistant County Manager



**MEMORANDUM**  
(Revised)

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

**DATE:** June 30, 2009

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

**SUBJECT:** Agenda Item No. 9(A)(6)

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 Mayor'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. 9(A)(6)  
6-30-09

RESOLUTION NO. R-852-09

RESOLUTION RATIFYING THE COUNTY MAYOR'S OR COUNTY MAYOR'S DESIGNEE ACTIONS, AS AUTHORIZED BY SECTION 2-10.4 OF THE CODE OF MIAMI-DADE COUNTY IN APPROVING AGREEMENTS FOR CONTINUING SERVICES UNDER THE COUNTY'S EQUITABLE DISTRIBUTION PROGRAM

**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 ratifies the actions of the County Mayor or the County Mayor's Designee, as authorized by Section 2-10.4 of the Code of Miami-Dade County, in approving the recommendations listed on Exhibit "A and B" attached hereto and made a part hereof.

The foregoing resolution was offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 30<sup>th</sup> day of June, 2009. 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: **DIANE COLLINS**

Deputy Clerk



Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "H. Benitez", is written over a horizontal line.

Hugo Benitez

A handwritten mark in black ink, resembling the number "5", is located at the bottom center of the page.

**Office of Capital Improvements**  
**Equitable Distribution Program (EDP) Continuous Professional Services Agreements**  
**EDP PSA Ratification Report Fourth Quarter 2008**

**EXHIBIT A**  
Page 1 of 1

NOTE: Department work assignments are issued on an as needed basis based on the firms previous award and paid history on County projects.

EDP PSA 2011 A Expires 03/31/2011	New Member	Existing Member Renewal	Manager Approval	Clerk Approval	Certifications
APEC Consultants, Inc.	✓		07/28/08	07/30/08	
Architektnics, Inc.		✓	08/26/08	08/29/08	
Armando M. Montero & Associates, P.A.	✓		09/22/08	09/01/08	
Borges + Associates, P.A.	✓		09/23/08	09/24/08	CBE
Cardozo Engineering, Inc.	✓		09/23/08	09/23/08	CBE,DBE,SBE
Environmental Resources Management		✓	07/09/08	07/10/08	

EDP PSA 2011 B Expires 5/31/2011	New Member	Existing Member Renewal	Manager Approval	Clerk Approval	Certifications
Gallardo Architects, Inc.	✓		09/24/2008	09/24/2008	CBE
Langan Engineering & Environmental Services, Inc.		✓	07/19/08	07/22/08	

EDP PSA 2011 C Expires 9/31/2011	New Member	Existing Member Renewal	Manager Approval	Clerk Approval	Certifications
Perez Associates, Inc.		✓	09/09/08	09/09/08	CBE,DBE,MICRO/SBE
Protex Electrical Engineering, Inc.	✓		09/23/08	09/23/08	CBE
Research & Design Engineering, Inc.	✓		08/03/08	08/05/08	
Sequeira & Gavarrete		✓	07/28/08	07/30/08	

**Office of Capital Improvements**

**Equitable Distribution Program (EDP) Continuous Professional Services Agreements**

**EDP PSA Ratification Report First Quarter 2009**

**EXHIBIT B**  
Page 1 of 1

NOTE: Department work assignments are issued on an as needed basis based on the firms previous award and paid history on County projects.

EDP PSA 2011 A	Expires 03/31/2011	New Member	Existing Member Renewal	Manager Approval	Clerk Approval	Certifications
Axioma 3, Inc.			✓	12/19/08	12/22/08	CBE, DBE, MICRO/SBE
Burns & McDonnell Eng., Inc.		✓		11/26/08	12/03/08	
C E B Engineering, Inc.			✓	11/04/08	11/06/08	CBE, DBE, SBE

EDP PSA 2011 B	Expires 5/31/2011	New Member	Existing Member Renewal	Manager Approval	Clerk Approval	Certifications
Goldcoast Engineering Consultants, Inc.			✓	12/11/08	12/16/08	
Jordan Jones & Goulding, Inc.		✓		11/26/08	12/03/08	
M.C Harry and Associates, Inc.			✓	12/16/08	12/16/08	CBE

EDP PSA 2011 C	Expires 9/31/2011	New Member	Existing Member Renewal	Manager Approval	Clerk Approval	Certifications
Samabi Group, Inc.		✓		10/16/08	10/21/08	CBE, DBE

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR



Legislative Notes

**Agenda Item:** 9(A)6  
**File Number:** 091699  
**Committee(s) of Reference:** Board of County Commissioners  
**Date of Analysis:** June 8, 2009  
**Commission District:** Countywide  
**Type of Item:** Ratification of Agreements -Equitable Distribution Program

**Summary**

This resolution ratifies the County Manger's execution of 19 Equitable Distribution Program (EDP) Professional Services Agreements (PSA) for the Fourth Quarter 2008 and First Quarter 2009 for architectural, engineering and landscape architectural firms.

- Of the 19 firms seeking ratification, 9 are existing EDP consultants and 10 are first time contract holders.
- 2 existing EDP consultants do not have performance evaluations. **According to Office of Capital Improvement (OCI) staff, some work assignments are active or have not been closed by the Capital departments.**
- User agencies have completed past performance evaluations for 7 of the 9 existing firms that renewed their contracts during the period. One of the firms does not have a completed EDP project and the other firm's project is in the process of being cancelled. (Capital departments are tasked with completing contract performance evaluations at the completion of an EDP project)
- The resolution states that from the implementation of the EDP in 2002 through December 2008, there were 320 EDP firms; however, the EDP Contractors List on the Capital Improvements Information System (CIIS) lists 264.

According to OCI staff:

- *The 320 reflects the number of firms that were active in the program as of December 31, 2008. OCI has processed over 400 firms in the program but many are no longer active because: (1) vendors have not maintained their technical certification(s) with Miami-Dade; (2) vendors closed their offices; (3) vendors no longer maintain a office in Miami-Dade; and (4) vendors changed their name.*
- *The reasons for the discrepancy between the EDP Oracle database information and the CIIS is as follows: Many of the firms are no longer in the program and are dropped from*

*the CIIS and/or never were populated to the CIIS. The CIIS only captures prime firms that have received an EDP prime assignment. Firms that have only participated as a sub on a project are not reflected as a firm with an EDP assignment in the CIIS. Also, the EDP project data is transferred to the CIIS database quarterly.*

The item also indicates that there were 1,250 EDP assignments (active and/or inactive); however, a query search of CIIS/EDP assignments revealed 1309.

According to OCI staff:

*The number of projects reflected in the CIIS is the number of EDP projects as of May 2009 CIIS project update. The information provided on this report is as of December 31, 2008. Also, the CIIS quarterly project updates eliminate the cancelled projects. The CIIS does not capture cancelled project history.*

### **Background and Relevant Information**

The EDP was created in June 2001 when the Board of County Commissioners (BCC) adopted Administrative Order 3-33. The purpose for establishing the EDP was to fairly and equitably distribute Architectural and Engineering (A/E) professional services for all miscellaneous type projects in which construction costs do not exceed the thresholds required by Section 287.055, Florida Statutes. Due to the development of various computer programs, databases, development of the pre-qualification pool, and forms, full implementation of the program did not take place until July 2002 when the first work assignment was made.

- The OCI is tasked with overall administration of the EDP.
- New participants are not required to execute the Professional Services Agreement (PSA) until such time they are selected for a work assignment.
- Pursuant to Administrative Order 3-39 (AO), Capital departments are only required to complete one EDP performance evaluation at the completion of the assignment.
- The EDP is not a minority and/or small business program.
- The EDP provides work assignment opportunities to firms by employing a rotational selection process based on a firm's past 3 year award and payment history on County projects. The qualified EDP firms that have had less opportunities to provide services to the County over the past 3 years typically will be eligible for an EDP project assignment.
- In order for a firm to participate in the rotational process (EDP program), the firm must meet all pre-qualification process criteria and meet the EDP eligibility requirements, pursuant to AO 3-39.

	Firm	EDP Assignments	# of PSAs	Overall Performance Evaluation	Comments <sup>1</sup>
1	Architektnics, Inc.	5	1	3.8	Performance evaluations were provided for four contracts: A00-PARK-02-6 ; EDP-AV-0502-757034; EDP-AV-0502-757034-2; and EDP-GS-W50101.
2	Environmental Resources Management	5	0	4.0	Performance evaluations were provided for one contract: EDP-WS-S-115.
3	Langan Engineering & Environmental Services	14	1	3.4	Performance evaluations were provided for eight contracts: EDP-DE-003R1-MDAD; EDP-DE-003-MDAD-2; EDP-DE-003-MDAD; EDP-DE-004-MDAD; EDP-DE-004-MDAD-2; EDP-DE-002-MDAD-2; EDP-DE-002-MDAD; and EDP-DE-003R1-MDAD.
4	Perez Associates, Inc.	5	0	3.2	Performance evaluations were provided for four contracts: EDP-AV-0601-819728; EDP-FR-DB-09/10-2; EDP-FR-DB-09/10; and EDP-SP-07.010.
5	Sequeira & Gavarrete	1	1	0	No performance evaluation was provided in the EDP Contractor List. This project is in the process of being cancelled.
6	Axioma 3, Inc.	1	1	0	No performance evaluation was provided in the EDP Contractor List. Axioma 3, Inc was recently assigned their first EDP project; therefore, the vendor does not have a completed assignment.
7	CEB Engineering, Inc.	4	1	3.1	A performance evaluation was provided for one contract: E01-DERM-04, EP-15B.
8	Goldcoast Engineering Consultants, Inc.	7	1	3.8	A performance evaluation was provided for two contracts: EDP-SW-06E025 and EDP-PW-GOB-20050329
9	M.C. Harry and Associates, Inc.	1	2	4.0	A Performance evaluation was provided for only one contract: EDP-JA-SR-20059

<sup>1</sup> Some of the firm's EDP assignments are still active or have not been closed by the Capital departments. Some performance evaluations may not be reflected above.

## Comments

According to OCI staff, OCI has requested that participating Capital department Project Managers close out their projects timely and complete the performance evaluations. Administrative Order 3-42 - Evaluation and Suspension of Contractors and Consultants, states that "all contractors and consultants shall be evaluated for their performance at least once on each capital improvements contract or agreement."

According to a report by the Office of the Inspector General, dated July 26, 2007, OCI addressed the following areas: (1) user concerns that EDP firms qualifications and technical category specifications are not always carefully matched. OCI explained that ensuring firm's technical expertise matches was the responsibility of the user agency; and (2) increase training for EDP firms and user personnel. OCI stated that it will conduct workshops for new EDP firms, as well as all active participants to discuss program requirements, procedures, and participants' responsibilities.

**Prepared by:** Michael Amador-Gil