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

Memorandum

MIAMI-DADE COUNTY

Date: May 3, 2011

Agenda Item No. 9(A)(4)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Resolution No. R-351-11

Subject: Equitable Distribution Program Professional Services Agreements
2010 Ratification Report

This substitute differs from the original in that it corrects scriveners errors in the attached exhibits. In particular, it corrects the word "revieved" to "received" in Exhibits A and B and adds a column "PSA Received" to Exhibit C.

Recommendation
It is recommended that the Board of County Commissioners (Board) adopt the attached resolution ratifying the County Manager's execution of 17 Equitable Distribution Program (EDP) Professional Services Agreements (PSA) in the last three quarters of FY 2010 as identified on the attached EDP PSA Ratification Reports. (Exhibit "A, B and C") EDP contracts are regularly issued and renewed to qualified local architectural, engineering and landscape architectural firms (A&E) that are in good standing. The EDP PSA is the formal mechanism which allows County Agencies to issue work authorizations to 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 throughout the entire County and all Commission Districts.

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. There is no guaranteed compensation in these contracts. Any ongoing fiscal impacts from the resulting capital projects will be included as part of individual departments' future annual operating 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, George Navarrete, Director.

Delegated Authority
Resolution R-631-01 establishing the EDP Program which was superseded by R-667-03 delegated the authority to the County Mayor or Mayor's designee to execute and terminate EDP contracts which are subsequently sent for Board ratification.

Background
The Equitable Distribution Program was established by the Board in June 2001. The EDP is a pre-qualified pool of eligible architectural and engineering (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 continuing contracts, as well as to facilitate contract opportunities for architectural and engineering firms. The EDP affords County department's 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 architectural and engineering 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 through September 30, 2010 over 1,400 EDP assignments totaling more than $70 million in potential service fees have been disbursed among 85% of the 342 EDP members. Also, more than 85% of the Small Business Enterprise EDP members have received work opportunities. 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 (3) years.

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 45 days.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: May 3, 2011

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

SUBJECT: Agenda Item No. 9(A)(4)

Please note any items checked.

_____ "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

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ No committee review

✓ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 9(A)(4)
5-3-11

RESOLUTION NO. R-351-11

RESOLUTION RATIFYING THE COUNTY MAYOR OR 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 Manager, as authorized by Section 2-10.4 of the Code of Miami-Dade County, in approving the recommendations listed on Exhibits "A, B and C" attached hereto and made a part hereof.

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

Joe A. Martinez, Chairman			aye
Audrey M. Edmonson, Vice Chairwoman			aye
Bruno A. Barreiro	aye	Lynda Bell	aye
Jose "Pepe" Diaz	absent	Sally A. Heyman	aye
Barbara J. Jordan	aye	Jean Monestime	aye
Dennis C. Moss	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2011. 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

DIANE COLLINS
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

Office of Capital Improvements
Equitable Distribution Program (EDP) Continuous Professional Services Agreements
EDP PSA Ratification Report Second Quarter FY 2010

EXHIBIT A

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-D-R Expires 12/31/2011	PSA Received	Manager Approval	Clerk Approval	First Contract	Contract Renewal	Business Enterprises
CAMP DRESSER & MCKEE INC. (CDM)	12/21/09	01/06/10	01/07/10		✓	
CARLAB, INC.	01/27/10	02/08/10	02/08/10	✓		DBE
HUFSEY NICOLAIDES GARCIA SUAREZ ASSOCIATES, INC.	12/23/09	01/06/10	01/07/10	✓		CBE, SBE
RC GROUP, LLC	01/22/10	02/02/10	02/03/10	✓		
S.E.T. ENGINEERING & TESTING LAB., CORP.	12/16/09	01/22/10	01/22/10		✓	
SUN-TECH ENGINEERING, INC.	02/25/10	03/04/10	03/04/10	✓		
TIERRA, INC.	12/07/09	01/06/10	01/07/10		✓	
VANUS, INC.	01/27/10	02/08/10	02/08/10	✓		CBE
WRS INFRASTRUCTURE & ENVIRONMENT, INC.	03/11/10	03/18/10	03/18/10	✓		
Total EDP PSA Completed 9						

Office of Capital Improvements
Equitable Distribution Program (EDP) Continuous Professional Services Agreements
EDP PSA Ratification Report Third Quarter FY 2010

EXHIBIT B

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-D-R Expires 12/31/2011	PSA Received	Manager Approval	Clerk Approval	First Contract	Contract Renewal	Business Enterprises
ATC ASSOCIATES, INC.	04/09/10	04/15/10	04/16/10	✓		
V.E. ALVAREZ & PARTNERS, LLC	04/12/10	05/04/10	05/06/10	✓		CBE, DBE
FANJUL & ASSOCIATES, LLC	05/13/10	05/21/10	05/21/10	✓		
SIDDIQ KHAN & ASSOCIATES, INC.	05/25/10	06/01/10	06/02/10		✓	
SELLEK ARCHITECTURAL CONSULTANTS, INC.	06/11/10	06/22/10	06/22/10		✓	CBE

Total EDP PSA Completed: 5

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Office of Capital Improvements
Equitable Distribution Program (EDP) Continuous Professional Services Agreements
EDP PSA Ratification Report Fourth Quarter FY 2010

EXHIBIT C

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-D-R Expires 12/31/2011	PSA Received	Manager Approval	Clerk Approval	First Contract	Contract Renewal	Business Enterprises
ENVIRONMENTAL REGULATORY COMPLIANCE, INC. (ERC)	09/07/10	09/21/10	09/21/10	✓		CBE
MAURICE GRAY ASSOCIATES, INC.	07/07/10	07/15/10	07/16/10		✓	CBE
SCHINDLER ARCHITECTS, INC.	07/01/10	07/15/10	07/16/10		✓	

Total EDP PSA Completed: 3

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

Legislative Notes

Agenda Item:	**9A4**
File Number:	**110320**
Committee(s) of Reference:	**Board of County Commissioners**
Date of Analysis:	**April 6, 2011**
Type of Item:	**Ratification**

Summary

This resolution ratifies the County Manager's execution of 17 Equitable Distribution Program (EDP) Professional Services Agreements (PSA) in the last three quarters of FY 2010 for architectural, engineering and landscape architectural firms.

- Of the 17 firms seeking ratification, seven (7) are existing EDP consultants and 10 are first time Professional Service Agreements.
- Six (6) of the firms who received their first EDP contract do not have evaluations yet because they have not completed their first County work assignment. [1]
- Two (2) existing EDP consultants with completed EDP assignments do not have performance evaluations. Please see explanation on the consultant chart below.
- According to Office of Capital Improvement (OCI) staff, some work assignments are active or have not been closed by the capital departments. Capital departments are tasked with completing contract performance evaluations at the completion of an EDP project.

According to OCI staff:

- *There are 342 firms that were active in the program as of 10/1/2010. OCI has processed over 430 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.*

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.

- OCI is tasked with overall administration of the EDP.

[1] The firms with first EDP contracts are: Carlab; Hufsey Nicolides Garcia Suarez Associates, Inc.; Sun-Tech Engineering, Inc.; Vanus, Inc.; V.E. Alvarez & Partners, LLC; and Environmental Regulatory Compliance, Inc.

- 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 fewer opportunities to provide services to the County over the past 3 years are primarily given the first opportunities 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.

Equitable Distribution Program/Professional Services Agreement

	Firm	EDP Assignments	A&E PSAs	Average Performance Evaluation	EDP Past Performance Evaluations (PPE) are required when a department closes their project[2]
1	Camp Dresser & Mckee	3	7	3.6	20 performance evaluations were provided.
2	Carlab, Inc.	1	0	0	EDP project not completed.
3	Hufsey Nicolides Garcia Suarez Associates, Inc.	1	0	0	EDP project not completed.
4	RC Group, LLC	3	0	3.8	One performance evaluation was provided.
5	S.E.T. Engineering & Testing Lab, Corp.	According to OCI staff, the EDP Project was cancelled	3	0	No EDP assignments.
6	Sun-Tech Engineering, Inc.	1	0	0	EDP project not completed.
7	Tierra, Inc.	16	2	0	No performance evaluation was provided for the firm. According to OCI staff, EDP assignments for testing services were performed by Tierra. Public Works testing pool contracts were inactive.
8	Vanus, Inc.	1	0	0	EDP project not completed. According to OCI staff, Vanus was bought out by Gannett Fleming and the project has now been transferred
9	WRS Infrastructure & Environment, Inc.	3	0	3.2	Five performance evaluations were provided.
10	ATC Associates, Inc.	1	3	3.0	Two performance evaluations were provided.
11	V.E. Alvarez & Partners, LLC	1	0	0	EDP project not completed.
12	Fanjul & Associates, LLC	3	0	4.0	One performance evaluation was provided.
13	Siddiq Khann & Associates, Inc.	6	1	0	No performance evaluation was provided for the firm. According to OCI staff, this vendor had four EDP Assignments in 2005 and 2006 to assist the Bldg Dept's Aviation Office with plan reviews. The MDAD supervisors, at the time, did not complete evaluations and are no longer involved with the office.

[2] **Some of the firm's EDP assignments are still active and/or have not been closed by the Capital departments. Some performance evaluations may not be reflected in this table.**

	Firm	EDP Assignments	A&E PSAs	Average Performance Evaluation	EDP Past Performance Evaluations (PPE) are required when a department closes their project[2]
					One EDP project active.
14	Selllek Architectural Consultants, Inc.	3	0	3.2	One performance evaluation was provided.
15	Environmental Regulatory Compliance, Inc.	1	0	0	EDP project not completed.
16	Maurice Gray Associates, Inc.	5	0	2.6	Two performance evaluations were provided.
17	Schindler Architects, Inc.	4	0	2.5	According to OCI staff, Interim performance evaluations were provided.

Source: Office of Capital Improvements Staff/CIIS System Report, March 2011.

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."

Prepared by: Michael Amador-Gil