

**MIAMI-DADE COUNTY, FLORIDA  
 NOTICE TO PROFESSIONAL CONSULTANTS (NTPC)  
 MIAMI-DADE COUNTY AVIATION DEPARTMENT (MDAD)  
 GENERAL CIVIL ENGINEERING SERVICES  
 ISD PROJECT NO. E16-MDAD-03**

The County Mayor, Miami-Dade County (County), pursuant to Section 287.055, Florida Statutes, Sections 2-8.1 and 2-10.4 of the County Code, Implementing Order 3-34, and Administrative Order (A.O.) 3-39, announces that professional architectural and engineering services will be required to perform rehabilitation and improvements to aprons, taxiways and underground utilities.

**Preclusion: The selected Prime firm awarded a Professional Services Agreement (PSA) under ISD Project No. A16-MDAD-02: Terminal Optimization Program (TOP) – Project Support Services, will be precluded from being part of a team awarded any future TOP project. TOP projects include, but are not limited to, the following:**

- Airport Operations Center Design Services;**
- MIA Central Base Apron and Utilities Modification and Expansion;**
- General Civil Engineering Services;**
- General MEP Engineering & Design Services;**
- Terminal Optimization Program (TOP) Facility Design Services; and**
- General Special Systems Engineering Services**

The TOP project listing noted above is subject to change at any time. Please note that the aforementioned preclusion statement also applies to any TOP projects that may be added in the future.

It is the policy of Miami-Dade County that all elected and appointed County officials and County employees shall adhere to the Public Service Honor Code (Honor Code). The Honor Code consists of minimum standards regarding the responsibilities of all public servants in the County. Violation of any of the mandatory standards may result in enforcement action. (See I.O. 7-7)

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## **DIVISION 1.0 PROCEDURES AND SCOPE OF SERVICES**

### **1.1 DEFINITIONS**

The following definitions, as well as additional terms necessary for understanding the provisions of this solicitation, are defined in A.O. 3-39. Subject legislation may be obtained via the internet at [www.miamidade.gov](http://www.miamidade.gov), or from the Clerk of the Board (COB); refer to Division 2.2 for COB location.

- a) A/E: Architectural and engineering.
- b) COB: Clerk of the Board.
- c) CSC: Competitive Selection Committee. As defined in Section 2-10.4 (5) of the Code, the committee appointed by the County Mayor or County Mayor's designee to evaluate qualifications and performance of the firms requesting consideration for the specific project, and select the most qualified firm (s) to perform the services.
- d) Consultant: Respondent that receives an award of a contract, from the County, as a result of this solicitation. Consultant is also synonymous with the term "prime consultant".
- e) Contract: Synonymous with the term "agreement." An agreement refers to the Professional Services Agreement (PSA).
- f) E&Q: Experience and Qualifications. An aptitude and knowledge/familiarity factor which shall be considered by the appointed CSC during the evaluation process.
- g) Internal Services Department: Internal Services Department: County department which combined the former Americans with Disability Act Coordination, Capital Improvements, General Services Administration, and Procurement Management departments.
- h) LOQ: Letter of Qualifications. A two-page document identified in this NTPC, which will be utilized by Miami-Dade County to obtain information from A/E firms about their qualifications. Subject LOQ is required to be submitted on or before the deadline for receipt of proposals.
- i) Non-Responsive: Term utilized to identify a proposer, who in the County's sole discretion, has not complied with all the material requirements outlined in the solicitation, as applicable. Those proposers who are found non-responsive may not be considered for contract award.
- j) NTPC: Notice to Professional Consultants. A document soliciting professional A/E services. Subject document contains scope description, technical certification requirements, applicable contract measures, data sheets (forms to be completed and submitted as part of the proposal), and submission dates.
- k) Preference: Term utilized to identify positive evaluation consideration granted, by the appointed CSC, to consultants demonstrating favored experience, as denoted in Section 1.2, Scope of Services.
- l) Pre-Qualification Certification: An annual certification process required of all firms

providing A/E, landscape architectural, land surveying and mapping professional services pursuant to Miami-Dade County professional services agreements. Pre-qualification certification is the consolidation of various certification processes and includes, but may not be limited to, technical certification, affirmative action plan verification, vendor registration and execution of basic Miami-Dade County affidavits, as applicable. The pre-qualification certification program is administered by the ISD. Pre-Qualification approval is granted to firms who have received approval from ISD on all the required certification processes outlined above.

- m) Project: Shall mean that fixed capital outlay study or planning activity as defined in Section 2-10.4(1) (e) (1) and (2), of the Code.
- n) Proposer: The person, firm, entity or organization submitting a response to this solicitation. Term is synonymous with the words "submitter" and/or "respondent."
- o) PSA: Professional Services Agreement. Synonymous with the term "contract."
- p) Responsive: Term utilized to identify a proposer who, in the County's sole discretion, has complied with all the material requirements outlined in the solicitation, as applicable.

## **1.2 SCOPE OF SERVICES**

The projects involve rehabilitation and improvements to aprons, taxiways, and underground utilities Terminal-wide including demolition, repair, foundations, bridges, utility relocations, fueling, canal culvert, passenger loading bridges and appurtenances at Miami International Airport (MIA), Miami Homestead General Aviation Airport, Miami Executive Airport, MIA General Aviation Center, Miami-Opa Locka Airport, and Dade-Collier Training and Transition Airport. The Public Works Pool Contracts will be used for subsurface investigations and surveying.

Two (2) consultant/team of firms shall be retained under non-exclusive Professional Services Agreements (PSA) for a contract period of six (6) years. The estimated total contract amount is \$5,513,750.00, each, inclusive of applicable contingencies and allowance accounts.

### **Experience and Qualifications:**

It is preferred that the prime have cumulative five (5) years of experience within the last 20 years in modifying aprons, taxilanes, taxiways, runways, underground utilities, foundations, fueling, canal culverting, utility relocations, airfield lighting, signage, markings, drainage, construction phasing and maintenance of traffic.

## **1.3 TEAMING RESTRICTIONS**

Respondents must select between submitting as a prime consultant or sub-consultant when responding to a specific solicitation. All affected proposals, wherein the respondent is in violation of this condition, shall not be considered.

- a) Consultants electing to submit as a prime consultant may only respond once to a solicitation, limited to participation on a single team. If submitting as a prime

consultant, said consultant may not participate as a sub-consultant on the same solicitation. In the event of specific industry requirements, the County Mayor or County Mayor's designee may make exceptions.

- b) A/E sub-consultants may only participate on three (3) teams when responding to a solicitation, due to the availability of firms in each of the specified A/E technical certification categories.

If a prime consultant or sub-consultant fails to adhere to the restrictions stated herein and participates in more than the outlined maximums, then all affected proposals shall be found non-responsive.

#### **1.4 PRE-QUALIFICATION REQUIREMENTS**

In accordance with Chapter 2, Section 2-10.4 and Administrative Order 3-39 of Miami-Dade County, all firms and/or individual consultants properly licensed to provide A/E, landscape architectural, land surveying and mapping services, regardless of their individual assignments in connection with this project, and responding to this solicitation must have filed a pre-qualification package with and have an approved pre-qualification status from ISD by the response deadline of this solicitation. Firms and/or individual consultants are required to have and maintain an approved pre-qualification certification status at the time of submittal to this NTPC, throughout the selection process, at time of award, and throughout the duration of the contract term without any lapses. Interested A/E firms must secure the required pre-qualification certification, which includes, but may not be limited to technical certification, affirmative action plan verification vendor registration and execution of basic Miami-Dade County affidavits, as applicable, prior to the submittal date. Proposers (prime and/or sub-consultants) failure to be pre-qualified, at the time of proposal submittal, shall render the proposal non-compliant.

PLEASE VERIFY EACH TEAM MEMBER PROVIDING A/E SERVICES HAS AN APPROVED PRE-QUALIFICATION CERTIFICATION PRIOR TO THE RESPONSE DEADLINE.

#### **1.5 WORK HISTORY DISCLOSURE**

Work History Disclosure (WHD) and supplement forms are not required to be submitted with the proposal. It is the requirement for all A/E firms to submit a Work History Disclosure (WHD) at least once. Subsequently, the Prime is responsible for submitting a Monthly Utilization Report (MUR) to report all payments to Primes and sub-consultants. WHD is limited to firms providing architectural, engineering, landscape architecture, land surveying and mapping services. Any firm proposing on this solicitation that has not previously submitted a WHD and up to date MURs is required to submit subject form(s), prior to the submittal date, to the Internal Services (ISD) Department, 111 N.W. 1st Street, 19th Floor, Miami, Florida 33128, Attention: Small Business Development. New firms requesting pre-qualification certification with Miami-Dade County to provide A/E, landscape architectural, land surveying and, mapping services are required to submit WHD forms to ISD. For additional information, please contact Small Business Development, at (305) 375-3111.

## **1.6 A/E TECHNICAL CERTIFICATION REQUIREMENTS**

### **4.01 Aviation Systems – Engineering Design (PRIME)**

### **10.01 Environmental Engineering – Stormwater Drainage Design Engineering Services (PRIME)**

### **17.00 Engineering Construction Management (PRIME)**

### 11.00 General Structural Engineering

To satisfy the technical certification requirements for the requested services, valid technical certification in all of the above-specified area(s) of work must be held by a firm responding as a sole respondent, or a team of firms. Teams of firms must designate one of its members as the “prime consultant”. The prime consultant will be held responsible for the coordination of all work and must hold technical certification in categories 4.01 Aviation Systems – Engineering Design, 10.01 Environmental Engineering – Stormwater Drainage Design Engineering Services, and 17.00 Engineering Construction Management. Joint ventures shall not be allowed. Furthermore, if an individual is providing services that require technical certification by Miami-Dade County, then said individual is required to have the relevant certification(s). Individuals who are not technically certified will not be allowed to perform work for those scopes of work requiring technical certification. Additionally, firms that list other areas of work as supplements to the required technical certifications must also be certified for those supplemental areas.

For non-project specific questions regarding Miami-Dade County's A/E Technical Certification and Certification Committee meeting dates, please contact Nubia Jarquin, ISD, at (305) 375-5637. Technical Certification application submission deadline dates and Technical Certification meeting dates may be accessed via the web at <http://www.miamidadecounty.gov/procurement/library/pgc-tc-schedule-2016.pdf>.

Proposers (prime and/or sub-consultants) failure to be technically certified at the time of proposal submittal, as applicable, shall cause the proposal to be deemed non-compliant.

## **1.7 CONTRACT MEASURE(S)**

The Miami-Dade County Disadvantage Business Enterprise (DBE) goals are as follows:

### **2 Agreements – 23% DBE each**

(Refer to Exhibit “A” - DBE Participation Provisions)

Proposed participating DBE firms must have a valid Miami-Dade County DBE certification by the response deadline of this solicitation. If selected, participating DBE firms must have a valid DBE certification at the time of award of the contract and throughout the contract term.

All required DBE documents must be completed and submitted. Failure to submit the required documentation may render the proposal non-responsive.

## **1.8 SCHEDULE**

The anticipated schedule for this solicitation is as follows:

NTPC Available for Distribution:	June 30, 2016
Pre-Submittal Project Briefing: Location:	July 14, 2016 at 11:00 A.M. Stephen P. Clark Center 111 N.W. 1 <sup>st</sup> Street 18 <sup>th</sup> Floor, Conference Room 18-4 Miami, Florida 33128
Deadline for Receipt of Questions:	July 21, 2016 at 5:00 P.M. (Local Time)
Deadline for Receipt of Proposals: Location:	August 10, 2016 at 3:30 P.M. (Local Time) Miami-Dade County, Clerk of the Board Stephen P. Clark Center 111 NW 1 <sup>st</sup> Street, 17 <sup>th</sup> Floor, Suite 17-202 Miami, Florida, 33128
First Tier & Second Tier Meetings:	TBD
A/E Consultant Selection Coordinator: Address:	Cristina Amores Stephen P. Clark Center 111 N.W. 1 <sup>st</sup> Street, Suite 1300 Miami, FL 33128
Telephone:	(305) 375-4259
E-Mail:	<a href="mailto:Cristina.Amores@miamidade.gov">Cristina.Amores@miamidade.gov</a>

All project specific questions and/or requests for public documents shall be addressed, in writing, to the A/E Consultant Selection Coordinator, referenced above, with a copy to the COB.

While attendance is not mandatory, interested parties are encouraged to attend the Pre-Submittal Project Briefing. This meeting provides interested parties a more detailed scope of the requested services, response requirements, and provides any necessary clarifications prior to the response deadline. Proposers are encouraged to submit any questions in writing, to the A/E Consultant Selection Coordinator no less than three working days in advance of the Pre-Submittal Project Briefing date.

## **1.9 ADDITIONAL INFORMATION/ADDENDA**

Requests for additional information or clarifications must be made in writing and addressed to the A/E Consultant Selection Coordinator denoted in this NTPC. Subject requests must be submitted no later than the deadline for receipt of questions specified in Section 1.8, Schedule. The request must contain the ISD project number, title, proposer's name, name of proposer's contact person, address, phone number, and e-mail address. E-mail requesting additional information will be received by the A/E Consultant Selection Coordinator at the e-mail address specified in **Section 1.8** above.

The County will issue responses to inquiries and any other corrections or amendments it deems necessary in the form of written addenda; subject addenda will be issued prior to the deadline for receipt of proposals. Proposers should not rely on any representations, statements or explanations other than those made in this NTPC or in any written addenda to this NTPC. Where there appears to be conflict between the NTPC and any addenda, the last addendum issued shall prevail. It is the proposer's responsibility to assure receipt of all addenda. Proposers are required to acknowledge the number of addenda received, in the LOQ, as part of their proposal.

Proposers who obtain copies of this NTPC from sources other than the County's website risk the potential of not receiving addenda. Such proposers are solely responsible for those risks. Only proposers, who are included in the County's Vendors List, for this particular NTPC, will receive pertinent addenda.

### **1.10 NTPC AVAILABILITY**

A solicitation notification will be forwarded electronically to all consultants who are pre-qualified with Miami-Dade County and who have denoted an e-mail address, and commodity code 99-999 (PRE-QUALIFIED ARCHITECTS AND ENGINEERS) on their vendor registration form. It will also be e-mailed to those that have vendor enrolled. The NTPC and accompanying documents may be obtained online at <http://www.miamidade.gov/procurement/solicitations.asp>. Once directed to the aforementioned site click on "Solicitations" for additional information on how to do business with Miami-Dade County. Copies of the NTPC, forms, and accompanying participation provisions, as applicable, may also be obtained from ISD at the Stephen P. Clark Center, 111 NW 1<sup>st</sup> Street, 13th Floor, Suite 1300, Miami, Florida 33128. The phone number for the unit is (305) 375-2307.

### **1.11 APPLICABLE LEGISLATION**

The selected consultant will be required to abide by all applicable federal, state, and local laws, as amended. The following are among the applicable laws:

#### **Florida Statute(s)**

- Section 119.07: Inspection and Copying of Records; Photographing Public Records; Fees; Exemptions.
- Section 119.0701: Contracts; Public Records
- Section 287.055: Consultants Competitive Negotiation Act
- Section 287.133: Public Entity Crimes

#### **Miami-Dade County Code**

- Section 2-1076: Office of the Inspector General
- Section 2-8.5: Local Preference
- Section 2-8.5.1: Local Certified Veteran Business Enterprise
- Section 2-8.8: Fair Subcontracting Practices
- Section 2-10.4: Acquisition of Professional Architectural, Engineering, Landscape Architectural or Land Surveying and Mapping Services.
- Section 2.11.1: Conflict of Interest and Code of Ethics
- Section 10-34: Listing of Subcontractors Required

### Ordinance(s)

- 03-27: Cone of Silence
- 03-107: Ordinance Amending Section 2-11.1 (s) of the Conflict of Interest and Code of Ethics
- 07-65: Sustainable Building Program
- 09-68: Local Certified Service Disabled Veterans Preference
- 82-37: A/E Affirmative Action Plan
- 98-30: County Contractors- Employment/Procurement Practices
- 11-24: Community Business Enterprise
- 11-90: Ordinance Relating to the Collection of Data for a Disparity Study
- 14-79: Sea-Level Rise Ordinance

### Implementing Order(s)

- 3-34: Formation and Performance of Selection Committees
- 3-32: Community Business Enterprise
- 3-41: Small Business Enterprise
- 7-7: Policies and Procedures Establishing a Public Services Honor Code for Elected and Appointed County Officials and County Employees

### Administrative Order(s)

- 3-20: Independent Private Sector Inspector General Services
- 3-26: Ordinance Amending Section 2-10.4 Requiring Certain Agreements for Professional Architectural and Engineering Services to Include Value Analysis as a Part of the Base Scope of Services.
- 3-39: Standard Process for Construction of Capital Improvements, Acquisition of Professional Services, Construction Contracting, Change Orders and Reporting
- 10-10: Duties and Responsibilities of County Departments for Compliance with the Americans with Disabilities Act (ADA)

### Resolution(s)

- R-1040-93: Affirmative Action Plan Furtherance and Compliance
- R-385-95: Policy Prohibiting Contracts with Firms Violating the American with Disabilities Act (ADA) and Other Laws Prohibiting Discrimination on the Basis of Disability ADA Requirements, are a Condition of Award, as Amended by Resolution R-182-00
- R-894-05: Independent Private Sector Inspector General Services
- R-744-00: Requiring the Continued Engagement of Critical Personnel in Contracts for Professional Services for the Duration of the Project
- R-185-00: Domestic Violence Leave Requirements are A condition of Award
- R-273-05: Public Involvement Planning
- R-390-10: Resolution Rescinding Administrative Order 3-34, Formation and Performance of Selection Committees, and Approving Implementing Order 3-34 to Provide Direction to The County Mayor or His Designee Regarding the Formation and Performance of Selection Committees.
- R-63-14: Contractor Due Diligence Affidavit
- R-1106-15: Aspirational Policy of Miami-Dade County

Copies of the aforementioned legislation may be obtained at the COB. Refer to Section 1.8, Schedule, for detailed COB location information).

### **1.12 CONE OF SILENCE**

Pursuant to Section 2-11.1(t) of the Miami-Dade County Code, as amended, a "Cone of Silence" is imposed upon advertisement of each Request for Proposal (RFP) or Request for Qualifications (RFQ), and terminates at the time a written recommendation is issued to the County Mayor (Mayor) or Board of County Commissioners (BCC), as applicable. The Cone of Silence is hereby defined to mean a prohibition on the following, among possible others:

- a) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the County's professional staff including, but not limited to, the Mayor and his or her staff;
- b) Any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the Mayor and his or her staff;
- c) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the selection committee therefore;
- d) Any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the selection committee therefore;
- e) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Mayor, County Commissioners and their respective staffs; and
- f) Any communication regarding a particular RFP, RFQ, or bid between any member of the County's professional staff and any member of the selection committee therefore.

The Mayor and the Chairperson of the selection committee may communicate about a particular selection recommendation, but only after the committee has submitted an award recommendation to the Mayor and provided that should any change occur in the committee recommendation, the content of the communication and of the corresponding change as well as the reasons for such change shall be described in writing and filed by the Mayor with the COB and be included in any recommendation submitted by the Mayor to the BCC. Notwithstanding the foregoing, the Cone of Silence shall not apply to:

- a) Competitive processes for the award of Community Development Block Grants (CDBG), Home Investment Partnership Program (HOME), State Housing Initiatives Partnership (SHIP) and Surtax Funds administered by the Miami-Dade County, Office of Community and Economic Development and the community-based organization (CBO) competitive grant processes administered by the Park and Recreation, Library, Water and Sewer, and Solid Waste Departments,

Cultural Affairs and Tourist Development Councils and the Department of Environmental Resources Management;

- b) Communications with the County Attorney and his or her staff;
- c) Communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees of the Management and Technical Assistance Unit of SBD regarding small business and/or minority business programs, the CBE and Equitable Distribution Programs (EDP);
- d) Communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees responsible for administering disadvantaged business enterprise programs in County departments receiving federal funds, provided the communications are limited strictly to matters of programmatic process or procedure;
- e) Duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the Mayor makes his or her written recommendation;
- f) Any emergency procurement of goods or services pursuant to Administrative Order 3-2;
- g) Communications regarding a particular RFP, RFQ or bid between any person and the Vendor Information Center staff, the procurement agent or contracting officer responsible for administering the procurement process for such RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document;
- h) Communications between a potential vendor, service provider or bidder and employees the DPM or other department identified in the solicitation document as the issuing department; and
- i) Consultations by employees of the DPM with professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.

#### Exceptions

- a) The provisions of this ordinance shall not apply to oral communications at pre-bid conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, public presentations made to the BCC during any duly noticed public meeting or communications in writing at any time with any county employee, official or member of the BCC unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the COB and the COB shall make copies available to any person upon request.
- b) The provisions of this ordinance shall also not apply to oral communications at briefings held by county commissioners and the County Mayor or his designee, after the selection committee or other evaluating group makes its recommendation to the Mayor, provided that the briefings are not intended to influence the outcome of the selection committee or other evaluating group's recommendation to the

Mayor; provided, however, that this exception shall not apply to outside groups such as lobbyists or representatives of the responding or bidding companies or entities.

#### Penalties

- a) In addition to the penalties provided in Subsections (s) and (v) hereof, violation of this Subsection (t) by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to said bidder or proposer voidable. Any person who violates a provision of this ordinance shall be prohibited from serving on a Miami-Dade County CSC. In addition to any other penalty provided by law, violation of any provision of this ordinance by a Miami-Dade County employee shall subject said employee to disciplinary action up to and including dismissal. Additionally, any person who has personal knowledge of a violation of this ordinance shall report such violation to the State Attorney and/or may file a complaint with the Ethics Commission.

Within thirty (30) days of a recommendation from a selection committee, the County Mayor or his designee shall either appoint a negotiation committee or take other affirmative action with respect to the solicitation, including but not limited to rejection of proposals or recommendation for award. In the event that negotiations have not commenced within thirty (30) days, or if such other affirmative action has not been taken within thirty (30) days, the County Mayor or his designee shall report such event, and the reasons therefore, to the BCC. Additionally, the County Mayor or his designee shall present the COB with a recommendation for award, or a recommendation to reject proposals, within ninety (90) days from the date a selection committee makes a recommendation. In the event that the County Mayor or his designee has not provided such recommendation to the COB within ninety (90) days, the County Mayor or his designee shall provide a report on the status of the solicitation to the BCC, including the reasons for any delay.

Written communications may be in the form of an e-mail, with a copy to the COB at [clerkbcc@miamidade.gov](mailto:clerkbcc@miamidade.gov).

This language denoted above is only a summary of the key provisions of the Cone of Silence. Please review Section 2-11.1(t) of the Miami-Dade County for a complete and thorough description of the Cone of Silence.

#### **1.13 COMMUNICATIONS AND SUBMITTAL OF ADDITIONAL INFORMATION**

Additional submittals and/or supplemental information after the submission deadline, as noted in Section 1.8, shall be submitted solely to the Clerk of the Board, and only upon request by the County Proposers are hereby advised that effective with the advertisement of this solicitation, proposers and their lobbyists are prohibited from having any communication, oral or written, with CSC members or the entire CSC outside of the publicly noticed Selection Committee meetings. All communications shall be forwarded to the A/E Selection Coordinator with a copy to the Clerk of the Board.

**1.14 LOCAL PREFERENCE**

Not Applicable

**1.15 CONFIDENTIAL INFORMATION**

The proposer shall not submit any information in response to this solicitation which he or she considers to be a trade secret or confidential. The submission of any information to the County in connection with this solicitation shall be deemed conclusively to be a waiver of any trade secret or other protection, which would otherwise be available to the proposer. If a proposer submits information to the County in violation of this restriction, either inadvertently or intentionally, and clearly identifies that information in the proposal as protected or confidential, then the County shall endeavor to redact and return subject information to the proposer as quickly as possible, if appropriate. The County will then evaluate the balance of the proposal. The redaction or return of information pursuant to this clause may render a proposal non-responsive.

**1.16 CONFLICT OF INTEREST RELATED TO SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY**

Questions regarding organizational conflicts of interest shall be submitted prior to the submittal date and addressed to the Miami-Dade Commission on Ethics by any bidder, proposer, contractor, or subcontractor regarding potential organizational conflicts pertaining to its own bid, or by the local government contracting officer regarding potential organizational conflicts pertaining to any bidder, proposer, contractor, or subcontractor. The Commission on Ethics shall evaluate the request based on standards established under the Federal Acquisition Regulation (FAR) at 48 CFR § 9.5 (2013) in order to determine if any possible organizational conflicts of interest exist. Determinations by the Commission on Ethics shall be deemed final. When a bidder, proposer, contractor, or subcontractor is found to have a conflict, the submittal presented by the conflicted party shall be rendered nonresponsive.

**1.17 DRAFT PROFESSIONAL SERVICES AGREEMENT (PSA)**

The PSAs will be released to the selected firms at the time of negotiations.

**1.18 SUSTAINABLE BUILDING PROGRAM, IF APPLICABLE**

Not Applicable

**1.19 VENDOR REGISTRATION**

A Miami-Dade County Vendor Registration Package (VRP) must be completed in order to be recommended for contract award. Effective July 1, 2008, a new VRP, inclusive of the Uniform Affidavit Packet (Affidavit Form), must be completed by vendors and returned to ISD's, Vendor Assistance Unit, within 14 days of notification of the intent to recommend for contract award. In the event the VRP is not properly completed and returned within the specified time the County may, in its sole discretion, award to the next lowest responsive, responsible proposer. The proposer is responsible for downloading the VRP and applicable affidavits, from the ISD website at <http://www.miamidade.gov/procurement/vendor-services.asp>. In addition, copies of the VRP and applicable affidavits may be obtained from ISD's, Vendor Assistance Unit, located at the Stephen P. Clark Center, 111 N.W. 1<sup>st</sup> Street, 13<sup>th</sup> Floor, Miami, FL 33128.

### **1.20 PUBLIC ENTITY CRIMES**

Pursuant to Paragraph 2(a) of Section 287.133, Florida Statutes, a person or affiliate who has been placed on the Convicted Vendor List following a conviction for a public entity crime is prohibited from the following:

- Submitting a proposal for a contract to provide any goods or services to a public entity;
- Submitting a proposal on a contract with a public entity for the construction or repair of a public building or public work;
- Submitting a proposal on leases of real property to a public entity;
- Being awarded or performing work as a contractor, supplier, sub-contractor, or consultant under a contract with any public entity;
- Transacting business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two (\$10,000), for a period of 36 months from the date of being placed on the Convicted Vendor List.

### **1.21 LOBBYIST CONTINGENCY FEES**

In accordance with Section 2-11.1(s) of the Code of Miami-Dade County, after May, 16, 2003, no person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee.

A contingency fee is a fee, bonus, commission or non-monetary benefit as compensation that is dependent on, or in any way contingent upon, the passage, defeat, or modification of: 1) any ordinance, resolution, action or decision of the BCC; 2) any action, decision or recommendation of the Mayor or any County board or committee; or 3) any action, decision or recommendation of any County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation that foreseeably will be heard or reviewed by the BCC or a County board or committee.

### **1.22 LOCAL CERTIFIED VETERAN BUSINESS ENTERPRISE PREFERENCE**

Not Applicable

### **1.23 ENERGY EFFICIENT BUILDING TAX CREDIT, IF APPLICABLE**

The Energy Policy Act (EP Act) of 2005 (Section 1331) as established IRS Section 179D, allows taxpayers to accelerate depreciation on the cost of qualified energy efficient commercial building property placed-in-service after December 31, 2005. This incentive was recently extended by the Emergency Economic Stabilization Act of 2008, to include improvements placed-in-service before January 1, 2014. The returns may be amended going back three (3) tax years, so projects that come on line in 2007 or afterwards are eligible.

The Consultant is designated as the Designer/Construction Manager ("the Designer") for the energy efficient improvements incorporated in the Energy Consumption Reduction Project ("the Project") for:

- a) The purposes of allocating accelerated depreciation benefits pursuant to Section 179D of the Internal Revenue Code of 1986, as amended (the "Code").
- b) If County and the Internal Revenue Service (IRS) determine that the Consultant is eligible and shall receive accelerated depreciation benefits as a "Designer" for the purposes of Section 179D of the Code or that the Consultant shall otherwise benefit financially from the monetization of the accelerated depreciation benefit, the Consultant hereby agrees to discount its contract price or provide a cash rebate to County (the determination of rebate versus discount to be determined by County in its sole discretion) in an amount equal to the total financial benefit realized by the Consultant; at the time the financial benefit to the Consultant becomes ascertainable.
- c) County reserves the right to retain a third party consultant (the "Third Party Consultant") to manage and administer the process of obtaining and monetizing the accelerated depreciation benefit derived from the Project and to designate the Third Party Consultant as the "Designer" of the energy efficient improvements for the purposes of Section 179D of the Code.
- d) The County agrees to cooperate in all reasonable respects with the Consultant's efforts to obtain and monetize any such benefits derived from the Project on behalf of County.

By executing this proposal through a duly authorized representative, the proposer certifies that the proposer is not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, as those terms are used and defined in sections 287.135 and 215.473 of the Florida Statutes. In the event that the proposer is unable to provide such certification but still seeks to be considered for award of this solicitation, the proposer shall, on a separate piece of paper, clearly state that it is on one or both of the Scrutinized Companies lists and shall furnish together with its proposal a duly executed written explanation of the facts supporting any exception to the requirement for certification that it claims under Section 287.135 of the Florida Statutes. The proposer agrees to cooperate fully with the County in any investigation undertaken by the County to determine whether the claimed exception would be applicable. The County shall have the right to terminate any contract resulting from this solicitation for default if the proposer is found to have submitted a false certification or to have been placed on the Scrutinized Companies for Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

#### **1.24 SCRUTINIZED COMPANIES**

By executing this proposal through a duly authorized representative, the proposer certifies that the proposer is not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, as those terms are used and defined in sections 287.135 and 215.473 of the Florida Statutes. In the event that the proposer is unable to provide such certification but still seeks to be considered for award of this solicitation, the proposer shall, on a separate piece of paper, clearly state that it is on one or both of the Scrutinized Companies lists and shall furnish

together with its proposal a duly executed written explanation of the facts supporting any exception to the requirement for certification that it claims under Section 287.135 of the Florida Statutes. The proposer agrees to cooperate fully with the County in any investigation undertaken by the County to determine whether the claimed exception would be applicable. The County shall have the right to terminate any contract resulting from this solicitation for default if the proposer is found to have submitted a false certification or to have been placed on the Scrutinized Companies for Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

#### **1.25 SUBCONTRACTORS - RACE, GENDER AND ETHNIC MAKEUP OF OWNERS AND EMPLOYEES**

Pursuant to Ordinance No. 11-90, for all contracts which involve the expenditure of one hundred thousand dollars (\$100,000) or more, the entity contracting with the County must report to the County the race, gender and ethnic origin of the owners and employees of its first tier subcontractors using the Subcontractor/Supplier Listing form. In the event that the successful proposer demonstrates to the County prior to award that the race, gender and ethnic information is not reasonably available at that time, the successful proposer shall be obligated by contract to exercise diligent efforts to obtain that information and to provide the same to the County no later than ten (10) days after it becomes available and, in any event, prior to final payment under the contract.

#### **1.26 ACCESS STATEMENT FOR NOTICES OF PUBLIC MEETINGS AND DEPARTMENTAL PUBLICATIONS**

The Americans with Disabilities Act (ADA) obligates State and local governments to provide effective communications for individuals with disabilities. This includes written and oral communications. To request materials in accessible format, sign language interpreters, and/or any accommodation to participate in a County-sponsored program or meeting regarding this solicitation, please contact the Contracting Officer listed herein five (5) days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

#### **1.27 SEA LEVEL RISE**

In accordance with Ordinance 14-79, the Consultant shall consider the potential impacts of sea level rise.

#### **1.28 PUBLIC RECORDS AND CONTRACTS FOR SERVICES PERFORMED ON BEHALF OF MIAMI-DADE COUNTY**

The Contractor shall comply with the Public Records Laws of the State of Florida, including but not limited to: (1) keeping and maintaining all public records that ordinarily and necessarily would be required by Miami-Dade County (County) in order to perform the service; (2) providing the public with access to public records on the same terms and conditions that the County would provide the records and at a cost that does not exceed the cost provided in Chapter 119, F.S., or as otherwise provided by law; (3) ensuring that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; and (4) meeting all requirements for retaining public records and transferring, at no cost, to the County all

public records in possession of the Contractor upon termination of the contract and destroying any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements upon such transfer. In addition, all records stored electronically must be provided to the County in a format that is compatible with the information technology systems of the County. Failure to meet any of these provisions or to comply with Florida's Public Records Laws as applicable shall be a material breach of the agreement and shall be enforced in accordance with the terms of the agreement.

**IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (305) 375-5773; [ISD-VSS@MIAMIDADE.GOV](mailto:ISD-VSS@MIAMIDADE.GOV); 111 NW 1 STREET, SUITE 1300, MIAMI, FLORIDA 33128**

**1.29 ASPIRATIONAL POLICY REGARDING DIVERSITY**

Pursuant to Resolution No. R-1106-15 Miami-Dade County vendors are encouraged to utilize a diverse workforce that is reflective of the racial, gender and ethnic diversity of Miami-Dade County and employ locally-based small firms and employees from the communities where work is being performed in their performance of work for the County. This policy shall not be a condition of contracting with the County, nor will it be a factor in the evaluation of solicitations unless permitted by law.

## **DIVISION 2.0 PROPOSAL REQUIREMENTS**

### **2.1 FORMAT AND CONTENTS**

Proposers should carefully follow the format and instructions outlined herein. The LOQ must include the signature of the firm's authorized representative. Please refer to Section 2.2, Submittal Requirements for Initial Submission and Second Tier Additional Information, when Applicable, for the amount of copies to be submitted.

Every firm or team of firms, whether a sole respondent, a prime consultant firm, or a sub-consultant firm, must be responsive to all applicable items contained in this NTPC. Proposers shall not modify any of the forms provided, and must submit the completed forms listed below in their proposal. Failure to provide all of the requested information may deem a respondent's proposal non-responsive.

Each proposal (original and copies) shall consist of the following documents in the order noted below and must be bound.

a) Letter of Qualifications

This document, together with all other ISD applicable forms, is available on Miami-Dade County's webpage at the following link:  
<http://www.miamidade.gov/procurement/architectural-engineering-forms.asp>.

Proposers are advised that changes to the proposed team composition, such as adding, deleting or replacing a firm(s), or individual sub-consultant(s), after the response deadline specified herein, will only be allowed at the discretion of Miami-Dade County. Under no circumstance shall a change be allowed that results in a proposer gaining a competitive advantage over other proposers.

The execution of the LOQ constitutes the unequivocal offer of the proposer to be bound by the terms of its proposal. Failure of a respondent to properly execute the LOQ may render the proposal non-responsive. The County, may however, at its sole discretion, accept any proposal that includes an executed document which unequivocally binds the proposer to the terms of its offer.

b) Resumes

Resumes must be submitted for all team members participating on the project. Subject document must be paginated and include personnel's name at the top of each page.

Additional personnel which do not adequately fit in the space provided in the LOQ shall be added on an additional sheet to be appended to the LOQ.

c) ISD Form No. 5 - Lobbyist Registration Affidavit

ISD Form No. 5 shall be submitted by the prime consultant, and shall list all members of the presentation team who will be participating in Second Tier (oral presentations). An amended ISD Form No. 5 must be submitted to the COB prior to Second Tier (oral presentations), if additional individuals will be speaking at

subject meeting. The amended form should be titled as "Amended" and should denote those members that have been substituted and/or added with an asterisk. Be sure to submit the amended form to both ISD and the COB within the above stated timeframe. Applicable fees may apply.

Pursuant to Miami-Dade County's Ethics Commission Rules and Procedures, Section I, Subsection 9.7, Selection Committee Registration Requirements, please be advised of the following:

1. Any person who appears as a representative for an individual or firm, for an oral presentation before a County certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the County all individuals who may make presentations. The affidavit shall be filed with the COB at the time of response submittal.
2. The individual or firm must submit a revised affidavit for any additional team members with the COB, by the time of the scheduled oral presentation. Any person not listed on the revised affidavit or who is not a registered lobbyist will not be permitted to participate in the oral presentation.

All additional team members, who are lobbyists, as defined herein, must file a principal authorization form (for the individual or entity) with the COB, prior to the oral presentation.

- d) ISD Form No. 11 - Experience & Qualification / Preference / Reference Form  
ISD Form No. 11 shall be submitted by each team member (Prime, A/E Sub-consultant, and/or non-A/E sub-consultant), as applicable. Applicable firm must list previous similar type project in which it has performed work. The reference provided should be for one project and must comply with the requirements listed in Section 1.2. Firms must denote whether the reference project is to meet an experience and qualification requirement, a preference stipulation, and/or a general project reference.
- e) Table of Organization (T.O.) - It is required that a TO, inclusive of the following information, be submitted by the Prime Consultant:
  1. Listing of all team member firms as denoted on the LOQ. All firms must be denoted with proper Federal Employer Identification Number (FEIN). For purposes of satisfying the applicable requirements of this solicitation, Miami-Dade County considers every company having a different FEIN, a separate legal entity.
  2. Listing of all assigned personnel and professional services, including Miami-Dade County's technical certification categories assigned to each team member in connection with this project.
- f) DBE Provisions and Forms (Please refer to Exhibit "A").

g) Contractor Due Diligence Affidavit

Failure to provide the information required by Miami-Dade County may result in the negative evaluation of the team, or disqualification of the team, at Miami-Dade County's sole discretion.

Please ensure that each one of your references has been advised that they may be contacted by ISD staff, or designee, to verify the information provided in any of the following applicable forms:

- ISD Form No. 11 Experience & Qualification / Preference / Reference Form

Pursuant to an Ethics and Public Trust Commission opinion, dated March 15, 2005, respondents requesting professional references from Miami-Dade County employees must submit said request in writing, to the attention of subject County employee with a copy to the COB. The COB may be reached via e-mail at [clerkbcc@miamidade.gov](mailto:clerkbcc@miamidade.gov).

Pursuant to Section 2-11.1(p) of the Miami-Dade County Code, County employees may not provide personal letters of recommendation.

The County Mayor or County Mayor's designee may impose the loss of eligibility to participate in County contracts, for a specified period of time not to exceed five (5) years, upon an applicant, its individual officers, its shareholders with significant interests, and its affiliated businesses for violations of, or non-compliance with A.O. 3-39. Subject violations and/or non-compliance may include the falsification of information provided in a proposal and/or consultant selection documents.

Please note that the following forms are not required to be included with your proposal. The selected Proposer must submit the following as a condition of award:

ISD Form No. 7 – Subcontractor/Supplier Listing (Ordinance 97-104)

ISD Form No. 9 – Fair Subcontracting Policies (Section 2-8.8 of the Miami-Dade County Code).

DBE Post Award Forms (Refer to Exhibit "A"):

- DBE Monthly Utilization Form
- Affidavit of DBE Subcontractor Payment
- Project Site Review

**2.2 SUBMITTAL REQUIREMENTS FOR INITIAL SUBMISSION AND SECOND TIER ADDITIONAL INFORMATION, WHEN APPLICABLE**

Interested firms must submit their proposal in sealed envelope(s) and/or container(s), which clearly state the following:

- Project Number
- Project Title
- Consultant's Name

- Consultant's Mailing Address
- Consultant's Telephone Number

Each sealed envelope and/or container shall include one (1) printed and signed original; five (5) printed copies; six (6) digital copies on a CD, and one (1) digital copy on a flash drive, in searchable pdf format; inclusive of the firm's authorized representative's signature. All sealed envelopes and/or containers shall be delivered to the following location:

**Miami-Dade County  
Clerk of the Board  
Stephen P. Clark Center  
111 NW 1<sup>st</sup> Street, Suite 17-202 - Miami, Florida 33128  
Attention: Ms. Cristina Amores  
Re: ISD Project No. E16-MDAD-03**

Pursuant to Florida Statute 119.07(3) (m), all proposals received will become public record 30 days after the response deadline.

To preclude a late respondent from having an advantage, economic or otherwise, all submittals shall be delivered to the COB, Suite 17-202, no later than the proposal submittal deadline denoted in Section 1.8, Schedule. The COB will stamp each submittal with the date and time of receipt. This stamp shall constitute definite evidence of such date and time. All proposals received and time stamped by the COB prior to the proposal submittal deadline shall be accepted as timely submittals. The circumstances surrounding all proposals received and time stamped by the COB after the proposal submittal deadline will be evaluated by the procuring department in consultation with the County Attorney's Office, in order to determine whether the proposal will be accepted as timely.

The responsibility for submitting a proposal to the COB, on or before the stated time and date, is solely and strictly the responsibility of the proposer. Miami-Dade County is not responsible for delays caused by any mail, package/couriers service, nor caused by any other occurrence.

Be advised that all sealed proposal envelopes and/or containers received after the specified response deadline may not be considered.

**In the event that the CSC elects to hold a Second Tier meeting (oral presentations), the order of presentations will be based on the reverse order of receipt at the COB of each firm's First Tier proposals (including any addenda, amendments, or supplemental information). That is, short-listed firms that submit their final proposals to COB first, will be scheduled to provide their oral presentations last at the Second Tier meeting.**

### **2.3 POSTPONEMENT/CANCELLATION**

The County may, at its sole and absolute discretion, reject any and all, or parts of any and all proposals; re-advertise this solicitation; postpone or cancel, at any time, this solicitation process; or waive any irregularities in this solicitation or in the proposals received as a

result of this solicitation.

**2.4 COSTS INCURRED BY PROPOSERS**

All expenses involved with the preparation and submission of proposals to the County, or any work performed in connection therewith, shall be the sole responsibility of the proposer(s). No payment will be made for any responses received, nor for any other effort required of, or made by the proposer(s) prior to commencement of work as defined by a contract approved by the BCC.

## **DIVISION 3.0 EVALUATION/SELECTION PROCESS**

### **3.1 INTRODUCTION**

The County Mayor or County Mayor's designee will appoint a CSC with the appropriate experience and/or knowledge necessary to evaluate the scope of services. The CSC will be comprised of appropriate County personnel from multiple departments and members of the community as deemed necessary, while also being balanced with regards to ethnicity and gender.

### **3.2 SELECTION PROCESS**

In accordance with the guidelines established in I.O. 3-34 and A.O. 3-39, proposals will be evaluated based on a two tier selection process, when applicable. In the event that the County receives fewer than three proposals, or fewer than three proposals are determined to be responsive and responsible to perform the required services, the County may proceed with the number of proposal(s) received which are determined to be responsive and responsible, provided that the County has conducted an analysis of market availability for subject services and determined at its sole discretion that there is no further market availability or immediate interest to provide subject services. Furthermore, in the event that the County receives fewer than three proposals, the County at its sole discretion may extend the proposal submittal deadline date, denoted in Section 1.8, Schedule, provided that proposal(s) have not been opened. A summary of the evaluation process to be utilized in this solicitation is set forth below.

### **3.3 PROPOSAL EVALUATION**

The CSC will evaluate responsive, responsible proposals, based on First and Second Tier criteria, in an effort to make a responsible recommendation to the County Mayor or County Mayor's designee as to which of the respondents should be granted the right to negotiate a contract for the solicited services. This recommendation is made with the objective of effecting an equitable distribution of contracts among qualified firms. Upon the County Mayor or County Mayor designee's approval, the County shall enter into negotiations with the recommended proposer(s).

First Tier evaluation will be performed based on the criteria listed below. A proposer may receive a maximum qualitative point value of 100, or any portion thereof, per CSC member in his or her discretion, depending on the merit of the proposal in accordance with the following criteria:

#### **FIRST TIER EVALUATION CRITERIA**

*Criterion 1A: Qualifications of Firms Including the Team Members Assigned to the Project (1 point min. / 50 point max.)*

Evaluation of the qualifications of the firm and individuals to be assigned to the project, quality and availability of the manager and staff of the firm to be assigned (if any). The qualifications shall also include, but not be limited to, familiarity with County regulations and experience level of professional and management staff.

*Criterion 2A: Knowledge and Past Experience of Similar Type Projects  
(1 point min. / 20 point max.)*

Evaluation of the respondent's understanding of the scope of work, which may include but not be limited to studies performed that may affect the specific project being evaluated for: key design elements, contract, approach to the project, understanding and awareness of the permitting requirements involved with the project and health and safety programs as applicable. Evaluation of respondent's past experience and knowledge on similar type projects.

*Criterion 3A: Past Performance for the Firms  
(1 point min. / 20 point max.)*

Evaluation of the firms on the team, overall interrelationship with proposed sub consultants and responsiveness, experience in scheduling projects, and timely submittal of deliverables on past projects. Respondents shall submit a minimum of one (1) reference for work performed within a ten-year period or another period stated within the NTPC. For respondents with previous County work experience, ISD shall provide the CSC the available performance evaluation data for each firm. The firms may be provided a standard questionnaire to augment the County's data.

*Criterion 4A: Amount of Work Awarded and Paid by the County  
(1 point min. / 5 point max.)*

The value for services awarded and paid to each prime consultant or sub consultant firm(s) on the team including current County contracts for a three-year period from the submittal date of the solicitation shall be considered, with the consultant with the least dollars paid receiving the highest point value. The firm's prior years net compensation and/or potential compensation for professional services rendered on County's projects shall also be considered. When reporting the dollar value of services performed as a prime consultant, the dollar value shall exclude the sub consultant agreement or fees associated with the subject professional services performed.

*Criterion 5A: Ability of the Team Members to Interface with the County  
(1 point min. / 5 point max.)*

Communication ability, proximity to the project, commitment to satisfy the County's requirements and familiarity with County guidelines.

The Consultant Selection Committee (CSC) Chairperson records the qualitative points awarded by each CSC member for each of the five (5) criteria for each respondent firm. Chairperson records the total qualitative points for each firm.

Chairperson determines and records ordinal scores for each firm based on the qualitative points awarded to each firm by each CSC member.

The CSC Chairperson shall determine the adjusted ordinal score by discarding the highest and lowest ordinal scores for each firm and tabulating the remaining ordinal scores.

The firms shall be ranked by the CSC based on the adjusted ordinal score and such rank shall become the final rankings for recommendation by the CSC (CSC Rank).

Pursuant to Miami-Dade County Code 2-10.4 and I.O. 3-34, the adjusted qualitative score of all CSC Ranked proposers will be determined by discarding the highest and lowest total qualitative scores and tabulating the remaining qualitative scores. The adjusted qualitative scores shall be used for any necessary tie-breaks or application of the LCVBE or Local Business Preference.

Upon conclusion of the First Tier evaluation process, the CSC may exercise one of the following options:

- a) The CSC may waive the Second Tier evaluation process, and recommend to the County Mayor or County Mayor's designee that a contract be negotiated with the highest ranked responsive and responsible proposer(s) based solely on the evaluation results of First Tier. Upon the County Mayor or County Mayor designee's approval, the County shall enter into negotiations with the recommended proposer(s).
- b) The CSC may short-list and require short-listed respondents to participate in a Second Tier. Short-listed respondents may be required to submit additional documentation which may include, but is not limited to, knowledge of project scope, qualifications of team members assigned to the project, and ability to provide required services within schedule and budget and /or to participate in oral presentations.

If the CSC decides by majority vote to waive Second Tier, the CSC recommendation shall be reflective of the ranking. Upon the County Mayor or County Mayor designee's approval, the County shall enter into negotiations with the recommended respondent(s).

If the CSC decides by majority vote to proceed to Second Tier, the CSC First Tier ranking shall be reflective of the application of LCVBE, Local Preference, and any tie-breakers as applicable.

If proceeding to Second Tier, ISD staff will notify short-listed respondents regarding the following as applicable:

- Oral presentation date, time, location and duration
- Additional information submittal due date, time and location. This information shall be submitted to the Clerk of the Board as indicated in Section 2.2 – Submittal Requirements.

A proposer participating in the Second Tier evaluation process may receive a maximum qualitative point value of 100, or any portion thereof, per CSC member in his or her discretion, depending on the merit of the proposal in accordance with the following criteria:

#### SECOND TIER EVALAUTION CRITERIA

##### *Criterion 1B: Knowledge of Project Scope (1 point min. / 50 point max.)*

Evaluation of the respondent's understanding of the scope of work, which may include but not be limited to, studies performed that affect this project, key design elements, (a design scheme may be required) and effects on the community involved. The managerial

approach to the advertised solicitation shall also be evaluated, including the implementation of systems that shall be utilized to keep track of the project schedule, cost control, quality assurance and quality control, understanding and awareness of permitting requirements and health and safety programs.

*Criterion 2B: Qualifications of Team Members Assigned to the Project  
(1 point min. / 40 point max.)*

Evaluation of the qualifications of the individuals to be assigned to the project, including the project manager and staff of the firm to be assigned (if any). The qualifications shall include, but not be limited to, experience with similar projects, management experience, and familiarity with County regulations.

*Criterion 3B: Ability to Provide Required Services within Schedule and Budget  
(1 point min. / 10 point max.)*

Evaluation of the respondent's overall management approach including experience in scheduling projects, systems that will be used to keep track of the schedule, cost control, quality assurance, and quality control, issues and methods employed to avoid cost overruns and project delays.

The CSC's scores for Second Tier criteria will be submitted in writing to the A/E Consultant Selection Coordinator. The total qualitative points given by each CSC member to each respondent will be converted to an ordinal score pursuant to Miami-Dade County Code 2-10.4. The firms shall be ranked by the CSC based on the ordinal score and such rank shall become the final rankings for recommendation by the CSC (CSC Rank). The qualitative scores may be used for any necessary tie-breaks or application of the LCVBE or Local Business Preference.

Upon the County Mayor or County Mayor designee's approval, the County shall enter into negotiations with the recommended proposer(s).

**3.4 NEGOTIATIONS:**

The County reserves the right to enter into contract negotiations with the selected proposer(s). If the County and the proposer(s) do not agree to the terms of the PSA, then the County may elect to terminate negotiations and begin negotiating with the second highest ranked proposer and so forth. This process will continue until a contract has been executed, or all submittals have been rejected. No proposer shall have any claims and/or rights against the County arising from such negotiation and/or the qualification process.

**CARLOS A. GIMENEZ  
COUNTY MAYOR  
MIAMI-DADE COUNTY, FLORIDA**



**MIAMI-DADE COUNTY – INTERNAL SERVICES DEPARTMENT (ISD)  
ARCHITECT-ENGINEER LETTER OF QUALIFICATIONS (LOQ)**

**(I) - PROJECT INFORMATION**

ISD Project No.: E16-MDAD-03      Measures 23%      Goal       DBE       No. of Addenda Received:  
Project Name: GENERAL CIVIL ENGINEERING SERVICES

**Prime # 1**

**(II) - PRIME CONSULTANT INFORMATION**

Name: \_\_\_\_\_ FEIN: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Business Address: \_\_\_\_\_ Principal: \_\_\_\_\_ Phone: ( ) - \_\_\_\_\_  
Contact Person's Name and Title: \_\_\_\_\_ Project Manager: \_\_\_\_\_ Fax: ( ) - \_\_\_\_\_  
Assigned Personnel: \_\_\_\_\_

**(III) - PROPOSED A/E SUB-CONSULTANT(S) INFORMATION**

Sub #	Firm Name	FEIN	Assigned Personnel
2			
3			
4			
5			
6			
7			
8			

**(IV) – A/E TECHNICAL CERTIFICATION REQUIREMENTS**

(Please use Prime # and Sub # to identify each firm from section II and III)

A/E Technical Certification Category	Prime #	Sub #
4.01 Aviation Systems – Engineering Design - PRIME		
10.01 Environmental Engineering – Stormwater Drainage Design Engineering Services - PRIME		
17.00 Engineering Construction Management - PRIME		
11.00 General Structural Engineering		

**(V) - PROPOSED NON-A/E SUB-CONSULTANT(S) INFORMATION**

(Non-A/E firms shall not perform services described in a Technical Certification Categories)

<b>a</b>	Firm Name: _____ FEIN: _____ Phone: ( ) - _____
	Address: _____
<b>b</b>	Assigned Personnel: _____
	Assigned Services: _____

(VI) - ABILITY OF TEAM MEMBERS TO INTERFACE WITH THE COUNTY

(VII) - RESUMES FOR ASSIGNED PERSONNEL

Attach resumes for assigned personnel identified on this LOQ.

(VIII) - LOCAL CERTIFIED VETERAN BUSINESS ENTERPRISE

A Local Certified Veteran Business Enterprise is a firm that is a) a local business pursuant to Section 2-8.5 of the Code of Miami-Dade County and b) is certified by the State of Florida Department of Management Services as a Service-Disabled Veteran Business Enterprise pursuant to Section 295.187 of the Florida Statutes, prior to proposal submittal. At the time of proposal submission, the Local Certified Service-Disabled Veteran Business Enterprise must affirm in writing its compliance with the certification requirements of Section 295.187 of the Florida Statutes and submit said affirmation and a copy of the actual certification along with the proposal submission.

Place a checkmark here only if affirming proposer is a certified Local Certified Veteran Business Enterprise. A copy of the required certification must be submitted with the proposal.

THE EXECUTION OF THE LOQ CONSTITUTES THE UNEQUIVOCAL OFFER OF PROPOSER TO BE BOUND BY THE TERMS OF HIS OR HER PROPOSAL. FAILURE OF AN AUTHORIZED PRIME FIRM REPRESENTATIVE TO SIGN THIS LOQ WHERE INDICATED BELOW, MAY RENDER THE PROPOSAL NON-RESPONSIVE. HOWEVER, THE COUNTY MAY, AT ITS SOLE DISCRETION, ACCEPT ANY PROPOSAL THAT INCLUDES AN EXECUTED DOCUMENT WHICH UNEQUIVOCALLY BINDS THE PROPOSER TO THE TERMS OF HIS OR HER OFFER.

(IX) - PRIME CONSULTANT ACKNOWLEDGEMENT

I hereby certify that to the best of my knowledge and belief all the foregoing information is true and correct.

Authorized Prime Consultant's Representative: (Print Name) Title:

Signature Authorized Representative: Date:

FOR MIAMI-DADE COUNTY - ISD USE ONLY

DO NOT WRITE IN THIS SECTION

A/E TECHNICAL CERTIFICATION REQUIREMENTS

Table with 5 columns: TC #, Team, Pre Q (Yes/No), TC (Yes/No), and Additional Comments. Rows include TC # 4.01, 10.01, 17.00, and 11.00.

FOR MIAMI-DADE COUNTY - ISD USE ONLY

DO NOT WRITE IN THIS SECTION

ISD FORMS AND OTHER DOCUMENTATION

Table with 3 columns: Forms, Verification (Yes/No), and Additional Comments. Rows include ISD Form No. 1, ISD Form No. 5, ISD Form No. 11, Table of Organization, Completed SBE Forms and/or documentation, and Contractor Due Diligence Affidavit.

**(VI) - ABILITY OF TEAM MEMBERS TO INTERFACE WITH THE COUNTY**

**(VII) - RESUMES FOR ASSIGNED PERSONNEL**

Attach resumes for assigned personnel identified on this LOQ.

**(VIII) - LOCAL CERTIFIED VETERAN BUSINESS ENTERPRISE**

A Local Certified Veteran Business Enterprise is a firm that is a) a local business pursuant to Section 2-8.5 of the Code of Miami-Dade County and b) is certified by the State of Florida Department of Management Services as a Service-Disabled Veteran Business Enterprise pursuant to Section 295.187 of the Florida Statutes, prior to proposal submittal. At the time of proposal submission, the Local Certified Service-Disabled Veteran Business Enterprise must affirm in writing its compliance with the certification requirements of Section 295.187 of the Florida Statutes and submit said affirmation and a copy of the actual certification along with the proposal submission.

Place a checkmark here only if affirming proposer is a certified Local Certified Veteran Business Enterprise.  
A copy of the required certification must be submitted with the proposal.

**THE EXECUTION OF THE LOQ CONSTITUTES THE UNEQUIVOCAL OFFER OF PROPOSER TO BE BOUND BY THE TERMS OF HIS OR HER PROPOSAL. FAILURE OF AN AUTHORIZED PRIME FIRM REPRESENTATIVE TO SIGN THIS LOQ WHERE INDICATED BELOW, MAY RENDER THE PROPOSAL NON-RESPONSIVE. HOWEVER, THE COUNTY MAY, AT ITS SOLE DISCRETION, ACCEPT ANY PROPOSAL THAT INCLUDES AN EXECUTED DOCUMENT WHICH UNEQUIVOCALLY BINDS THE PROPOSER TO THE TERMS OF HIS OR HER OFFER.**

**(IX) - PRIME CONSULTANT ACKNOWLEDGEMENT**

I hereby certify that to the best of my knowledge and belief all the foregoing information is true and correct.

Authorized Prime Consultant's Representative: \_\_\_\_\_ Title: \_\_\_\_\_  
(Print Name)

Signature Authorized Representative: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR MIAMI-DADE COUNTY - ISD USE ONLY  
DO NOT WRITE IN THIS SECTION**

**A/E TECHNICAL CERTIFICATION REQUIREMENTS**

TC #	Team	Pre Q		TC		Additional Comments
25.00		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4.01		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4.02		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
15.02		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

**FOR MIAMI-DADE COUNTY - ISD USE ONLY  
DO NOT WRITE IN THIS SECTION**

**ISD FORMS AND OTHER DOCUMENTATION**

Forms	Verification			Additional Comments
ISD Form No. 1	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
ISD Form No. 5	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
ISD Form No. 11	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
Table of Organization	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
Completed SBE Forms and/or documentation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	
Contractor Due Diligence Affidavit	Yes <input type="checkbox"/>	No <input type="checkbox"/>		



The individuals named above are Registered and the Registration Fee is not required for the Oral Presentation ONLY. Proposers are advised that any individual substituted for or added to the presentation team after submittal of the proposal and filing by staff, MUST register with the Clerk of the Board and pay all applicable fees. Other than for the oral presentation, Proposers who wish to address the county commission, county board or county committee concerning any actions, decisions, or recommendations of County personnel regarding this solicitation in accordance with Section 2-11.1(s) of the Code of Miami-Dade County MUST register with the Clerk of the Board (Form BCCFORM2DOC) and pay all applicable fees.

I do solemnly swear that all the foregoing facts are true and correct and I have read or am familiar with the provision of Section 2-11.1(s) of the Code of Metropolitan Dade County as amended.

SIGNATURE OF AUTHORIZED REPRESENTATIVE \_\_\_\_\_

STATE OF \_\_\_\_\_ (Name and Title of Signatory, Printed or Typed)

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_

BY \_\_\_\_\_ a \_\_\_\_\_ (Individual, Officer, Partner or Agent) (Sole, Corporation or Partnership)

who is personally known to me or who has produced \_\_\_\_\_ as identification, and who did/did not take an oath.

\_\_\_\_\_  
(Signature of Notary Public Taking Acknowledgment)

\_\_\_\_\_  
(Name of acknowledger typed, printed or stamped)

\_\_\_\_\_  
(Title or Rank)

\_\_\_\_\_  
(Serial Number, if any)

(ATTACH ADDITIONAL COPIES OF THESE SHEETS IF NECESSARY)

**ISD Form 7 - SUBCONTRACTOR/SUPPLIER LISTING**  
(Miami-Dade County Code Sections 2-8.1, 2-8.8 and 10-34)

Firm Name of Prime Contractor/Respondent \_\_\_\_\_  
Project/Contract Number \_\_\_\_\_

FEIN # \_\_\_\_\_

In accordance with Sections 2-8.1, 2-8.8 and 10.34 of the Miami-Dade County Code, this form must be submitted as a condition of award by all bidders/respondents on County contracts for purchase of supplies, materials or services, including professional services which involve expenditures of \$100,000 or more, and all bidders/respondents on County or Public Health Trust construction contracts which involve expenditures of \$100,000 or more. The bidder/respondent who is awarded this bid/contract shall not change or substitute first tier subcontractors or direct suppliers or the portions of the contract work to be performed or materials to be supplied from those identified, except upon written approval of the County. The bidder/respondent should enter the word "NONE" under the appropriate heading of this form if no subcontractors or suppliers will be used on the contract and sign the form below.

In accordance with Ordinance No. 11-90, an entity contracting with the County shall report the race, gender and ethnic origin of all first tier subcontractors/suppliers. In the event that the successful bidder demonstrates to the County prior to award that the race, gender, and ethnic information is not reasonably available at that time, the successful bidder shall be obligated to exercise diligent efforts to obtain that information and provide the same to the County not later than ten (10) days after it becomes available and, in any event, prior to final payment under the contract. (Please duplicate this form if additional space is needed.)

Business Name and Address of First Tier Subcontractor/ Sub-consultant	Principal Owner	Scope of Work to be Performed by Subcontractor/ Sub-consultant	Principal Owner						Employee(s)								
			(Enter the number of male and female owners by race/ethnicity)						(Enter the number of male and female employees and the number of employees by race/ethnicity)								
			Gender	Race/Ethnicity					Gender	Race/Ethnicity							
Business Name and Address of First Tier Direct Supplier	Principal Owner	Supplies/Materials/ Services to be Provided by Supplier	Principal Owner						Employee(s)								
			(Enter the number of male and female owners by race/ethnicity)						(Enter the number of male and female employees and the number of employees by race/ethnicity)								
			Gender	Race/Ethnicity					Gender	Race/Ethnicity							
			M	White	Black	Hispanic	Asian/Pacific Islander	Native American/Alaskan	Other	M	F	White	Black	Hispanic	Asian/Pacific Islander	Native American/Alaskan	Other

Mark here if race, gender and ethnicity information is not available and will be provided at a later date. This data may be submitted to Contracting/User department or on-line to the Small Business Development Division of the Regulatory and Economic Resources Department at <http://new.miamidade.gov/business/business-development.asp>.

I certify that the representations contained in this Subcontractor/Supplier listing are to the best of my knowledge true and accurate.



MIAMI-DADE COUNTY – INTERNAL SERVICES DEPARTMENT (ISD)  
ISD FORM NO. 9 – Fair Subcontracting Policies  
(Section 2-8.8 of the Miami-Dade County Code)

**FAIR SUBCONTRACTING PRACTICES**

In compliance with Section 2-8.8 of the Miami-Dade County Code, the Proposer submits the following detailed statement of its policies and procedures for awarding subcontracts:

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I hereby certify that the foregoing information is true, correct and complete.

Signature of Authorized Representative: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Proposer's Name: \_\_\_\_\_



**MIAMI-DADE COUNTY – INTERNAL SERVICES DEPARTMENT (ISD)  
ISD FORM NO. 11  
EXPERIENCE & QUALIFICATION / PREFERENCE / REFERENCE FORM**

**INSTRUCTIONS**

This form must be submitted by each team member (Prime, A/E Sub-consultant, and/or non-A/E sub-consultant), as applicable. Applicable firm must list previous similar type project in which it has performed work. The reference provided below should be for one project and must comply with the requirements listed in Sections 1.2, Scope of Services, Experience and Qualifications/Preferences, and 2.1, Format and Contents, of the NTPC.

**APPLICABILITY TO EXPERIENCE & QUALIFICATION(S) / PREFERENCE(S)**

This project reference complies with the Experience and Qualification(s) and/or Preference(s) required under Section 1.2, Scope of Services, of the NTPC.  Yes OR  Not Applicable

If yes, please indicate which of the Experience and Qualification(s) and/or Preference(s) that is met with this project reference.

**REFERENCE PROJECT INFORMATION**

Firm Name:

Reference Project Name/Address:

Name(s) and Role(s) of Consultant Personnel Working on this Reference Project:

Reference Project Description:

Scope of Services Provided:

Total Compensation for Services: \$

Project Start Date: /

Project Completion Date: /

Project Construction Cost: \$

Construction Start Date: /

Construction Completion Date: /

Reference Company Name:

Reference Contact Name:

Reference Telephone Number:

Facsimile Number:

E-mail:

**SPACE BELOW IS TO BE UTILIZED TO EXPAND ON THE SCOPE OF SERVICES PROVIDED FOR THIS PROJECT REFERENCE. PLEASE DESCRIBE YOUR FIRM'S INVOLVEMENT IN THE REFERENCE PROJECT. PROVIDE DETAILS TO SUPPORT WHETHER EACH TEAM MEMBER'S PARTICULAR EXPERTISE RELEVANT TO THE PROJECT WAS GAINED UNDER CURRENT EMPLOYMENT, OR AS A MEMBER OF ANOTHER FIRM. (ADDITIONAL SHEETS OF PAPER MAY BE USED TO INCLUDE INFORMATION).**





## SPECIAL PROVISION

### DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION PROVISION CONTRACTOR

Disadvantaged Business Enterprise (DBE) participation goals are applicable to airport construction and design contracts that receive federal Airport Improvement Program (AIP) grants. The contract to be awarded under this solicitation is subject to the DBE Program requirements described below.

#### 01 OBLIGATIONS

- (a) *The Contractor, sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The Contractor shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contract. The MDAD DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this Program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. The MDAD may impose sanctions to contractors who fail to carry out the terms of this Provision as provided under Part 26.*
- (b) Each sub-contract the prime contractor signs with a sub-contractor must include the following assurance:

"The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedies as the MDAD deems appropriate."

#### 02 ELIGIBILITY

To be eligible for participation in a Federally-assisted contract as a DBE, a company must be a business organized for profit and must qualify as a Disadvantaged Business Enterprise (DBE) under 49 CFR Part 26. The definition of a DBE is provided in Special Provision (SP) (07)(A).

The apparent successful Respondent who claims DBE status, and all of its subcontractors claiming DBE status, must be certified by the Florida Unified Certification Program (FL UCP) prior to Bid Submittal and are subject to a thorough investigation to establish status as a DBE, in accordance with the criteria specified in SP (07)(A) and 49 CFR Part 26. All DBE firms shall keep their DBE certifications current throughout the life of the contract. If a DBE certified firm participating in this contract outgrows the small business size standard during the term of this contract, the firm will continue to be considered a DBE for purposes of calculating DBE participation for this contract until this contract expires. If a DBE certified firm participating in this contract becomes ineligible for DBE certification for any reason other than growth in its annual gross receipts during the term of this contract (e.g., the DBE is purchased by a large firm), the MDAD reserves the right to require the Contractor to substitute a certified DBE firm to perform the ineligible DBE's work under this contract.

Application for certification as a DBE may be obtained by contacting the Florida DOT Equal Opportunity Office located at FLUCP 605 Suwannee Street, MS 65 Tallahassee, Florida 32399-0450. Telephone (805) 414-4747, Fax: (805) 414-4879, or their Website: [www.dot.state.fl.us/equalopportunityoffice](http://www.dot.state.fl.us/equalopportunityoffice). The Miami-Dade County, Internal Services Department, Small Business Development Division (SBD) is a certifying member of Florida Unified Certification Program (FLUCP) and can also be contacted for DBE certification. SBD is located at 111 N.W. 1<sup>st</sup> Street, Stephen P. Clark Center, 19<sup>th</sup> Floor, Miami Florida 33128-1974 or by telephone at (305) 375-3111 or Facsimile at (305) 375-3160, or visit their website at: [www.co.miamidade.gov/sba/home.asp](http://www.co.miamidade.gov/sba/home.asp).

The Florida UCP updates the certification data every 24 hours and revises the database regularly. The database lists the firm's name, address, phone number, date of most recent certification, certifying agency and type of work the firm has been certified to perform.

### **03 DBE PARTICIPATION**

A. The Respondent will be required to submit the following information with its Qualification Statement, in order to be deemed responsive:

- DBE Utilization Form/Letter of Intent (Exhibit A)
- DBE Contract Participation Form (Exhibit B)
- Respondent (Bidders) and Subcontractor's Information Form (Exhibit C)
- DBE Certification approved by the Florida Unified Certification Program (FLUCP).
- DBE Goal Waiver Request Form (if required) (Exhibit D)
- DBE Unavailability Certification Form (if required) (Exhibit E)

All required DBE documents must be completed and submitted. Failure to submit the required documentation may render the Qualification Statement non-responsive.

The DBE goal is listed in SP (03) (B) below. By signing the offer, Respondent commits to make good faith efforts to achieve the DBE goal listed in SP (03)(B)(1) below and Exhibit A, unless a waiver request meeting the requirements of SP(04) is submitted with the bid/offer. Failure to sign the offer noted in Exhibit A or submit a waiver request with the offer will result in the offer being found to be in non-responsive with the RFP and rejected. The MDAD will treat all other matters of DBE participation (for example, whether the Respondent has made a good faith effort to meet the DBE goal, the sufficiency of the submitted Contract Participation Form (Exhibit B), or whether a DBE for whom pre-award substitution is sought was proposed in good faith) as matters relating to the Respondent's responsibility that the MDAD may determine prior to award through communications with the Respondent(s) in question.

B. The following DBE participation clauses apply to this solicitation:

1. The DBE goal for this solicitation is twenty-five (25.0) percent of the estimated amount included in the attached worksheet for this project (amount subject to negotiation with the Successful Respondent). The twenty five (25.0) percent DBE participation shall be computed as outlined in SP (03) (D). The Contractor shall promptly, using reasonable measures, all DBE firms participating in this contract, including itself if it is a DBE, to renew their DBE certifications and notify the MDAD Minority Affairs Division (MDAD-MA) immediately of any change in status that would affect their eligibility for DBE certification.
2. If the Respondent is not a DBE, the DBE goal may be met by first tier subcontracts with DBEs.
3. No Respondent that seeks to meet the DBE goal through subcontracting shall be considered to have met this goal unless the DBE subcontractor(s) is certified by the FL UCP as DBE and performs a commercially useful function as defined in SP (07)(F).
4. When modifications to the contract increase the total dollar value of the contract, the Contractor shall make best efforts under the circumstances to maintain the DBE participation of twenty-five (25.0) percent, so that by completion of the contract, twenty-five (25.0) percent of the estimated amount included in the attached worksheet for this project (amount subject to negotiation with the Successful Respondent) will have been performed by DBEs. The Contractor must submit a revised Contract Participation Form and Revised Utilization Form (s), or other documentation acceptable to the MDAD-MA, which reflects changes in the DBE participation associated with the modifications to the contract.
5. The MDAD discourages Respondents and contractors from the practice known as "shopping the contract" when such practice results

in a disparate impact on subcontractors at any tier. Although Respondents and contractors are expected to provide the MDAD with the best value possible for the work performed, this expectation should not be construed to mean that the MDAD expects or condones any subcontractor, including DBEs, to perform work at an unreasonably low price.

6. The MDAD is committed to significant participation of minority and woman-owned business enterprises in this contract, and encourages Respondents to meet the DBE participation goal with significant participation by minority owned businesses who qualify as DBEs.
- C. Where subcontracting is proposed, the MDAD may evaluate the amount of work subcontracted, the industry practices involved, and any other relevant factors in determining whether the DBE is performing a commercially useful function, as defined in SP (07)(F). If a DBE does not perform or exercise responsibility for at least thirty percent (30%) of the total value of its contract with its own work force, or the DBE subcontracts a greater portion of its work than would be expected on the basis of normal industry practice for the type of work involved, it may be presumed that the DBE is not performing a commercially useful function.
- D. Computing DBE participation

Respondents shall apply the following rules to determine whether their DBE participation will meet the contract's DBE goal (SP (03) (B.)(1.)):

1. When a DBE participates in a contract, only the value of the work actually performed by the DBE can be counted toward the DBE goal.
2. A prime Respondent who is an eligible DBE certified by the FL UCP can count the amount of its own participation in the contract towards the DBE goal, provided that it is performing a commercially useful function as defined in SP (07) (F). Subject to the conditions in SP (03)(D) (4-11) below, it can also count the total value of the work that other DBEs perform under a subcontract, provided that the DBE is performing a commercially useful function and is certified by the FL UCP.
3. Once a prime contract or subcontract has been awarded to a certified DBE, the DBE must remain certified until its work is complete on the project. The dollar value of work performed under this contract by a firm after it has ceased to be certified as a DBE, or if its certification lapses, will not be counted toward DBE participation.
4. The MDAD will not credit the participation of a DBE subcontractor toward the prime contractor's DBE achievement until the amount being counted has been paid to the DBE.

The following subsections discuss the MDAD's approved methods of calculating DBE participation for certain types of subcontracts.

5. A non-DBE prime Respondent who plans to subcontract work to DBE contractors may count toward its DBE goal only the total dollar value of first tier subcontracts that DBEs will self-perform, provided that:
  - a. Each first tier DBE subcontractor is an eligible subcontractor that has been certified as a DBE by the FL UCP; and
  - b. Each first tier DBE subcontractor is performing a commercially useful function in the work of the contract as defined in SP (07)(F).
6. A non-DBE prime Respondent who plans to obtain supplies or materials from a DBE manufacturer (i.e., a producer of goods from raw materials or one which substantially alters them before resale) may count towards its DBE goal the total dollar value of first tier DBE manufacturer subcontracts provided that:
  - a. The manufacturer has been certified as a DBE by the FL UCP; and
  - b. The DBE assumes the actual responsibility for directly manufacturing the materials or supplies.
7. A non-DBE prime Respondent who plans to obtain supplies or materials from a DBE stocking distributor or stocking supplier may count towards its DBE goal sixty percent (60%) of the first tier DBE distributor and stocking supplier contracts provided that:
  - a. The stocking distributor or stocking supplier has been certified as a DBE by the FL UCP; and
  - b. The DBE assumes the actual responsibility for directly providing the materials or supplies.
8. A non-DBE prime Respondent who plans to obtain materials or supplies from a DBE non-stocking supplier or distributor, (i.e., a DBE broker, agent, or packager) may count only the broker, agent or packager fee plus transportation cost (usually not more than five percent (5%) of the total value of the subcontract) toward its DBE goal provided that the DBE broker, agent or packager is certified as a DBE by the FL UCP.
9. A non-DBE prime Respondent who plans to obtain the services of a DBE hauling/trucking firm may count towards its DBE goal:

- a. The full value of the transportation services provided by the DBE, provided that the DBE hauling/trucking subcontractor is using trucks it owns, insures, and operates using drivers it employs, is performing a commercially useful function as defined in SP (07)(F)(2) and is certified as a DBE by the FL UCP under an appropriate North American Industry Classification System (NAICS) code. The DBE may also receive credit for the full value of the transportation services it provides using trucks leased from another DBE firm, including an owner operator who is certified as a DBE. The DBE who leases trucks from a non-DBE firm is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.
  - b. The cost of materials/supplies may not be counted toward the total value of the hauling firm's subcontract unless the DBE hauling firm is also certified as a DBE stocking supplier or non-stocking supplier, and requirements in SP (03)(D)(7) or (8) are met. The total subcontract value, the hauling/trucking fee, and the materials price shall be listed on Exhibits B as separate line items.
10. A non-DBE prime Respondent who plans to lease or rent equipment from a DBE equipment rental firm may count the total value of the rental/lease contract provided that:
- a. The DBE equipment rental firm is certified as a DBE by the FL UCP under an appropriate NAICS code; and,
  - b. the equipment is used for the performance of a distinct element of the contract work; and,
  - c. the rental/lease cost(s) are not in excess of industry standard rates for leased or rented equipment; and,
  - d. the DBE equipment rental firm must actually own or control the equipment and maintain a yard or other facility where such equipment is stored.

E. Respondent Conformance with DBE Requirements

1. Documents to Be Submitted with Bid/Offer Submission

a. To be in conformance with this solicitation, the Respondent is required to commit to meeting the DBE participation goal noted in SP (03) above. **The Respondent's signature on this offer signifies its commitment to the goal.** If the Respondent is unable to commit to all or any portion of the DBE goal, it must submit a DBE Goal Waiver Request Form (Exhibit D) in accordance with the requirements of SP (04) below with this offer to be in conformance with this solicitation.

b. Contract Participation Form

All Respondents (including those who are FL UCP certified DBEs who plan to count themselves to fulfill the DBE goal) shall submit a Contract Participation Form (Exhibit B) with their offers. Exhibit B is to list all firms that are participating in the contract and to provide all information required by the Exhibit. This form must be signed and dated by the prime contractor's representative.

c. Bidder List

The Department of Transportation regulations under 49 CFR Part 26 require all Respondents to identify all firms (DBEs and non-DBEs) who attempted to participate as subcontractors or suppliers on this federally assisted contract. All Respondents shall complete the Bidder's List (Exhibit C), including all firms, both DBEs and non-DBEs, that quoted to Respondent on potential subcontracts and supplies for this contract.

d. DBE Utilization Form (Offer/Acceptance Form)

The Respondent shall submit original signed Letters of Intent (Exhibit A) from each of the DBEs identified on the Contract Participation Form (Exhibit B) as those firms which will perform work to meet the DBE goal of this solicitation. Each DBE Utilization Form shall be completely filled out and signed by the DBE and co-signed by the Respondent. A detailed description of the DBE's scope of work must be provided on Exhibit B.

Under this solicitation, the signed DBE Utilization Form represents intent by the DBE to perform the subcontract at the price stated on the Contract Participation Form (Exhibit B), if the offer is accepted by the MDAD without negotiation. However, if price negotiation occurs, the Respondent shall submit to the MDAD a revised Exhibit B with its revised offer, and within three (3) business days after the Contracting Officer's request (Exhibit B). The Respondent is not required to renegotiate prices with any DBEs identified on the initial Exhibit B; consequently, the

revised Exhibit B submitted after negotiations between the MDAD and the Respondent is not required to show any change to the original price agreed to by the DBE.

e. DBE Certification

1. All DBEs must be certified by the FL UCP as DBEs pursuant to 49 CFR Part 26 prior to Bid submittal.
2. All DBEs shall keep their DBE certifications current and shall immediately notify the MDAD if they become ineligible for DBE certification.
3. Failure to Submit Documents and Information

Failure to submit Contract Participation Form (Exhibit B), DBE Utilization Form/Letters of Intent (Exhibit A), Bidder's List (Exhibit C), DBE Goal Waiver Request Form (Exhibit D, if needed), and DBE Unavailability Certification (if needed) by a deadline of Bid Submittal or as specified by the Contracting Officer, may result in rejection of the bid/offer.

**04 REQUEST FOR WAIVER**

- A. If a Respondent is unable to meet all or any part of the DBE participation goal, the Respondent must submit a Request for Waiver (Exhibit D) of the goal with the offer. The Request for Waiver must demonstrate that the Respondent has made a good faith effort to meet the DBE participation goal. The Request for Waiver must include a detailed report of the efforts employed by the Respondent to meet the DBE goal, and such reporting must sufficiently satisfy the MDAD that the requested waiver is justified. If the MDAD is not satisfied that the requested waiver is justified, the Respondent will be notified in writing that the good faith efforts were not met. The notification will provide the Respondent an opportunity for an administrative reconsideration. The request for administrative reconsideration shall be postmarked not later than seven (7) days after the initial notification of denial of the waiver was received by the Respondent. As part of this administrative reconsideration, the Respondent will have an opportunity to provide written documentation and argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. If requested, the Respondent will be provided an opportunity to meet with the reconsideration official prior to the issuance of a final decision. If the reconsideration official determines that good faith efforts were not made, the MDAD may reject the offer. The Respondent will be notified of the reconsideration official's decision in writing. The decision is final and is not administratively appealable to the U.S. Department of Transportation. Note: A waiver of any portion of the DBE goal does not relieve the Respondent of its responsibilities and requirements under SP (03)(E) concerning submission of the Contract Participation Form, DBE Utilization Form (including Letter(s) of Intent) and certification documents for the DBE participation that the Respondent has proposed.

- B. The Respondent's report supporting the waiver request shall include documentation to substantiate that good faith efforts were made. The Request for Waiver Procedure Form (Exhibit D) contains a sample list of the efforts that a Respondent may make. This list is not intended to be exclusive or exhaustive.

The good faith efforts of an Respondent shall be evaluated by the MDAD to determine whether the efforts to obtain DBE participation were those that a firm aggressively seeking subcontractors would take in the normal course of doing business; whether the steps taken had a reasonable probability of success; and whether based upon the size, scope and complexity of the subcontract, there were qualified DBE firms available and willing to accept the contract at a competitive price.

Efforts that are merely pro forma are not good faith efforts to meet the goal. Efforts to obtain DBE participation are considered pro forma, even if they are sincerely motivated, if, given all relevant circumstances, they could not reasonably be expected to produce a level of DBE participation to meet the DBE goal. For example, advertising or bulk mailings, alone or together, are considered pro forma and not good faith efforts unless followed up with telephone calls and/or correspondence consistent with normal business practice. If the DBE provides an offer, reasonable efforts to negotiate must be demonstrated.

C. Documents Required for Good Faith Efforts Waiver

1. The Request for Waiver of the DBE goal, the Report of Good Faith Efforts, and all documentation of good faith efforts (Exhibit D) shall be submitted by a Respondent with its offer by the bid/offer deadline. Failure to submit the Request for Waiver with the offer will cause the offer to be rejected as nonconforming to the solicitation.
2. DBE Unavailability Certificate Forms (Exhibit E) are to be used if the DBE contacted responded to the prime Respondent and stated that it was unavailable for a specific reason. These forms, if applicable, shall be submitted with the Request for a Waiver (Exhibit D) of the goal.

- D. The MDAD's Minority Affairs office will assist Respondents by identifying FL UCP certified DBE firms. Upon request, a directory of Local DBE firms will be provided for information only. The MDAD does not warrant or guarantee the performance capability of any firms listed therein. The Minority Affairs office may be contacted at (305) 876-7221, or at the following e-mail address: [mcollins@miami-airport.com](mailto:mcollins@miami-airport.com).

## 05 PREAWARD SUBSTITUTIONS

The MDAD expects contractors to achieve DBE participation using the firm(s) specified on the Contract Participation Form (Exhibit B). On occasion it may be necessary to substitute other firms to achieve the DBE participation. No substitution

may occur without the MDAD's prior written approval. The MDAD will approve a proposed substitution if it determines that the Respondent has acted in good faith in attempting to meet the DBE participation achievement and if the MDAD concurs that the substitution is necessary. The following are some examples of when substitution may be necessary:

- A. Failure to qualify as a DBE, if the firm was proposed in good faith by the Respondent.
- B. Death or physical disability, if the named DBE prime contractor, DBE subcontractor, or DBE partner(s) of the joint venture is an individual.
- C. Dissolution, if a corporation or partnership.
- D. Bankruptcy.
- E. Inability to furnish the required performance and payment bond.
- F. Inability to obtain, or loss of, a license necessary for the performance of the particular category of work.
- G. Failure or refusal to execute the subcontract in accordance with the terms of an offer negotiated with the Contractor, but only where the Contracting Officer can ascertain with reasonable certainty the terms of such offer. In the absence of any other factors, such a failure or refusal will be considered an unusual situation only if the successful Respondent obtained an enforceable commitment from the subcontractor involved.
- H. Failure to comply with the terms and conditions of its subcontract agreement.
- I. Voluntary decision by the DBE to not participate on the project prior to signing the DBE Utilization Form (Exhibit A).
- J. The MDAD determines that a named DBE is unlikely to perform a commercially useful function or is unable to perform work of the nature and scope claimed for it and the MDAD finds that the Respondent acted in good faith with respect to its decision to propose that DBE.

## **06 POST-AWARD COMPLIANCE**

- A. Compliance Reviews
  - 1. The MDAD may conduct post-award compliance reviews to ensure that the named DBEs on the original or, as a result of contract modification, amended Contract Participation Form (Exhibit B), submitted to and accepted by the MDAD, perform the work as assigned, and at least at the agreed price that was identified on Exhibit B. Specifically, compliance reviews verify: (1) the participation of those DBE subcontractors identified on Exhibit B; (2) the scope of work for

each DBE listed on Exhibit B; and, (3) at least at the agreed price identified for each DBE listed on Exhibit B. The MDAD may use the Monthly Utilization Form (Exhibit F), Project Site Review (Exhibit H), Affidavit of DBE Subcontractor Payment (Exhibit G) or other appropriate information, to verify the participation of each DBE subcontractor identified on Exhibit B, as submitted by the prime contractor. Delineated on these forms will be the activities of all first tier subcontractors, for the purpose of monitoring the progress of all phases of the contract. The Monthly Utilization Form will be submitted by the prime contractor with every invoice submitted.

2. The MDAD is committed to equitable treatment and meaningful utilization of, and timely payment and return of retainage to, DBE subcontractors. All Respondents are advised that the contract resulting from this solicitation will include the subcontractor payments and return of retainage clause that reflects the Regulatory prompt payment time period.
- B. By accepting this contract, the Contractor agrees to the following requirements:
1. The Contractor shall prompt with reasonable measures all DBE firms participating in this contract to renew their DBE certifications and to notify the MDAD immediately of any change in status that would affect their eligibility for DBE certification.
  2. The Contractor shall submit a revised Contract Participation Form and Revised Letter(s) of Intent, or other documentation acceptable to the MDAD, which reflects changes in the DBE participation associated with the modifications to the contract within three days of the Compliance Monitoring officer's request.
  3. The Contractor shall submit a completed Monthly Utilization Form (Exhibit F) with each monthly invoice. Delineated on each Exhibit F will be the activities of all first tier subcontractors, for the purpose of monitoring the progress of all phases of the contract. The Contractor is responsible for the accuracy of all information reported. Lack of inclusion of a completed Exhibit F with each monthly invoice may result in delay in payment.
  4. The Contractor shall allow the MDAD access to records relating to the contract, including but not limited to, subcontracts, payroll records, tax information and accounting records, for the purpose of ascertaining whether the DBEs are performing the scheduled subcontract work and the Contractor is otherwise in compliance with the contract's DBE participation goals.
  5. The Contractor shall maintain DBE subcontractor records of all DBE subcontracting activities. These records shall include current DBE

subcontractor logs, the MDAD's Monthly Utilization Form (Exhibit F) and evidence of payments to DBE subcontractors, including but not limited to, copies of canceled checks and paid invoices. These records must evidence compliance with the terms of the contract. Copies of these records will be available to the Contractor Officer or the MDAD MA Compliance Officer to review upon request. The Contractor shall document any changes in the DBE contract resulting from increases or decreases in contract value due to contract modifications or other changes, new DBE subcontracts, completion of existing DBE contracts or approved substitution of a DBE subcontractor.

6. The Contractor shall maintain a detailed record of every non-compliance issue and corrective action taken. Examples of non-compliance issues are found below in SP (06)(C).
- C. The Contractor shall be found to be in non-compliance if the Contractor fails to fulfill the DBE participation commitment contained in the Contract Participation Form (Exhibit B) and DBE Utilization Form (Exhibit A). The following are examples of non-compliance:
1. The terms of a subcontract with a DBE do not agree with the Contract Participation Form and/or DBE Utilization Form.
  2. A firm other than the DBE listed on the Contract Participation Form (Exhibit B) is performing the subcontract work listed on Exhibit B, unless the substitution was authorized by the MDAD. The Monthly Utilization Form (Exhibit F) may be used by the MDAD to monitor the activities of DBEs and to identify incidence of non-compliance.
  3. The Contractor is purchasing the supplies or materials when the Contractor has represented to the MDAD that the DBE subcontractor will supply both the labor and supplies or materials for the subcontract.
  4. The Contractor requires the DBE subcontractor to perform additional or different work than was agreed in the DBE Utilization Form (Exhibit A) and the formal contract between the prime contractor and the DBE subcontractor, without additional compensation, and without filing a Revised DBE Utilization Form (Exhibit A) with the MDAD.
  5. The Contractor is paying the DBE subcontractor less than the agreed price of the subcontract as defined in the DBE Utilization Form (Exhibit A), or in the Revised DBE Utilization Form (Exhibit A) without cause.
  6. The Contractor is not paying the DBE subcontractor in accordance with the payment provisions of their subcontract.

7. The Contractor fails to submit Monthly Utilization Form (Exhibit F) with his/her invoice submittal, and other documents requested for the purpose of conducting a post-award compliance review.
  8. The Contractor's payments to a DBE subcontractor do not meet the DBE dollar commitment made in the Contract Participation Form (Exhibit B).
  9. The Contractor fails to accurately report payments to DBE subcontractor(s) on the Monthly Utilization Form (Exhibit F).
  10. The DBE subcontractor enters into second tier subcontracts without written approval by the MDAD.
  11. The DBE subcontractor is not performing a commercially useful function as defined in SP (07)(F).
- D. If the Contractor is found to be in non-compliance, the MDAD may impose appropriate sanctions, (including, but not limited to, withholding of payments or termination of the contract in accordance with the DEFAULT clause) if corrective action acceptable to the MDAD is not taken within forty-eight (48) hours (or such other time period deemed appropriate by the Monitoring Officer) after notification by the Construction Project Manager and Monitoring Officer.
- E. If a DBE listed on the Contract Participation Form (Exhibit B) is determined not to be performing a commercially useful function and it is determined by the MDAD that a misrepresentation was made by the DBE, the firm's DBE certification may be revoked. In such cases, the Contractor will be required to replace the DBE found to be ineligible with another eligible, certifiable DBE approved by the MDAD that will perform a commercially useful function.
- F. Post Award Substitution: The MDAD may permit the Contractor to make post-award DBE substitutions consistent with the principles established in SP (05) and (06).

**Note: Prospective Respondent (s) must submit an executed DBE subcontract agreement as a condition of award of a contract.**

## 07 DEFINITIONS

- A. "Disadvantaged Business Enterprise" (DBE) is defined as a for-profit small business concern that is (1) at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged, or, in the case of a corporation in which at least 51 percent of the stock of which is owned by one or more such individuals; and (2) whose management and

daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

“Small business concern” means a small business as defined pursuant to Section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

“Socially and economically disadvantaged individual” means any individual who is a citizen (or lawfully admitted permanent resident) of the United States, and who is—

1. any individual that the FL UCP (or FL UCP certifying member) finds to be a socially and economically disadvantaged individual on a case-by-case basis. Each such individual must submit the Personal Net Worth Statement showing that his or her personal net worth does not exceed \$1.32 million. To be seen as a small business, a firm must meet SBA size criteria AND have average annual gross receipts not to exceed \$22.41 million.
2. any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged, provided that the individual also submits the Certification of Social and Economic Disadvantage Eligibility and the Personal Net Worth Statement showing that his or her personal net worth does not exceed \$1.32 million.
  - a. “Black Americans,” which includes persons having origins in any of the Black racial groups of Africa;
  - b. “Hispanic Americans,” which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
  - c. “Native Americans,” which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
  - d. “Asian-Pacific American,” which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kirbati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
  - e. “Subcontinent Asian-Indian Americans,” which includes persons whose origins are from India, Pakistan, Bangladesh; Bhutan, the Maldives Islands, Nepal or Sri Lanka;
  - f. Women;



- c. when the amount of work performed, when compared to industry practices, is commensurate with the amount the DBE is to be paid under the contract and the DBE credit claimed for its performance of the work. If a DBE does not perform or exercise responsibility for at least thirty percent (30%) of the total value of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, it may be presumed that the DBE is not performing a commercially useful function.
2. The following factors should be used in determining whether a DBE trucking company is performing a commercially useful function:
- a. The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals.
  - b. The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
  - c. If the DBE leases additional trucks, said lease agreements must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased trucks from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

**INSERT EXHIBITS A – G HERE**

**DBE BID FORMS**

EXHIBIT A - DBE UTILIZATION FORM

EXHIBIT B - DBE CONTRACT PARTICIPATION FORM

EXHIBIT C - BIDDER'S LIST

EXHIBIT D - REQUEST FOR WAIVER (If needed)

EXHIBIT E - DBE UNAVAILABILITY CERTIFICATION (If needed)

**DBE POST- AWARD FORMS**

EXHIBIT F - DBE MONTHLY UTILIZATION FORM

EXHIBIT G - AFFIDAVIT OF DBE SUBCONTRACTOR PAYMENT

EXHIBIT H - PROJECT SITE REVIEW



EXHIBIT A

DBE Utilization Form
Forms 1 & 2 Demonstration of Good Faith Efforts

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space).

- The bidder/offeror is committed to a minimum of \_\_\_% DBE utilization in this Contract.
- The bidder/offeror (if unable to meet the DBE goal of \_\_\_% is committed to a minimum of \_\_\_% DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

State Registration No. \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_
(Signature)

\_\_\_\_\_ Date: \_\_\_\_\_
(Print Name)

FORM 2: LETTER OF INTENT

Name of DBE firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Description of work to be performed by DBE firm: \_\_\_\_\_

The bidder/offeror is committed to utilizing the above named DBE firm for the work described above. The estimated dollar value of this work is \$\_\_\_\_\_.

AFFIRMATION:

The above named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By: \_\_\_\_\_ (Signature) \_\_\_\_\_ (Title)

If the bidder/offeror does not receive award of the contract, any and all representations in this Letter of Intent and Affirmation shall be null and void. This form may be copied for more subs.



**MIAMI-DADE AVIATION DEPARTMENT (MDAD)  
DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
CONTRACT PARTICIPATION FORM**

Check One: Original  Revised  Date: \_\_\_\_\_ Contract No.: \_\_\_\_\_  
 Name of Offeror: \_\_\_\_\_ Project Name: \_\_\_\_\_  
 Original Contracted DBE Participation: \$ \_\_\_\_\_ Original Percent Contracted DBE Participation: \_\_\_\_\_ %

The Offeror shall submit the Contract Participation Form to the Contracting Officer with the offer. Please attach additional sheets if needed.

LIST ALL FIRST TIER DBE FIRMS PARTICIPATING IN THIS CONTRACT Identify whether firms are S, B, H, SP, MF (see in next column).		FEDERAL TAX ID (also known as Employer Identification Number) nine digit number.	ADDRESS (Number, Street, City, State, Zip)	DESCRIBE TYPE OF WORK (Electrical, Paving, etc. with notation e.g. "Labor Only", "Material Only", "Complete") Item Number if Applicable, Quantity, Unit Price	AGREED PRICE \$
EX	SAMPLE: Six-Sigma Electrical Company	S 44-9999999	4200 N.W. 36th Street, Miami, FL 33102	Furnish and install electrical work	\$1,000,000.00
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
TOTAL AGREED PRICE MUST EQUAL					TOTAL OFFERED PRICE:

I, \_\_\_\_\_, a duly authorized representative of \_\_\_\_\_, certify that the above information is true and correct.  
 (type or print name) (name of firm)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**BIDDER AND SUBCONTRACTOR'S INFORMATION**

Project/Bid No.: \_\_\_\_\_ Date: \_\_\_\_\_

In accordance with 49 CFR Part 26.11(c) the Prime Bidder shall complete and submit this form with the Bid. The form shall include the information requested for the Prime Bidder and for all subcontractors quoting on the Project.

Name of Bidder or Subcontractor	Address	DBE Status (Check applicable Box)	Age of firm	Type(s) of Work	Annual Gross Receipts (Check applicable Box)
		<input type="checkbox"/> DBE <input type="checkbox"/> non-DBE			<input type="checkbox"/> Less than \$500,000 <input type="checkbox"/> \$500,000 - \$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> \$5 Million and above
		<input type="checkbox"/> DBE <input type="checkbox"/> non-DBE			<input type="checkbox"/> Less than \$500,000 <input type="checkbox"/> \$500,000 - \$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> \$5 Million and above
		<input type="checkbox"/> DBE <input type="checkbox"/> non-DBE			<input type="checkbox"/> Less than \$500,000 <input type="checkbox"/> \$500,000 - \$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> \$5 Million and above

• Attach additional sheets as necessary



**DBE GOAL  
WAIVER REQUEST FORM  
PROCEDURE**

This procedure must be followed if a proposer/offeror cannot meet the DBE subcontracting requirement in part. The Request for Waiver must be submitted in writing with the proposal. The Request for Waiver must report and document the efforts made by the offeror to solicit DBEs for participation and clearly outline the offeror's reasons why no subcontracting opportunities exist. A waiver request must also demonstrate that there is an insufficient number of DBEs to provide adequate competition and reasonable prices. The provisions of the solicitation document must be reviewed by the offeror before submitting a request for a waiver.

A blanket statement that there are no DBE businesses to provide services or materials related to the proposal is **inadequate**. An explanation of how that conclusion was reached must be provided or the request will be determined to be pro forma and not in good faith.

Actions which may demonstrate a good faith effort on the part of the bidder include, but are not limited to the following:

1. Soliciting through all reasonable and available means (e.g. attendance at preproposal meetings scheduled by the authority, advertising and/or written notices in major circulation newspapers such as the local trade association publications, and disadvantaged and minority and women oriented media) the interest of all certified DBEs who have the capacity to perform the work of the contract. The offeror must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The offeror must determine with certainty if the DBES are interested by taking appropriate steps to follow up initial solicitations.
2. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
3. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

4. Negotiating in good faith with interested DBEs. It is the offeror's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone number of DBEs that were considered: a) a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and, b) evidence as to why additional agreements could not be reached for DBEs to perform the work.
5. Making efforts to assist interested DBEs in obtaining bonding, lines of credit or insurance as required by the MDAD or the offeror.
6. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services.
7. Negotiate in good faith with interested DBEs, and not reject DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities.

#### **REQUEST FOR WAIVER**

\_\_\_\_\_ hereby requests a waiver of the required contract goals for the participation of DBEs as specified in solicitation number \_\_\_\_\_. All good faith efforts to identify potential DBEs as subcontractors have been made but we have been unable to obtain the required goals for the following reason(s):

\_\_\_\_\_  
(Authorized Representative)

\_\_\_\_\_  
(Date)

**NOTE:** All advertisements, telephone conversations and other documentation to support this statement should be attached.

Exhibit E



**DBE UNAVAILABILITY CERTIFICATION**

I, \_\_\_\_\_ of  
(Name) (Title)

\_\_\_\_\_  
(Offeror) (Date)

I contacted the following DBEs to obtain a quote for work items to be performed on Contract Number \_\_\_\_\_

<u>DBE (Name of Firm)</u>	<u>Work Items Sought</u>
_____	_____
_____	_____

To the best of my knowledge and belief, said DBEs were unavailable (exclusive of unavailability due to lack of agreement on price) for work on this project or unable to prepare an offer or bid for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_ was offered an opportunity to bid or make an offer on  
(Name of DBE)  
the above identified work on \_\_\_\_\_, by \_\_\_\_\_  
(Date) (Source)

The above statement is a true and accurate account of why I did not submit an offer/bid on this project.

\_\_\_\_\_  
(Signature of DBE)

\_\_\_\_\_  
(Title)



EXHIBIT G



**Miami-Dade Aviation Department  
Disadvantaged Business Enterprise (DBE) Program  
Affidavit of DBE Subcontractor Payment**

The Code of Federal Regulations 49, 26.37(b), requires the Miami-Dade Aviation Department (MDAD) to monitor and verify that work subcontracted to Disadvantaged Business Enterprise (DBE) firms is actually performed by the DBEs. Additionally, MDAD is required to report the DBE participation on each project. Therefore, it is MDAD's responsibility to discern whether payments are made to DBE firms. The following affidavit is to be completed and signed by the contractor within 15 days of the completion of the project. The affidavit seeks to verify actual payments made to DBE firms on the project. Each DBE firm must verify the actual payment amount.

Payment Period: \_\_\_\_\_ Project No. \_\_\_\_\_

- ▶ **Interim**  Interim affidavits must be submitted for each DBE firm at the end of each fiscal year for multi-year projects.
- ▶ **Final**  Final affidavits for each DBE firm must be submitted within 15 days of the completion of the project.

Prime Company Name \_\_\_\_\_

DBE Sub-Subcontractor \_\_\_\_\_ Payment \_\_\_\_\_  
All amounts indicated must be cumulative

By signing below, the noted firms agree that the payment amounts recorded above are true and accurate as of the payment time period noted above. Furthermore, by signing, the noted firms attest to the fact that the DBE listed above has performed a "commercially useful function" and abided by all other requirements of the DBE Program as defined in Title 49 of the United States Code of Federal Regulations Part 26.

\_\_\_\_\_  
**Prime's Signature/Title**

**NOTE: This affidavit must be notarized.**  
Sworn or affirmed and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Notary Signature \_\_\_\_\_

\_\_\_\_\_  
**DBE Sub-subcontractor Signature/Title**

**NOTE: This affidavit must be notarized**  
Sworn or affirmed and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Notary Signature \_\_\_\_\_



**COMMERCIALLY USEFUL FUNCTION (CUF)  
PROJECT SITE REVIEW**

Per 49 CFR 26.55, "A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. A DBE does not perform a CUF if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation..." This form is for the purposes of reviewing DBEs for compliance with the CUF requirements for credit.

Minority Affairs field staff will perform CUF reviews on DBE subcontractors and Material Suppliers. Perform a minimum of one review for each DBE for each project with DBE goal. The review should be conducted when the DBE first begins work. Monitor compliance through the course of the project.

Project Name:	MDAD Reviewer:
Project No:	Reviewer Title:
Prime Contractor:	Review Date:

DBE Name:

DBE is performing as: The Prime Contractor     A Subcontractor     Another Tier Subcontractor   
 Or Material Supplier: Manufacturer     Regular Dealer     Broker

Provide a brief description of the DBE's scope of work. (obtain copy of Subcontract Agreement and/or Purchase Order if needed.)

<b>COMMENSURATE:</b>	Yes	No
Is payment received by the DBE commensurate with the work being performed?	<input type="checkbox"/>	<input type="checkbox"/>

<b>PERFORMING:</b>	Yes	No
Does the DBE have employees on the job to perform the work?	<input type="checkbox"/>	<input type="checkbox"/>
Does the DBE employee (s) only work for the DBE?	<input type="checkbox"/>	<input type="checkbox"/>
Is the DBE working without assistance from the prime contractor or another subcontractor? <small>(Use of primes' equipment in an emergency is allowed but the cost associated with the use of the equipment cannot be credited towards the goal.)</small>	<input type="checkbox"/>	<input type="checkbox"/>
Is the DBE only using equipment it owns, rents, or leases? <small>(Attached equipment list and all ownership documents and rental/lease agreements.)</small>	<input type="checkbox"/>	<input type="checkbox"/>
Is the DBE performing at least 30% of their work?	<input type="checkbox"/>	<input type="checkbox"/>

<b>Hauling:</b>	Yes	No
Does the DBE hauling firm own or lease their trucks? (If so, obtain verification of ownership or lease documents in the name of the DBE.)	<input type="checkbox"/>	<input type="checkbox"/>
Does the DBE employ drivers for trucks owned by the company? (If leased trucks include operators, this should be indicated in the agreement.)	<input type="checkbox"/>	<input type="checkbox"/>
Does a review of the haul tickets associated with the project indicate that hauling is being performed by the DBE?	<input type="checkbox"/>	<input type="checkbox"/>

<b>MATERIALS:</b>	Yes	No
Does the DBE's name appear on all invoices, haul tickets, and/or bills of lading?	<input type="checkbox"/>	<input type="checkbox"/>
If joint checks are used, has the DBE Coordinator approved?	<input type="checkbox"/>	<input type="checkbox"/>
Are joint checks signed by the DBE? (Obtain canceled check copies.)	<input type="checkbox"/>	<input type="checkbox"/>

<b>SUPERVISING:</b>	Yes	No
Is the DBE supervising its employees and their work?	<input type="checkbox"/>	<input type="checkbox"/>
Is the supervisor a full-time employee of the DBE?	<input type="checkbox"/>	<input type="checkbox"/>

<b>CUF:</b>	Yes	No
Does the DBE appear to be performing a Commercially Useful Function (CUF)? (If no, provide comments.)	<input type="checkbox"/>	<input type="checkbox"/>

**COMMENTS:**

## **CUF DETERMINANTS**

***If any Red Flag Conditions are identified, contact Minority Affairs Office***

### **PERFORMING**

- DBE must be responsible for performing its own work on the project
- At least 30% of the work must be performed by the DBE with its own workforce
- The DBE keeps a regular workforce and has its own employees
- The DBE is utilizing its own equipment
- Operation of the equipment must be subject to the full control of the DBE

### **RED FLAGS**

- A portion of the DBE's work being done by the Prime Contractor or jointly with another contractor
- Employee working for both the Prime and the DBE
- Equipment used by DBE belongs to the Prime Contractor or another contractor with no formal lease agreement
- Equipment signs and markings cover another contractor's identity

### **RECORDS/DOCUMENTS**

- Subcontract Agreement or Purchase Order
- Equipment ownership, rental, or lease documents
- Certified payrolls

### **MATERIALS (for material credit)**

- DBE is responsible for the delivery of the materials
- DBE is ordering the material and invoices indicate that DBE is the customer
- Material invoices indicate that DBE owner or Superintendent is the contact person
- A/E has approved use of joint checks

### **RED FLAGS**

- Materials for DBE credited work are delivered by the Prime Contractor
- Materials are ordered, billed to, and/or paid by the Prime Contractor
- Invoices do not indicate that DBE is the customer
- Prime's employee is listed as the contact person on invoices
- Materials come from Prime's stockpiles

### **RECORDS/DOCUMENTS**

- Invoices
- Haul tickets or Bills of Lading
- Material on Hand documentation
- Joint check agreement
- Cancelled checks

### **SUPERVISING**

- DBE supervisor is a full-time employee of the DBE
- Employees are being supervised by DBE supervisor
- DBE is scheduling work operations

### **RED FLAGS**

- DBE's employees are being supervised by Prime Contractor or another contractor
- DBE provides little or no supervision of work
- DBE supervisor is not a full-time employee of the DBE

### **RECORDS/DOCUMENTS**

- Certified Payrolls
- Document communication with DBE owner or Superintendent