



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Transportation and Finance (TAF) Committee Meeting

March 13, 2019
2:00 P.M.
Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor
Office of the Commission Auditor (OCA)
111 N.W. First Street, Suite 1030
Miami, FL 33128
(305) 375-2524

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TAF Committee Meeting: March 13, 2019
Research Notes

Item No. 3A

File No. 190236

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00901 TO CONTROL TECHNOLOGIES, INC. FOR GROUPS A AND B AND AUTHORIZING ESTABLISHMENT OF A PREQUALIFICATION POOL FOR GROUP C FOR THE PURCHASE OF TRAFFIC CONTROL EQUIPMENT AND STREET LIGHTING PRODUCTS FOR MULTIPLE DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$19,112,000.00 FOR A FIVE-YEAR TERM; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS FOR GROUP C PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve award of *Contract No. FB-0091*, consolidating three existing prequalification pools, in a total amount of up to \$19,112,000 for a five-year term for the purchase of traffic control equipment and street lighting products for multiple departments. The awards for the three different contract groups are as follows:

- *Group A: Traffic Control Equipment and Related Items – Non-Federal Funds*: Control Technologies, Inc.
- *Group B: Control Equipment, Supplies, and Street Lighting Products*: Control Technologies, Inc.
- *Group C: Miscellaneous Traffic Control Equipment, Supplies, and Street Lighting Products – Prequalification Pool*; vendors prequalified for the pool are as follows:
 - Control Technologies, Inc. – non-local vendor
 - Inversiones Papelmania 2000, Inc. dba Papelmania USA (SBE) – local vendor
 - South Dade Electrical Supply, Inc. – local vendor

APPLICABLE LEGISLATION/POLICY

Section 316.0745, Florida Statutes (Uniform Signals and Devices) requires bidders who intend to sell or install a transportation device to follow the Florida Department of Transportation's Approved Product's List's approval process.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=316.0745&URL=0300-0399/0316/Sections/0316.0745.html

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Resolution No. R-716-12, adopted September 4, 2012, requires identification of a firm's small business enterprise program certification in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

Resolution No. R-187-12, adopted February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

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Resolution No. R-140-15, adopted February 3, 2015, directs the County Mayor to conduct a full review, prior to re-procurement of replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County, to include information in recommendations to the board, and to consult with the Small Business Development division regarding solicitation and contract language.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

Resolution No. R-477-18, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item has no procedural history.

ANALYSIS

The proposed resolution is for Board approval of a contract award to Control Technologies, Inc. for Groups A & B, and establishment of a prequalification pool for Group C, for which Control Technologies, Inc. is one of three prequalified vendors, for a total amount of up to \$19,112,000 for a five-year term. The contract will allow for the provision of traffic equipment and street lighting products, to be installed by County staff, in order to maintain street lighting and traffic signals in working order. This contract consolidates three existing prequalification pools:

- 1191-5/18-5, *Traffic Controller Assemblies & Related Equipment*, valued at \$24,722,000 for ten years and six months, expiring April 30, 2019.
- 1826-0/18, *Poles Signal/Street Light, Etc.*, valued at \$4,635,000 for five years and six month, expiring on March 31, 2019; and
- 8473-4/12-4, *Traffic Control Sign Fabrication*, valued at \$14,335,000 for eleven years, expiring on April 30, 2019.

Of the 11 awarded vendors in the three existing pools, two are prequalified vendors for the new Group C pool: Control Technologies, Inc. and South Dade Electrical Supply, Inc. Control Technologies, Inc. was the sole vendor to respond to Groups A, B, and C before the solicitation closing date, with two additional vendors responding after the closing date. All three vendors are being recommended for the Group C pool.

One of the vendors prequalifying for the pool is an SBE, and two of the three vendors have a local address, which amounts to lower than the 75% local vendor threshold prescribed by Resolution No. R-477-18. The Mayoral Memorandum cites the limited number of vendors that comply with Section 316.0745 Florida Statutes, requiring bidders who intend to sell or install a transportation device to follow the Florida Department of Transportation's Approved Product's List's approval process, as the reason for minimal local vendors prequalifying for the pool.

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Research Notes

Item No. 3B

File No. 190391

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01004 FOR PURCHASE OF RAIL FLAT CARS FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS FOR A ONE-TIME PURCHASE OF \$854,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

ISSUE/REQUESTED ACTION

Whether the Board should approve award of *Contract No. FB-01004, Rail Flat Cars* for the Department of Transportation and Public Works' purchase of three Rail Flat Cars in the amount of \$854,000, and authorize the use of Charter County Transportation Surtax funds for this purpose.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Resolution No. R-716-12, adopted September 4, 2012, requires identification of a firm's small business enterprise program certification in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

Resolution No. R-187-12, adopted February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

Resolution No. R-477-18, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item has no procedural history.

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ANALYSIS

The proposed resolution is for Board approval of a contract award in the amount of \$854,000 for the Department of Transportation and Public Works' purchase of three Rail Flat Cars to replace three aging Rail Flat Cars currently in use which no longer meet the needs of the department. Rail Flat Cars are used in the Metrorail System and Lehman Yard to transport equipment, materials, tools and staff to different locations on the Rail System to facilitate repairs, maintenance and other wayside related maintenance. The item also calls for authorization of the use of Charter County Transportation Surtax funds for this purchase.

The vendor recommended for award, Geismar North America, Inc., is a non-local vendor, yet deemed to be the responsible bidder with the lowest priced responsive bid. Of the four vendors that responded to the solicitation, the only local vendor was deemed non-responsive. Per the Mayoral Memorandum, SBD indicated that there were four SBE certified firms under the procurement's commodity code, yet all relayed that they were unable to meet the solicitation requirements.

OCA performed a commodity code search in the Business Management Workforce System (BMWS) for applicable commodity code 559: Mass Transportation – Rail Vehicle Parts and Accessories on March 12, 2019 and produced the following findings (8 SBEs):

- Affordable Metal, Inc.
- AmeTrade, Inc., dba AmePower
- B & R Electronics Supply, Inc.
- Eastern Rail Corp.
- Paramount Electric and Lighting, Inc.
- The Tool Place Corp.
- Total Connection Inc.
- Trinity Electric Sales & Service Inc. dba Trinity Lighting Etc.

ADDITIONAL INFORMATION

Half Penny Charter County Sales Surtax/The People's Transportation Plan

<https://www.miamidade.gov/publicworks/peoples-transportation.asp>

<http://www.miamidade.gov/citt/peoples-transportation-plan.asp>

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Research Notes

Item No. 3C
File No. 190442

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01100 IN A TOTAL AMOUNT UP TO \$3,165,000.00 FOR THE PURCHASE OF TRANSPORTATION SERVICES FOR VARIOUS DEPARTMENTS FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should authorize the establishment of Prequalification Pool *RTQ-01100* for the purchase of transportation services for various County departments in an amount of up to \$3,165,000 for a five-year term.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code requires formal sealed bids for all contracts and purchases when the transaction involves the expenditure of \$250,000 or more, except that the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Resolution No. R-477-18, adopted by the Board on May 1, 2018, directed the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

Resolution No. R-187-12, adopted by the Board on February 21 2012, directed the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&fileAnalysis=false&yearFolder=Y2012>

Resolution No. R-716-12, adopted by the Board on September 4, 2012, requires identification of small business enterprise firms in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the County Mayor to conduct a full review prior to the re-procurement of replacement contracts for goods and services of the scope of services or goods requested to ensure such contracts reflect the current needs of the County and include such information in recommendations to the Board.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

Resolution No. R-979-13, adopted by the Board on December 3, 2013, authorized award of a contract for transportation services, including motor coach and school bus rentals, for various County departments in an amount of \$4,061,000 for five years.

<http://intra/gia/matter.asp?matter=132510&file=false&yearFolder=Y2013>

Implementing Order 3-38 sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

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PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item has no procedural history.

ANALYSIS

This item is requesting that the Board approve the establishment of Prequalification Pool *RTQ-01100, Transportation Services*, for multiple County departments for a five-year term in an amount of up to \$3,165,000. The pool includes three groups: (1) Limousines, Sedans and SUVs; (2) Coach Charter Buses and School Buses; and (3) Minibuses and Vans, including handicap accessible. To prequalify for all groups, the vendor must satisfy the following criteria:

- Maintain a minimum fleet of two vehicles;
- Be regularly engaged in the business of providing for-hire transportation services as evidenced by two reference letters;
- Maintain a valid Vehicle Operating Permit issued by the County; and
- Submit the contact information of a designated representative to provide the County with support and information concerning orders placed and to receive spot market solicitations.

Additionally, for Group 3 services, the vendor must have a valid Passenger Motor Carrier Certificate of Transportation issued by the County as required for buses and vans with seating capacity between nine and 28 passengers. The biggest user departments are Parks, Recreation and Open Spaces, which is requesting \$1,075,000, and PortMiami, which is requesting \$1,671,000.

The solicitation was advertised on December 13, 2018, and 14 vendors responded, of which eight are being recommended for inclusion in the pool. It is important to note that all of the recommended vendors have a local address. Of the eight recommended vendors, five are incumbents – Academy Bus, LLC; Air B School Bus; J.G.T. Transportation, Inc.; Safeguard America, Inc.; and Unique Charters, Inc. A set-aside applies to this solicitation for spot market competition up to \$100,000 where there are three or more certified firms available.

The Market Research performed for this solicitation reveals that Groups 1 and 2 of the current contract were awarded to the lowest bidder, and Group 3 is a pool. As Groups 1 and 2 were under-utilized due to capacity and scheduling restraints, the user departments primarily relied on Group 3 for needed transportation services as the group offered additional vendors and flexibility. Accordingly, the replacement solicitation is solely a pool and includes additional vehicle types.

The current contract (#9749-0/18) is valued at \$4,400,800 for a term of five years and five months, expiring on May 31, 2019. The expiration date reflects an administrative extension of five months, from the original expiration date of December 31, 2018. The annual allocation under the replacement pool is lower than that of the current contract due to departmental estimated usage for the replacement term.

The Commodity Code for the solicitation is 97514 (Automobiles and Other Passenger Vehicles, Including Emergency Type Rental or Lease). A March 12, 2019 search for registered local certified small business enterprises on the Business Management Workforce System under that code yielded one vendor – Unique Charters, Inc. The vendor is recommended for inclusion in the pool for Group 2 services.

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Research Notes

Item No. 3G

File No. 190425

Researcher: IL Reviewer: TD

RESOLUTION APPROVING AND AUTHORIZING THE USE OF UP TO \$1,740,113.52 IN CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR ROADWAY RESURFACING CONTRACT RPQ NO. 20170165 AWARDED UNDER THE MISCELLANEOUS CONSTRUCTION CONTRACT 7360 PLAN

ISSUE/REQUESTED ACTION

Whether the Board should approve award of Transportation Surtax Funds for roadway resurfacing Contract RPQ No. 20170165 to H&R Paving, Inc., awarded under the miscellaneous construction contract 7360 plan, in the amount of \$1,740,113.52 for a total contract period of 238 calendar days and authorizing the use of Charter County Transportation Surtax Funds for the Department of Transportation and Public Works (DTPW).

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 2-8.2.7 (Miscellaneous Construction Contracts Program) enhances the contracting opportunities of Small Business Enterprises for construction services and facilitates and expedites the award of construction contracts to small businesses. MCC participants are allowed to participate in the contracting plans (i.e., 7040 Plan and 7360 Plan) in accordance with the contracting procedures and specifications to be developed, maintained and amended by the Small Business Development Division of the Internal Services Department.

The 7040 Plan is a rotational set-aside, and the 7360 Plan is an open competitive plan. The 7360 Plan is used whenever the funding source prohibits the use of SBE-Con set-asides or when SBD determines that there is insufficient availability for a SBE-Con set aside within the 7040 Plan to accomplish the proposed work.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR)

Miami-Dade County Code Section 29-124 establishes the role of the Citizens' Independent Transportation Trust (CITT) and the proper use of surtax proceeds. Under this Code Section, no surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two-thirds (2/3) vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE
212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE_212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

Miami-Dade County Code Section 2-8.1 (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

The Mayor is delegated the authority to award and reject bids or proposals for contracts for public improvements (construction), and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes) costing \$1,000,000 or less, or in the case of miscellaneous construction contracts designed to provide opportunities for Community

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Small Business Enterprises specifically authorized by Board resolution \$5,000,000 or less, without the need for action by the County Commission.

For contract awards, information shall be added to the recommendation for award memorandum presented by the County Mayor to the Board of County Commissioners identifying (1) each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each, and (2) the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

National Fire Protection Association (NFPA 13 Standard for the Installation of Sprinkler Systems) sets forth the industry benchmark for design and installation of automatic fire sprinkler systems and component options to prevent fire deaths and property loss.

<https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=13>

Resolution No. R-187-12, adopted February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

Resolution No. R-54-10, adopted January 21, 2010, rescinds Administrative Order No. 3-24, Responsible Wages and Benefits for County Construction Contracts, and approves Implementing Order No. 3-24 to clarify terms requiring the use of the higher wage rates between Davis-Bacon and the County's prevailing wage rate structure unless prohibited by state or federal law or disallowed by a governmental funding source.

<http://intra/gia/matter.asp?matter=093210&file=true&yearFolder=Y2009>

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Resolution No. R-507-04, adopted April 27, 2004, approved the amendment to the neighborhood improvements section of the People's Transportation Plan (PTP) to include roadway signage, roadway lighting, pavement markings and traffic calming.

<http://www.miamidade.gov/govaction/matter.asp?matter=040989&file=true&fileAnalysis=false&yearFolder=Y2004>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

There is no procedural history on this item at this time.

ANALYSIS

Whether the Board should approve award of Transportation Surtax Funds for roadway resurfacing Contract RPQ No. 20170165 awarded under the miscellaneous construction contract 7360 plan, in the amount of \$1,740,113.52 for a total contract period of 238 calendar days and authorizing the use of Charter County Transportation Surtax Funds for the Department of Transportation and Public Works (DTPW).

The fiscal impact for the project is \$1,740,113.52 (i.e., a base estimate of \$1,461,267.83 and contingency allowance of \$146,126.78 and a dedicated allowance amount of \$132,718.91) for a total contract period of 238 days. Work orders funded

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by the Surtax will only be issued when written approval is received from a Commission District office of the use of their PTP allocation pursuant to R-507-04.

The Request Price Quotation (RPQ) for Roadway Resurfacing, utilizing the MCC 7360 Plan was advertised on June 15, 2017 to a list of 70 pre-qualified firms. Five firms responded and all five firms proffered a bid. On July 19, 2017 the bids were opened and H&R Paving, Inc., submitted the lowest responsive and responsible base bid of \$1,461,234.83, 9.3 percent below the County's cost estimate. The second lowest bidder was Weekly Asphalt, Inc., with a base bid of \$1,546,417.65 coming in at 2 percent above the County's cost estimate and the third lowest bidder was General Asphalt, Inc., with a base bid of \$1,558,439.50 coming in at 3 percent above the County's cost estimate. DTPW recommended for award H&R Paving, Inc., for award on August 29, 2017. The SBE measures are set aside for this project and the project carries a 10 percent Community Workforce Program component.

In accordance with Contract No.1, the scope of work under this contract includes but is not limited to:

- Supervision, Labor, Materials, Tools, Equipment, Pavement removal;
- Construction of asphaltic concrete road base and surface;
- Pavement milling, Pavement markings, Signage, Drainage, Sidewalks;
- Concrete curb and gutter; and traffic calming devices;
- Performing all operations necessary for intersection improvements; and
- Performing all operations required to construct the work in accordance with contract documents

OCA Pursuant to Resolution No. R-421-16, conducted a Performance Record verification in the Capital Improvements Information System (CIIS) on March 11, 2019. There are 208 performance evaluations with an average evaluation rating of 3.2 out of 4.0 in CIIS for H&R Paving Inc.

DEPARTMENTAL INPUT:

The following questions were asked to the department on March 12, 2019:

If the firm was recommended for award back on August 29, 2017, why did it take so long to get this item before the BCC?

ADDITIONAL INFORMATION:

H&R Paving has contracted with other jurisdictions in Florida including the City of Doral (available in PDF) and City of Miami-Lakes for resurfacing of roadways in 2017 and 2018.

https://www.miamilakes-fl.gov/index.php?option=com_docman&view=download&alias=4616-resolution-18-1569&category_slug=2018-1&Itemid=272

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Item No. 3H
File No. 190428

Researcher: IL Reviewer: TD

RESOLUTION APPROVING CONTRACT AWARD TO ROADWAY CONSTRUCTION, LLC IN THE AMOUNT OF \$9,476,450.55, FOR THE PROJECT ENTITLED PEOPLE'S TRANSPORTATION PLAN (PTP) ROADWAY IMPROVEMENTS TO SW 216 STREET FROM SW 127 AVENUE TO SW 112 AVENUE; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

ISSUE/REQUESTED ACTION

Whether the Board should award a contract to Roadway Construction, LLC the County for the project entitled "People's Transportation Plan (PTP) Roadway improvements to SW 216 Street from SW 127 Avenue to SW 112 Avenue in the amount of \$9,476,450.55 for a term of 790 Days for the Department of Transportation and Public Works (DTPW).

APPLICABLE LEGISLATION/POLICY

Chapter 287 of the Florida Statutes, Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties, will govern how each agency shall publicly announce, in a uniform and consistent manner, each occasion when professional services must be purchased for a project the basic construction cost of which is estimated by the agency to exceed the threshold amount provided in s. [287.017](#) for CATEGORY FIVE or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in s. [287.017](#) for CATEGORY TWO, except in cases of valid public emergencies certified by the agency head. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Section 2-10.4 of the County Code provides, the rules and regulations associated with the procurement of professional, architectural, engineering, landscape architectural or land surveying and mapping services. Requires a public announcement, submission of qualifications, certification committee, competitive selection committee, and competitive negotiations.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Ordinance 14-79 (Sea Level Rise), adopted September 3, 2014, amending Section 2-1 of the Code of Miami-Dade County, Florida, to require that in all agenda items related to planning, design and construction of County infrastructure a statement be included that the impact of sea level rise has been considered; providing severability, inclusion in the code, and an effective date.

<http://www.miamidade.gov/govaction/matter.asp?matter=141211&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-1001-15, adopted November 3, 2015, requires contracts with small business measures to meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment be considered for Board approval.

<http://intra/gia/matter.asp?matter=151746&file=true&yearFolder=Y2015>

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Resolution No. R-525-17, adopted May 2, 2017, amended Resolution No. R-1001-15 to except non-compensatory time extensions from the requirement that contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion of the contract work performed to date before a change order or contract amendment be considered for Board or mayoral approval.

<http://intra/gia/matter.asp?matter=170595&file=true&yearFolder=Y2017>

Resolution No. R-796-16, adopted September 7, 2016, approved a contract in the amount of \$4,932,632.41 to H & R Paving, Inc. for the project entitled “Roadway Improvements along SW 152 Street from SW 157 Avenue to SW 147 Avenue.”

<http://intra/gia/matter.asp?matter=161521&file=true&yearFolder=Y2016>

Resolution No. R-421-16, adopted May 17, 2016, requires (1) the County Mayor to attach to all items recommending design and/or construction contract awards of \$1,000,000 or greater a list of all County contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor’s work; and (2) all County departments to complete contractor evaluations before closing out a contract and making final payment to a contractor.

<http://www.miamidade.gov/govaction/matter.asp?matter=160124&file=true&fileAnalysis=false&yearFolder=Y2016>

Resolution No. R-54-10, adopted January 21, 2010, clarifying terms for the Responsible Wages and Benefits for County Construction Contracts, and Approving Implementing Order 3-24 to clarify terms requiring the use of the higher wage rates between Davis-Bacon and the County’s prevailing wage rate structure unless prohibited by state or federal law or disallowed by a governmental funding source

<http://www.miamidade.gov/govaction/matter.asp?matter=093210&file=true&fileAnalysis=false&yearFolder=Y2009>

Administrative Order No. 3-39 sets forth the County’s standard process for construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-39.pdf>

Implementing Order (I.O.) 3-32, (Small Business Enterprise Architecture And Engineering Program): It is the policy of Miami-Dade County that not less than 10% of the County’s total annual expenditures of all project specific contracts for professional architectural, landscape architectural, engineering, and surveying and mapping services, shall be expended with CBE-A/E’s certified under the CBE-A/E ordinance.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-32.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

There is no procedural history for this item at this time.

ANALYSIS

Whether the Board should award a contract to Roadway Construction, LLC the County for the project entitled “People’s Transportation Plan (PTP) Roadway improvements to SW 216 Street from SW 127 Avenue to SW 112 Avenue in the amount of \$9,476,450.55 for a term of 790 Days for the Department of Transportation and Public Works (DTPW).

The fiscal impact of this project is \$9,476,450.55 52 (i.e., a base estimate of \$8,558,136.86, contingency allowance of \$855,813.69, Off-Duty Law Enforcement Officer \$30,000.00, Adjustment Allowance of \$25,500.00, Permit Allowance of \$2,000.00 and FPL connection allowance of \$5,000.00) to be funded through the People’s Transportation Plan (PTP) Bond program. Operations cost are forecasted to be approximately \$14,086.53 annually and will be funded through DTPW’s general fund allocation. Maintenance Cost are forecasted to be approximately \$24,811.33 annually and will also be funded through DTPW’s general fund allocation.

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The project was advertised on August 9, 2018 and fourteen (14) bid proposals were received on September 28, 2018.

The three lowest bidders are referenced below in the table.

Vendor	Bid amount	County's Cost Estimate
Roadway Construction, LLC	\$8,558,136.86	2% below the County's Cost Estimate
Horizon Contractors, Inc.	\$8,682,031.80	1% below the County's Cost Estimate
Acosta Tractor, Inc.	\$8,691,078.10	1% below the County's Cost Estimate

The small business measure applicable to the contract is, SBE-Construction at 14.54%, SBE-Services at 1.23% and CWP at 10.00%.

DTPW is recommending Roadway Construction, LLC as the lowest responsive and responsible bidder.

The work consists of but not limited to include:

- A. Labor, supervision, materials equipment, tools, and performing all necessary roadway improvements to SW 216 Street from SW 127 Avenue to SW 112 Avenue.
- B. Widening the existing roadway to a 2-lane divided highway with raised landscaped median, bike lanes, on street parking, a traffic circle, sidewalks, curb and gutter, new storm drainage system, signalization, pavement makings and signage.; and
- C. Decorative street lighting.

SBE/Construction firms authorized under the agreement are: S.S. L. Corp.; Road Runner Striping Technologies, Inc., and for SBE/Services the firm authorized under the agreement is Bannerman Landscaping, Inc.

Roadway Construction, LLC., has active status on Sunbiz.org, the official website of the Division of Corporations for the State of Florida, with a principal address of 12391 SW 130 Street, Miami, FL 33186. Additionally, Roadway Construction, LLC., has an active account with the Miami-Dade County Tax Collector's office and lastly, Roadway Construction, LLC., possesses a series of licenses such as: Certified General Contractor and Certified Underground Utility and Excavation Contractor with no complaints on the Department of Business and Professional Regulation's website.

OCA conducted a review of the following commodity codes: 238110 (Concrete pouring) 238320 (Painting and Wall Covering Contractors), 98852 (Landscaping, Including Design, Fertilizing, Planting, etc., Not Grounds Maintenance or Tree Trimming Services) in the Business Management Workforce System on March 11, 2019. Approximately 130 SBE Firms were identified under the aforementioned commodity codes.

Pursuant to Resolution No. R-421-16, a Performance Record verification was conducted by OCA in the Capital Improvements Information System (CIIS) on March 11, 2019. There are 29 performance evaluations with an average evaluation rating of 3.6 out of 4.0 in the CIIS database for Roadway Construction, LLC.

ADDITIONAL INFORMATION

Roadway Construction, LLC., was recently awarded a contract with the Florida Department of Transportation under contract no. 434674-1-52-01 .

<https://www.fdot.gov/contracts/lettings/2019/2019-posting/2019-btabs1-30.shtm>

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Item No. 3I
File No. 190461

Researcher: TD Reviewer: YM

RESOLUTION APPROVING CHANGE ORDER NO. 1 AND FINAL FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG NW 87 AVENUE, FROM NW 154 STREET TO NW 186 STREET, TO ACOSTA TRACTORS, INC. EXTENDING THE CONTRACT DURATION BY 448 CALENDAR DAYS AND NO ADDITIONAL FUNDS

ISSUE/REQUESTED ACTION

Whether the Board should approve the first and final change order for the contract with Acosta Tractors, Inc., extending the contract duration by 448 calendar days and requiring no additional funds, for the People's Transportation Plan project in District 13 entitled Roadway Improvements along NW 87 Avenue, from NW 154 Street to 186 Street.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

<https://library.municode.com/fl/miami> -

[dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTIINGE S2-8.1COPUGE](https://library.municode.com/fl/miami/codes/code%20of%20ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item has no procedural history.

ANALYSIS

The proposed resolution is for Board approval of the first and final change order for the contract with Acosta Tractors, Inc., extending the contract duration by 448 calendar days and requiring no additional funds. The focus of the contract is work related to the People's Transportation project located in District 13, specifically for improvements along NW 87 Avenue, from NW 154 Street to 186 Street. The project is listed as a PTP Board Requested Major Roadway Project that provides capacity for future traffic demands, improves traffic operations and safety, and installs water mains and appurtenances along the proposed road.

Given that the County paid the contractor \$790,211 for compensable delays funded from an available contract balance not utilized to complete the project, this Change Order does not increase the contract amount. The Change Order does add five pay items to address additional work needed for the project. However, these items were also paid with the contract's remaining funds. The five pay items totaling \$377,869.32 are as follows:

- Additional work requested by WASD to install 30" branch outlet for cannon flushing the existing 36" water main for \$259,186.96
- Repair existing 60" Diameter Pipe Culvert for \$10,296.58
- Color concrete sidewalk (10" thick) reinforced for 67,764.79

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- F&I FP400 Filter Fabric formed concrete with Filter Fabric underlayment for \$28,918.40
- Mast Arm Modification for \$11,702.59

The need to extend the duration of the contract by a total of 448 calendar days (369 of which are compensable and 79 of which are non-compensable) is threefold (outlined below).

Calendar Days by which Contract is Extended	Justification
289 (compensable)	Need to re-design certain project elements to address varying site conditions and conflicts with private property.
80 (compensable)	Presence of a Bald Eagle which nested within the project's limits forcing the contractor to suspend construction activities within a 300 feet radius from the nest location, as the Bald Eagle is a protected species under the Endangered Species Act.
79 (non-compensable)	Unforeseen conflicts with Florida Power and Light, Comcast, and WASD utilities, which caused delays to allow for relocation of or modification to the project

The original contract duration was 869 days which included 79 contingency days. With this Change Order, the contract duration will 1,317 days.

ADDITIONAL INFORMATION

The People's Transportation Plan

<https://www.miamidade.gov/publicworks/peoples-transportation.asp>

<http://www.miamidade.gov/citt/peoples-transportation-plan.asp>