



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

Infrastructure and Capital Improvements
Committee (ICI) Meeting

April 15, 2019
2:00 P.M.
Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor
Office of the Commission Auditor (OCA)
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Miami, FL 33128
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**ICI Meeting: April 15, 2019
Research Notes**

**Item No. 1G2
File No. 190383**

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DEFINING SOLAR ENERGY SYSTEM; AMENDING SECTION 33-50; REVISING THE SETBACK REGULATIONS FOR RESIDENTIAL PROPERTIES TO ADDRESS SOLAR ENERGY SYSTEMS; CODIFYING SETBACKS APPLICABLE TO PROPERTIES ZONED RU-4L AND RU-4M; AMENDING SECTION 33-55; REVISING EXEMPTIONS FROM BUILDING HEIGHT REGULATIONS TO INCLUDE PROJECTIONS AND ARCHITECTURAL ELEMENTS THAT DO NOT ADD HABITABLE INTERIOR SPACE TO A BUILDING GENERALLY AND SOLAR ENERGY SYSTEMS SPECIFICALLY; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Miami-Dade County Code Section 33-1, 33-50, and 33-55 to reflect certain solar energy system definitions including setback regulations to address solar energy systems and exemptions.

PROCEDURAL HISTORY

**Prime Sponsor: Daniella Levine Cava, District 8
Department/Requester: Regulatory and Economic Resources**

This item was adopted on first reading during the BCC on March 5, 2019 and is tentatively scheduled for a public hearing during the ICI meeting on April 15, 2019.

ANALYSIS

The purpose of this item is to amend Section 33-1 of the Miami-Dade County Code to define solar energy system; amend Section 33-50 to revise the setback regulations for residential properties regarding solar energy systems; and amend Section 33-55 to revise exemptions from building height regulations to include projections and architectural elements.

This item has no fiscal impact.

The code amendments will allow solar energy systems to be used in residential properties and codifies the interpretations regarding the exemptions from building height regulations. A solar energy system is defined as: An accessory structure or structures for an energy system that consists of one or more solar collection devices, solar-energy-related equipment, and other associated infrastructure, with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy.

Additionally, the ordinance allows a general category of exemptions from building height regulations such as projections and architectural elements and exempts solar energy systems from building height calculation because it does not add to the building's habitable interior space. This feature would be similar to chimneys and parapet walls that are also exempt. The changes will reflect codifying the setback and building spacing requirements for properties zoned in RU-4L and RU-4M, which were previously assessed with RU-4 and RU-4A standards.

The table below shows the original Section 33-1 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

**ICI Meeting: April 15, 2019
Research Notes**

Section 33-1 of the County Code	Proposed changes to Section 33-1 of the County Code
<p>Sec. 33-1. – Definitions</p> <p>For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:</p> <p style="text-align: center;">* * *</p> <p>(97) <i>Site</i>. Area of premises to be covered by a structure.</p> <p style="text-align: center;">* * *</p>	<p>Sec. 33-1. – Definitions</p> <p>For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:</p> <p style="text-align: center;">* * *</p> <p>(97) <i>Site</i>. Area of premises to be covered by a structure.</p> <p>>>(97.05) <u><i>Solar Energy System</i>. An accessory structure or structures for an energy system that consists of one or more solar collection devices, solar-energy-related equipment, and other associated infrastructure, with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy.<<</u></p> <p style="text-align: center;">* * *</p>

The table below shows the original Section 33-50 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 33-50 of the County Code	Proposed changes to Section 33-50 of the County Code												
<p>Sec. 33-50. Table of setback lines in residential and estate districts.</p> <p>The minimum setback distances and spacing requirements in residential and estate districts shall be as follows:</p> <p style="text-align: center;">* * *</p> <table><tr><td><i>District/ Families</i></td><td><i>Front (Ft.)</i></td><td><i>Rear (Ft.)</i></td><td><i>Between Building s (Ft.)</i></td><td><i>Interior Side (Ft.)</i></td><td><i>Sid e Str eet</i></td></tr></table>	<i>District/ Families</i>	<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Between Building s (Ft.)</i>	<i>Interior Side (Ft.)</i>	<i>Sid e Str eet</i>	<p>Sec. 33-50. Table of setback lines in residential and estate districts.</p> <p>The minimum setback distances and spacing requirements in residential and estate districts shall be as follows:</p> <p style="text-align: center;">* * *</p> <table><tr><td><i>District/ Families</i></td><td><i>Front (Ft.)</i></td><td><i>Rear (Ft.)</i></td><td><i>Between Building s (Ft.)</i></td><td><i>Interior Side (Ft.)</i></td><td><i>S S (</i></td></tr></table>	<i>District/ Families</i>	<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Between Building s (Ft.)</i>	<i>Interior Side (Ft.)</i>	<i>S S (</i>
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ICI Meeting: April 15, 2019
Research Notes

					(Ft .)		Acc. Bldg., 1 to 4 units	75	5	10	7 ½	30
	Acc. Bldg., 1 to 4 units	75	5	10	7 ½	30	RU-4 [[&]] >>.<< RU-4A >>.&u>RU- 4L, & RU- 4M<<: One			same as RU-1 res.	-same as RU- 1 res. -	
	RU-4 & RU-4A: One			same as RU-1 res.	-same as RU- 1 res. -		<p>NOTE 1. Refer to <i>Section 33-20(b)(l)</i> for additional utility shed setback regulations. Sheds in townhouse developments shall be regulated by <i>Section 33-202.3(2)(q)</i>.</p> <p style="text-align: center;">* * *</p> <p>>>(b) A solar energy system may be mounted on a roof structure or on the ground. The front setback for a roof- or ground- mounted solar energy system shall be the same as that of the principal building, and a ground-mounted solar energy system shall otherwise comply with the setbacks for an accessory building.</p> <p>(c)<< [[NOTE 1.]] Refer to <i>Section 33-20(b)(l)</i> for additional utility shed setback regulations. Sheds in townhouse developments shall be regulated by <i>Section 33-202.3(2)(q)</i>.</p>					

The table below shows the original Section 33-55 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 33-55 of the County Code	Proposed changes to Section 33-55 of the County Code
<p>Sec. 33-55. – Certain structures exempt.</p> <p>(a) The provisions of this article regarding building height shall not apply to: airplane beacons, belfries, chimneys, church spires/steeple, conveyors, cooling towers, cupolas, domes, elevator bulkheads and shafts and enclosures for mechanical equipment shall not be considered a part of a building for height calculations, fire towers, flag poles, monuments, parapet wall extending not more than five (5) feet</p>	<p>Sec. 33-55. – Certain structures exempt.</p> <p>(a) The provisions of this article regarding building height shall not apply to [[;]] >>projections and architectural elements that do not add habitable interior space to a building, such as, but not limited to:<< airplane beacons>>.<< [[;]] belfries>>.<< [[;]] chimneys>>.<< [[;]] church spires/steeple>>.<< [[;]] conveyors>>.<< [[;]] cooling towers>>.<< [[;]] cupolas>>.<< [[;]]</p>

**ICI Meeting: April 15, 2019
Research Notes**

above the limited height of the building on which it rests, radio and television towers, roof structures used only for ornamental purposes providing they do not exceed ten (10) percent of the roof area on which they stand, smokestacks, stage towers or scenery lofts, tanks, bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production, water towers, and structures used in connection with screening of Antennas.

domes>>_<< [[;]] elevator bulkheads and shafts >>_<< [[and]] enclosures for mechanical equipment [[shall not be considered a part of a building for height calculations,]] >>_<< fire towers>>_<< [[;]] flag poles>>_<< [[;]] monuments>>_<< [[;]] parapet wall >>_<<extending not more than [[five-()]]5[[;]] feet above the limited height of the building on which it rests[[;]] >>_<< radio and television towers>>_<< [[;]] roof structures used only for ornamental purposes providing they do not exceed [[ten-(10)]] >>10<< percent of the roof area on which they stand>>_<< [[;]] smokestacks >>_<< solar energy systems<< [[;]] stage towers or scenery lofts>>_<< [[;]] tanks>>_<< [[;]] bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production>>_<< [[;]] water towers>>_<< [[;]] and structures used in connection with screening of [[A]]>>a<<ntennas.

* * *

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 33-55 delineates that certain structures are exempt from the provisions of the article relating to building height.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH33ZO_ARTIIIHEBU](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTIIIHEBU)

Miami-Dade County Code Section 33-1 provides general definitions for the chapter.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE_S33-1DE](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE_S33-1DE)

Miami-Dade County Code Section 33-50 lists a table of setback lines in residential and estate districts.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH33ZO_ARTIIBUCOSEARSI_S33-51SEBUINDI](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTIIBUCOSEARSI_S33-51SEBUINDI)

Broward County Code Section 39-109 states that rooftop photovoltaic solar systems height must not exceed the roof line. For flat roofs with or without a parapet, the height must not be greater than 5 feet above the roof. The solar systems are permitted to conforming and nonconforming buildings in all zoning categories and there is nothing to prohibit the installation of them.

[https://library.municode.com/fl/broward county/codes/code of ordinances?nodeId=PTIICOOR_CH39ZO_ARTIXGEPR_S39-109ROPHSOSY](https://library.municode.com/fl/broward-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH39ZO_ARTIXGEPR_S39-109ROPHSOSY)

**ICI Meeting: April 15, 2019
Research Notes**

**Item No. 3C
File No. 190800**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00648 FOR PURCHASE OF METER BOXES, VAULTS, VALVE COVERS AND ASSEMBLIES FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT FOR A FIVE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$3,266,000.00; 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

ISSUE/REQUESTED ACTION

Whether the Board should approve award of *Contract No. FB-00648*, Meter Boxes, Vaults, Valve Covers and Assemblies, to Corcel Corporation in the amount of \$3,266,000 for a five-year term for the Water and Sewer Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item has no procedural history.

ANALYSIS

The purpose of this item is to establish a long-term replacement contract for the Water and Sewer Department (WASD) to purchase meter boxes, vaults, valve covers and assemblies to meet operational needs. The recommended awardee for the five-year term is Corcel Corporation. The method of award was to the lowest-priced responsive, responsible bidder by group in the aggregate who satisfied the solicitation's qualifications. The groups are: (1) Covers for Meter Boxes; (2) Cast Iron Valve Boxes and Covers; (3) Cast Iron Manholes Frames and Covers; (4) Steel Cover Plates and Assemblies; and (5) Precast Concrete Meter Boxes and Vaults. To qualify for all groups, the bidder must be the Original Equipment Manufacturer, agent, distributor or reseller of the OEM.

The solicitation was advertised on October 18, 2018. Five vendors responded to the solicitation, of which one was a "No Bid." Per a search on April 12, 2019 of Sunbiz.org, the official State of Florida website for the Department of State Division of Corporations, Corcel Corporation is an active, Florida for-profit corporation with a principal address of 2461 NW 23 Street, Miami, Florida. The vendor is considered a locally-headquartered business.

The contract value for the five-year term is \$3,266,000 and is based on estimated quantities provided by WASD multiplied by the recommended awardee's unit price for the contract term. This replacement contract consolidates two contracts for provision of the solicited products – (1) *Cast Iron Meter and Valve Boxes and Covers, Contract No. 8793-1/18*, valued at \$3,959,000 for a term of 10 years and six months, expiring on June 30, 2019; and (2) *Precast Concrete Meter Boxes, Contract No. IQ8640-4/18*, valued at \$1,000,000 for a term of five years and three months, and expired on September 30, 2018. The allocation under the replacement contract is higher than the current contracts on an annualized basis due to the addition of multiple items under the replacement.

It is unclear from the mayoral memorandum what WASD has done to meet its needs for precast concrete meter boxes since the expiration of *Contract No. IQ8640-4/18*. It is important to mention that the recommended awardee, Corcel Corporation, is the incumbent under the contracts that are being consolidated via this replacement.

Per the Small Business Development Project Worksheet, the commodity codes assigned to this solicitation are: (1) 21045, Meter Boxes and Concrete Pull Boxes; (2) 89030, Manholes and Manhole Covers, Frames, Grates, Rings, Yokes; and (3) 89045 Meter

ICI Meeting: April 15, 2019
Research Notes

Fittings, Water, Including Parts and Accessories, and Conversion Kits. A search on April 12, 2019 on the Business Management Workforce System under those codes yielded the following local certified small business firms:

- A&B Pipe and Supply, Inc.
- Bax International Corp.
- Corcel Corp.
- Eddie Lopez Technologies, LLC
- Ready Components, Inc.
- The Tool Place Corp.

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

Resolution No. R-477-18, adopted 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 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 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 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-1011-15, adopted November 3, 2015, directed the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ in memoranda to the Board pertaining to vendors being recommended for contract award.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

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>

**ICI Meeting: April 15, 2019
Research Notes**

**Item No. 3D
File No. 190802**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01090 FOR GROUP 1 FOR PURCHASE OF AERIAL SPRAYING SERVICES FOR THE DEPARTMENT OF SOLID WASTE MANAGEMENT FOR A FIVE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$1,660,000.00; AND 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

ISSUE/REQUESTED ACTION

Whether the Board should approve award of *Contract No. FB-01090*, Aerial Spraying Services, to Vector Disease Control International in an amount of \$1,660,000 for a five-year term for the Solid Waste Management Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item has no procedural history.

ANALYSIS

The purpose of this item is for the Solid Waste Management Department (SWM) to establish a replacement long-term contract for aerial spraying services to combat the spread of diseases caused by mosquitos. The recommended awardee is Vector Disease Control International, a nonlocal firm. The method of award was to the lowest-priced responsive, responsible bidder on a group-by-group basis in the aggregate. The groups are: (1) Aerial Spraying for Adult and Larval Mosquitos Fixed Wing; (2) Aerial Spraying for Adult and Larval Mosquitos Rotary Wing; (3) Aerial Spraying for Adult and Larval Mosquitos Fixed Wing Federally Funded; and (4) Aerial Spraying for Adult and Larval Mosquitos Rotary Wing Federally Funded. The solicitation reserved the County's right to add additional groups to the contract.

To qualify for all groups, the vendor must: (1) provide two reference letters from government agencies demonstrating its experience delivering aerial spraying services for mosquito control within the last five years; (2) have at least one employee licensed as a commercial pesticide applicator in the State of Florida; (3) have at least one employee licensed as a public health applicator by the State of Florida; (4) have at least one employee licensed as an aerial applicator in the State of Florida; and (5) provide contact information of the designated representative for aerial spray missions.

All work to be performed, i.e., aerial adulticiding and larvicing applications for the control of mosquitos throughout the County, shall be via fixed wing and/or rotary aircraft. Miami Executive Airport will be the primary launchpad for aerial spray operations. Additionally, the awardee shall be available between 7:30AM and 5:00PM seven days per week and shall contact SWM's Mosquito Control Division within 30 minutes of the County's first attempt at notification of an aerial spray mission. An aircraft must be operational and available for aerial spraying within six hours of notification.

The solicitation was advertised on December 24, 2018. Two vendors responded to the solicitation, of which one was a "No Bid." Per the item's Market Research, there are 310 individuals licensed to provide aerial spraying services in Florida, of them only one has a mailing address in Miami, Florida. The Internal Services Department received feedback from the current vendor, Clarke Mosquito Control Products, who submitted the "No Bid." Clarke explained that it decided not to submit a bid because of the replacement solicitation's availability requirements (i.e., seven days per week and available for spraying within six hours of notification), application altitude requirements and fines and penalties.

**ICI Meeting: April 15, 2019
Research Notes**

The replacement contract is valued at \$1,660,000 for the five-year term. The current contract (No. 7031-0/18) is valued at \$3,085,000 for a term of five years and four months. The recommended awardee, Vector Disease Control International, is an incumbent vendor. The allocation under the replacement contract is lower than the current contract's due to the estimated quantities and projected usage for the replacement term.

The current contract does not include spraying for larval mosquitos as it only targets the control of adult mosquitos. Larval is defined as relating to or denoting the active immature form of an insect. Including spraying for immature mosquitos is considered a more effective approach to mosquito control according to the Centers for Disease Control and Prevention.

The Commodity Code for this solicitation on the Small Business Development Project Worksheet is 98872 (Pest Control, Other than Buildings, Including Spraying Trees and Shrubs). A April 12, 2019 search on the Business Management Workforce System for local certified small business vendors under that code yielded the following:

- Ballpark Maintenance, Inc.
- El Toro Exterminator of Florida, Inc.
- Sharp Shot, Inc.
- Tower Pest Control, Inc.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Chapter 388 sets forth the State of Florida's policies regarding mosquito control.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0388/0388.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-477-18, adopted 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 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 September 4, 2012, requires identification of small business enterprise firms in any procurement item submitted for Board approval.

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Resolution No. R-140-15, adopted 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.

ICI Meeting: April 15, 2019
Research Notes

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

Resolution No. R-1011-15, adopted November 3, 2015, directed the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ in memoranda to the Board pertaining to vendors being recommended for contract award.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Implementing Order 3-38 sets forth the County's policies 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>

**ICI Meeting: April 15, 2019
Research Notes**

**Item No. 3E
File No. 190488**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING THE NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT WITH NOVA CONSULTING, INC., IN AN AMOUNT NOT TO EXCEED \$1,100,000.00, TO PROVIDE ENVIRONMENTAL CLEANUP, COMPLIANCE AND RELATED SERVICES FOR PROJECT NO. E15-RER-02 FOR THE MIAMI-DADE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS AND OTHER COUNTY DEPARTMENTS; AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SURTAX FUNDS FOR ELIGIBLE MIAMI-DADE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS PROJECTS ONLY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the award and execution of a Non-Exclusive Professional Services Agreement (PSA) with Nova, Consulting, Inc. to provide environmental cleanup, compliance and related services in the amount of \$1,100,000.00 for a total contract term 1825 days for the Miami-Dade Department of Regulatory and Economic Resources and authorizing the use of Charter County Transit Surtax Funds.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Regulatory and Economic Resources

This item was brought before the Government Operations Committee (GOC) on January 15, 2019, and passed with a favorable recommendation. Prior to the passage, the following exchange took place:

- Commissioner Martinez noted Item 3E was related to Item 3D and expressed his disagreement on using People Transportation Plan (PTP) funds. At the same time, Commissioner Sosa conveyed her disagreement in this item and explained the only reason they would use PTP funds was in the case the project related to transportation.
- Mr. Lee N. Hefty, Director of Environmental Resources Management Department clarified the contracts were designed specifically for Public Works and Transportation use and utilized PTP funding. Commissioner Suarez clarified it was not right for the administration to send the DERM Director to the Board requesting PTP funds for environmental issues. Commissioner Sosa noted there would not be a transportation plan if PTP environmental studies were not allowed.
- Chairman Moss asked how to expedite the process. Assistant County Attorney Bruce Libhaber stated the caveat request was appropriate for the process in this case. Therefore, he stated, any work orders arising from the Professional Services Agreement (PSA) which anticipate using Surtax funds will need to be considered by the Citizens' Independent Transportation Trust (CITT) and the Board of County Commissioners prior to using the Surtax funds.
- Hearing no other questions or comments, the members of the Government Operations Committee voted on the foregoing proposed resolution, as amended.

ANALYSIS

The purpose of this item is to request that the BCC approve the award and execution of a Non-Exclusive Professional Services Agreement (PSA) with Nova Consulting, Inc., to provide environmental cleanup, compliance and related services in the amount of \$1,100,000.00 for a total contract term of three (3) years plus two (2) one (1) year options-to-renew for the Miami-Dade Department

**ICI Meeting: April 15, 2019
Research Notes**

of Transportation and Public Works (DTPW) and other County Departments. This item also requests authorizing the use of Charter County Transit Surtax Funds.

The Fiscal Impact to the County is an amount of \$1,100,000 for a term of three (3) years plus two (2) one (1) year option-to-renew. The project will take place Countywide. The funding source will depend upon the department requesting the services for the specific project and will be established by the said department. In the case of DTPW Transit Surtax Funds will be used.

RER requires a prequalified environmental consultant, with diverse and specialized expertise, immediately available to perform a variety of environmentally related tasks required by various County Departments.

The scope of services as listed below:

- A. Performing environmental assessment and/or rehabilitation and related tasks, including, but not limited to, drilling, surveying and mapping, and laboratory analytical services, at Miami-Dade County owned or operated sites in accordance with Chapter 62-780 of the Florida Administrative Code (FAC), Chapter 24 of the Miami-Dade County Code, and all other applicable regulations.
- B. Performing services related to the modification, repair, removal, replacement, installation, and/or abandonment of any underground or aboveground storage systems, and related tasks, necessary for the investigation, prevention, or cleanup of contamination, in accordance with Chapters 62-761 and 62-762 FAC, Chapter 24 of the Miami-Dade County Code, and all other applicable regulations.
- C. Performing services as design professionals and duties related to construction management for environmentally related construction tasks related to A and B above.
- D. Performing other related environmental work, not identified above, necessary for investigation or prevention of potential or known contamination, for compliance with applicable regulations, protection of the environment and public health, and cleanup of environmental contamination.

A Notice to Professional Consultants was issued on August 26, 2016, under full and open competition. On October 14, 2016, the Clerk of the Board received two proposals in response to the solicitation, one from EBS Engineering, Inc., (a local corporation with a principal address of 4715 NW 157 Street, Suite 202, Miami, FL 33014), and the other from Nova Consulting, Inc., (a local corporation with a principal address of 10486 NW 31 Terrace, Doral, FL 33172).

The first tier meeting was held on May 2, 2017; both firms were evaluated and the Competitive Selection Committee (CSC) ranked Nova Consulting, Inc., as the highest ranking firm out of the two proposals submitted. The CSC voted by majority, not to hold a Second Tier meeting and to recommend Conrad and Schmidt, Consulting Engineers, Inc. dba SCS Engineers for negotiation and award.

The Small Business Development Division recommended a 100.00 percent SBE-A&E set-aside, defined as the designation of a given contract for competition among SBE's. (Sec. 2-8.1.1.1.1. Small Business Enterprise Program)

ICI Meeting: April 15, 2019
Research Notes

OCA conducted a review of the technical certifications associated with the project on the Business Management Workforce System (BMWS) on April 10, 2019: (See the table below)

Prime/Other	Code	Description	Amount of SBE A/E firms identified in BMWS
Prime	10.05	Contamination Assessment and Monitoring	14 SBE A/E firms were identified.
Prime	10.06	Remedial Action Plan Design	7 SBE A/E firms were identified
Prime	10.07	Remedial Action Plan Implementation/Operation/Maintenance	6 SBE A/E firms were identified
Other	15.01	Surveying and Mapping – Land Surveying	165 SBE A/E firms were identified.
Prime	16.00	General Electrical Engineering	None
Prime	17.00	Engineering Construction Management	None

OCA conducted a review on April 10, 2019 of Nova Consulting, Inc., and found that it has an active status on Sunbiz, (the official website of the Division of Corporations of the State of Florida) with a principal address of 10486 N.W. 31 Terrace, Doral, FL 33172 and several accounts with the Tax Collector's office. The firm has a current license status on a Geology Business license registered with the Department of Business & Professional Regulation.

Pursuant to Resolution No. R-1181-18, RER must (1) consider the safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board. Information relating to the required safety record check for Nova Consulting, Inc., is absent from the agenda item.

Pursuant to Resolution No. R-421-16, a Performance Record verification was conducted by OCA in the Capital Improvements Information System (CIIS) on January 7, 2019. The verification revealed 33 performance evaluations in the Capital Improvements Information Systems Database for Nova Consulting, Inc. yielding an average evaluation rating of 3.9 out of 4.0.

ADDITIONAL INFORMATION:

Nova Consulting Group was awarded a contract with the EPA on December 2, 2015 for all environmentally-related records including violations/enforcements, compliance/non-compliance issues, fires, spills, leaks, releases, storage tank issues, clean-up, and emergency response issues under contract EPA-R5-2016-000685

https://www.epa.gov/sites/production/files/2018-01/documents/epa_foia_log_fy16.pdf

DEPARTMENTAL INPUT

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

- Are there any professionals employed by RER that can do this type of work?
- Would it be more cost effective to hire full time employees to do this work for the County rather than outsource?

**ICI Meeting: April 15, 2019
Research Notes**

APPLICABLE LEGISLATION/POLICY

Chapter 212.055 of the Florida Statutes, Discretionary sales surtaxes, legislative intent; authorization and use of proceeds, d) Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the county commission deems appropriate, Used by the county for the development, construction, operation, and maintenance of roads and bridges in the county; for the expansion, operation, and maintenance of bus and fixed guideway systems; for the expansion, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges and no more than 25 percent used for non-transit uses;

http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.055.html

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

Florida Administrative Code Chapters 62-780, provide the contaminated site clean-up criteria.

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-780>

Section 2-8.1 of the Miami-Dade 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 29-124(f) of the Miami-Dade County Code (Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust) Requires CITT review of contracts funded by the People's Transportation Plan or for contracts with a Transit allocation that exceeds \$1 million.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551_FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR

Section 2-11.1 of the Miami-Dade County Code creates a minimum standard of ethical conduct and behavior for all County officials, officers, and employees.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR

ICI Meeting: April 15, 2019
Research Notes

Section 2-10.4 of the Miami-Dade 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 00-65 adopted May 23, 2000 (involving the expenditures of more than \$500,000.00) any contract for the construction of public improvements and any professional service agreement involving the expenditure of more than \$500,000, an item shall be added to the advertisement recommendation memorandum presented by the County Manager to the Board of County Commissioners identifying (1) each proposed 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 proposed dedicated allowance, contingency allowance and additional services allowance in relation to the estimated contract price.

<http://intra/gia/matter.asp?matter=001521&file=false&yearFolder=Y2000>

Ordinance No. 02-116, adopted July 9, 2002, Levying and Imposing a one half of one percent Charter County Transit System Surtax authorized By Section 212.055(1), Florida Statutes (2001) on all transactions occurring in Miami-Dade County otherwise subject to the State Tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes (2001); Providing exceptions; providing limitations and procedures for administration and collection; providing for use of surtax proceeds; granting Citizens' Independent Transportation Trust certain powers over the use and expenditure of surtax proceeds; expressing intent to maintain current level of general fund support for MDTA in subsequent fiscal years;

<http://intra/gia/matter.asp?matter=022196&file=false&yearFolder=Y2002>

Implementation Order (I.O.) 3-41, (SBE Program), establishes procedures related to the Miami-Dade County Small Business Enterprise Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-41.pdf>

Implementing Order (I.O.) 2-13, (Guidelines and Procedures to pertaining to legal opinions in County competitive process), any contract in an amount which exceeds the threshold pursuant to Section 2-8.1 of the Code of Miami-Dade County will require the County Attorney's Opinion shall be in writing and submitted to the Board of County Commissioners along with the award recommendation.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-13.pdf>

Implementing Order (I.O.) 3-34 (Formation and Performance of Selection Committees) Notwithstanding any contrary provision of any other Administrative Order or Implementing Order, this Implementing Order establishes procedures for the formation and performance of selection committees in the competitive procurement process of Miami-Dade County, including competitive selection committees utilized in the acquisition of architectural and engineering (A&E) professional services under Section 287.055 of the Florida Statutes.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-34.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>

ICI Meeting: April 15, 2019
Research Notes

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

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

Resolution No. R-421-16, adopted May 17, 2016, requires the County Mayor or Mayor's designee to attach a list of all County Contracts awarded in the previous 3 years to the recommended contractor and summary of evaluations for Design and/or Construction Contract Awards of \$1,000,000.00 or greater.

<http://intra/gia/matter.asp?matter=160124&file=true&yearFolder=Y2016>

Resolution No. R-1181-18, adopted November 8, 2018, directs the County Mayor to: (1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board.

<http://intra/gia/matter.asp?matter=182536&file=true&yearFolder=Y2018>

**ICI Meeting: April 15, 2019
Research Notes**

Item No. 3F

File No. 190491(182375)

Researcher: IL Reviewer: TD

RESOLUTION APPROVING THE NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT WITH STEARNS, CONRAD AND SCHMIDT, CONSULTING ENGINEERS, INC. DBA SCS ENGINEERS, IN AN AMOUNT NOT TO EXCEED \$1,100,000.00, TO PROVIDE ENVIRONMENTAL CLEANUP, COMPLIANCE AND RELATED SERVICES FOR PROJECT NO. E15-RER-03 FOR THE MIAMI-DADE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS AND OTHER COUNTY DEPARTMENTS; AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SURTAX FUNDS FOR ELIGIBLE MIAMI-DADE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS PROJECTS ONLY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the non-exclusive Professional Services Agreement with Stearns, Conrad and Schmidt, Consulting Engineers, Inc., d/b/a SCS Engineers, in an amount not to exceed \$1,100,000.00, to provide environmental clean-up, compliance and related services for Project No. E15-RER-03 for the Miami-Dade Department of Transportation and Public Works and other County departments; whether the Board should authorize the use of Charter County Transit Surtax funds for eligible Miami-Dade Department of Transportation and Public Works projects only. The term of the contract will be for three years plus two, one-year renewal options.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Regulatory and Economic Resources

The proposed resolution was considered at the January 15, 2019, Government Operations Committee meeting.

- Commissioner Martinez expressed his opposition to the proposed resolution because it was using the People's Transportation Plan (PTP) funding.
- Mr. Lee Hefty, Director, Division of Environmental Resources Management, Regulatory and Economic Resources Department, clarified that this contract was designed to be used by the Department of Transportation and Public Works (DTPW) for work that was eligible for PTP funding.
- Commissioner Sosa said that she would support the proposed resolution if it specifically stated that PTP funds would not be used for a specific project unless the use of the funds was approved by the Board.
- Deputy Mayor Edward Marquez noted often environmental clean-ups were necessary for PTP projects; therefore, in those situations, the use of PTP funds was allowable.
- Commissioner Sosa pointed out that when the public voted for the PTP, environmental programs were not included. She cautioned that the County should proceed carefully when deciding which projects were eligible for PTP funds.
- Mr. Hefty clarified that if the TPW Department needed to implement a project and had to carry out an environmental assessment, it would use this contract to carry out that assessment.
- Commissioner Sosa noted, according to the amendment which she proffered, the Board would have to approve

**ICI Meeting: April 15, 2019
Research Notes**

the use of PTP funds before the assessment could be carried out.

- Chairman Moss recalled that PTP funds were only intended to be used for projects approved by the voters, and any project requiring the use of PTP funds would have to be approved by the Board.
- Mr. Hefty explained that the purpose of the proposed resolution was to streamline the process; and if staff had to seek the Board's authorization before being able to carry out the environmental assessment, the work would be delayed.
- Commissioner Sosa suggested that in order to expedite the process, these types of items could be waived out of committee and considered directly by the Board.
- Commissioner Monestime pointed out that the Board had entrusted the Administration with the responsibility to spend millions of dollars, and a number of the transportation projects required an environmental assessment to be carried out before they could be implemented.
- Commissioner Sosa said the main reason she put forth the amendment was because she realized the importance of carrying out the environmental assessments.
- In response to Chairman Moss' question regarding whether the items could be waived out of committee for consideration directly by the Board, Assistant County Attorney Bruce Libhaber noted he believed that the Board could direct an item to bypass committee. He said he would research whether this amendment would require a two-thirds vote of the Board members.
- Pursuant to Commissioner Martinez' request for clarification regarding the proposed amendment, Assistant County Attorney Libhaber stated that the proposed amendment would remove the Charter County Transit Surtax funding as the funding source. Therefore, any work orders arising from the Professional Services Agreement (PSA) which anticipated using Surtax funds would need to be considered by the Citizens' Independent Transportation Trust (CITT) and the Board of County Commission prior to using the Surtax funds with affected work orders bypassing committee review.
- Mr. Hefty explained that the reason he was at the podium was that his department was responsible for administering these types of contracts.
- Commissioner Martinez stressed that while Mr. Hefty was responsible for managing the contract, the Board was responsible for making the decision as to whether to allow the use of PTP funds.

The proposed resolution was forwarded to the Board with a favorable recommendation and with committee amendments.

ANALYSIS

The proposed resolution seeks the Board's approval of the non-exclusive Professional Services Agreement with Stearns, Conrad and Schmidt, Consulting Engineers, Inc., d/b/a SCS Engineers, in an amount not to exceed \$1,100,000.00, to provide environmental clean-up, compliance, and related services for Project No. E15-RER-03 for the Miami-Dade Department of Transportation and Public Works and other County departments. The contract term will be for three years plus two, one-year renewal options. The proposed resolution also requests the Board to authorize the use of Charter County Transit Surtax funds for eligible Miami-Dade Department of Transportation and Public Works projects only.

This contract is a work order driven PSA for environmental professional services for clean-up and compliance related tasks. The tasks to be performed are not pre-determined but will be authorized based on specific requests for services from various County

**ICI Meeting: April 15, 2019
Research Notes**

departments. These PSAs usually have a term of 3 years, plus two 1 year renewal options. Therefore, they are advertised approximately every 5 years.

The proposed scope of work includes:

- Performing environmental assessment or rehabilitation and related tasks, including drilling, surveying and mapping, and laboratory analytical services at Miami-Dade County-owned and operated sites;
- Performing services related to the modification, repair, removal, replacement, installation or abandonment of any underground or above-ground storage systems, and related tasks, necessary for the investigation, prevention or clean-up of contamination;
- Performing services as design professionals and duties related to construction management for environmentally related construction tasks; and
- Performing other related environmental work, not identified above, necessary for investigation or prevention of potential or known contamination.

The E09-DERM-01/02 PSAs, which the E15-RER-01/02/03 contracts are replacing, was awarded to Cherokee Enterprises Inc. and URS Corporation Southern (now known as AECOM). The E09 PSA expired in June 2015; however, AECOM is still actively working on a project for the DSWM that was authorized prior to contract expiration.

A Notice to Professional Consultants was issued on September 8, 2016, and at the First Tier meeting held on May 2, 2017, the Competitive Selection Committee ranked Stearns, Conrad and Schmidt, Consulting Engineers, Inc., d/b/a SCS Engineers, as the highest ranking firm out of five proposals submitted. According to the Firm History Report, as provided by the Internal Services Department, the contractor has received 3 contracts with a total value of \$345,577.04, including a Change Order in the amount of \$122,277.04.

The five firms that submitted proposals are Amec Foster Wheeler Environment & Infrastructure, Inc.; Stearns, Conrad, and Schmidt Consulting d/b/a SCS Engineers; Cherokee Enterprises, Inc.; AECOM Technical Services, Inc.; and T.Y. Lin International.

Tabulation Sheet for ISD Project No. E15-RER-03

Name of Firm	Total Qualitative Score	Final Rank
Amec Foster Wheeler Environment & Infrastructure, Inc.	431	3
Stearns, Conrad and Schmidt Consulting	437	1
Cherokee Enterprises, Inc.	436	2
AECOM Technical Services, Inc.	409	5
T.Y. Lin International	419	4

Stearns, Conrad and Schmidt Consulting d/b/a SCS Engineers committed to utilize the following certified SBE/AE firm: Longitude Surveyors, LLC to provide Technical Certification 15.01(Surveying and Mapping – Land Surveying) and 15.03 (Surveying and Mapping – Underground Utility Location) at 11 percent.

OCA performed a search of the technical certifications on the Business Management Work System on April 10, 2019.

The SBE A&E firms found in the 15.01 Technical Certification (Surveying and Mapping – Land Surveying) are listed below:

- Avino & Associates, Inc.
- Barnes, Ferland and Associates, Inc.
- Biscayne Engineering Company, Inc.

**ICI Meeting: April 15, 2019
Research Notes**

- E.R. Bronell & Associates, Inc.
- Hadonne Corp.
- HSQ Group, Inc.
- J. Bonfill & Associates, Inc.
- Juan C. Melendez
- Leiter, Perez and Associates, Inc.
- Longitude Surveyors, LLC
- Manuel G. Vera & Associates, Inc.
- Miller, Legg & Associates, Inc.
- Pinnacle Consulting Enterprises, Inc.
- Robayna and Associates, Inc.
- Snubbs Consulting, Inc.

The SBE A&E firms found in the 15.03 Technical Certification (Surveying and Mapping – Underground Utility Location) are listed below:

- Barnes, Ferland & Associates, Inc.
- Hadonne Corp.
- J. Bonfill & Associates, Inc.
- Leiter, Perez and Associates, Inc.
- Longitude Surveyors, LLC
- Manuel G. Vera & Associates, Inc.
- Miller, Legg & Associates, Inc.
- Robayna and Associates, Inc.

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Stearns, Conrad and Schmidt, Consulting Engineers, Inc., has an active status as a Foreign Profit Corporation and first filed and registered on 12/21/1987. The principal address is registered as 3900 Kilroy Airport Way, Suite 100, Long Beach, CA 90806. Its registered agent is CT Corporation System, 1200 South Pine Island Road, Plantation, FL 33324.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

Pursuant to Resolution No. R-1181-18, RER must (1) consider the safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board. Information relating to the required safety record check for PCL Construction Inc., is absent from the agenda item

Pursuant to Resolution No. R-421-16, a Performance Record verification was conducted by OCA's Division of Policy and Legislation in the Capital Improvements Information System (CIIS) on January 7, 2019: There are 33 performance evaluations in the Capital Improvements Information Systems Database for Stearns, Conrad, and Schmidt, Consulting Engineers, Inc. dba SCS Engineers, yielding an average evaluation rating of 3.9 out of 4.0.

**ICI Meeting: April 15, 2019
Research Notes**

ADDITIONAL INFORMATION

The People's Transportation Plan (PTP), the half-penny transportation surtax overwhelmingly approved by Miami-Dade County voters in November 2002, included \$476 million for public works projects. The PTP funds to be provided to the Transportation and Public Works Department were for major highway and road improvements totaling \$309 million, and for neighborhood, improvements totaling \$167.

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

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following question to the Regulatory and Economic Resources Department receiving the following answers:

- Are these solicitations advertised on a yearly basis?
These PSAs usually have a term of 3 years, plus two 1 year renewal options. Therefore, they are advertised approximately every 5 years.
- Which firm is currently performing this work?
The E09-DERM-01/02 PSAs, which the E15-RER-01/02/03 contracts are replacing, were awarded to Cherokee Enterprises, Inc. and URS Corporation Southern (now known as AECOM). The E09 PSAs expired in June 2015, however, AECOM is still actively working on a project for the DSWM that was authorized prior to contract expiration.

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

- Are there any professionals employed by RER that can do this type of work?
- Would it be more cost effective to hire full time employees to do this work for the County rather than outsource?

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 2-8.1, requires formal sealed bids for purchases over \$250,000; describes the circumstances under which competitive bidding may be waived; establishes requirements for legacy purchases, designated purchases, and provides that procurement procedures shall be established via an Implementing Order.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Miami-Dade County Code Section 29-124(f), provides that "[n]o 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."

http://miamidade.fl.elaws.us/code/coord_ptiii_ch29_artxvi_sec29-124

Florida Administrative Code Chapters 62-780, provide the contaminated site clean-up criteria.

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-780>

Miami-Dade County Code Section 2-10.4, governs the County's acquisition of professional architectural, engineering, landscape architectural or land surveying and mapping services.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Miami-Dade County Code Section 2-10.4.01, sets forth the County's Small Business Enterprise Architecture and Engineering Program.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR

ICI Meeting: April 15, 2019
Research Notes

Ordinance No. 02-116, adopted July 9, 2002, imposes a one half of one percent Charter County Transit System Surtax authorized by Section 212.055(1), Florida Statutes on all transactions occurring in Miami-Dade County otherwise subject to the State tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes; providing exceptions' providing limitations and procedures for administration and collection; providing for use of Surtax proceeds; granting Citizens; Independent Transportation Trust certain powers over the use and expenditure of Surtax proceeds.

<http://intra/gia/matter.asp?matter=022196&file=false&yearFolder=Y2002>

Administrative Order No. 3-39 establishes the County's policies and procedures for user departments for the 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 No. 3-32 sets forth the County's procedures for the Community Business Enterprise Program for the purchase of professional architectural, landscape architectural, engineering or surveying and mapping services.

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

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/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution No. R-1181-18, adopted November 8, 2018, directs the County Mayor to: (1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board.

**ICI Meeting: April 15, 2019
Research Notes**

**Item No. 3K
File No. 190554**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER NO. 1 AND FINAL BETWEEN MIAMI-DADE COUNTY AND CONSTRUCT GROUP CORP. FOR THE PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG NW 74 STREET, FROM NW 114 AVENUE TO NW 107 AVENUE (PROJECT NO. 20120004), EXTENDING THE CONTRACT DURATION BY 284 NON-COMPENSABLE CALENDAR DAYS

ISSUE/REQUESTED ACTION

Whether the Board should authorize the County Mayor to execute the first and final change order between the County and Construct Group Corp. extending the contract duration of the roadway improvements project along NW 74 Street, from NW 114 Avenue to 107 Avenue by 284 non-compensable calendar days.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item has no procedural history.

ANALYSIS

This purpose of this item is to extend the contract between the County and Construct Group Corp. for roadway improvements in District 12 along NW 74 Street, from NW 114 Avenue to 107 Avenue, by 284 non-compensable calendar days. The project is the result of a Florida Department of Transportation (FDOT) study evaluating the existing portion of NW 74 Street, from NW 114 Avenue to SR-826/Palmetto Expressway which found that a six-lane typical section, rather than the five-lane undivided segment that currently exists, was required to meet the expected future travel demand of the corridor.

The roadway improvements funded by Charter County Transportation Sales Surtax Bond Proceeds, are:

- widening the existing road from a five-lane undivided roadway to a six-lane divided roadway;
- reducing the width of the existing median to accommodate a bicycle facility, sidewalks, curb and gutters;
- a continuous storm drainage system;
- pavement markings and signage;
- traffic signalization;
- roadway lighting;
- sound barrier walls on both sides of the roadway;
- landscaping; and
- landscape irrigation.

The Change Order does not increase the contract amount, but rather extends the contract time by 284 non-compensable calendar days to address several unforeseeable delays and additional work requested by FDOT. The original contract duration was 594 days. This Change Order increases the contract duration by 48% to 878 days to compensate for 35 non-compensable day delayed as a result of Hurricane Irma, 31 non-compensable calendar days it took to procure a permit from the City of Doral for installation of an irrigation system, and 47 non-compensable calendar days to allow for the reconstruction of the eastbound lane as a result of the discovery of unsuitable base material which required additional remediation actions by the contractor, among other delays justifying the 284 day extension.

ICI Meeting: April 15, 2019
Research Notes

Construct Group Corp. has been awarded 11 contracts totaling \$12,671,068, and does not have a history of monetary change orders. Pursuant to Resolution No. R-421-16, a Performance Record verification was conducted by OCA in the Capital Improvements Information System (CIIS) on April 12, 2019. There are 11 performance evaluations (including some interim project evaluations) in the CIIS database for Construct Group Corp with an overall performance rating of 2.8 out of a possible 4.0.

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_ARTINGE_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>

Administrative Order No. 3-39 establishes the County's policies and procedures for user departments for the construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

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

Resolution No. R-1053-14, adopted December 2, 2014, approved a contract award recommendation in the amount of \$6,649,073.20 to Construct Group Corp. for the People's Transportation Plan project entitled "roadway improvements along NW 74 Street, from NW 114 Avenue to NW 107 Avenue" and authorized the use of Charter County Transportation Surtax funds for such purposes.

<http://intra/gia/matter.asp?matter=142299&file=true&yearFolder=Y2014>

Resolution No. R-421-16, adopted May 17, 2016, requires 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.

<http://intra/gia/matter.asp?matter=160124&file=true&yearFolder=Y2016>

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>

**ICI Meeting: April 15, 2019
Research Notes**

**Item No. 3L
File No. 190661**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING CONTRACT AWARD TO JVA ENGINEERING CONTRACTOR, INC. IN THE AMOUNT OF \$13,176,587.88, FOR THE PROJECT ENTITLED PEOPLE'S TRANSPORTATION PLAN (PTP) ROADWAY IMPROVEMENTS TO SW 137 AVENUE FROM US-1 TO SW 200 STREET; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

ISSUE/REQUESTED ACTION

Whether the Board should approve a contract award between the County and JVA Engineering Contractor, Inc. in an amount of up to \$13,176,587.88 for a project titled "People's Transportation Plan Roadway Improvements to SW 137 Avenue from US-1 to SW 200 Street" for a term of three years for the Transportation and Public Works Department.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

This item has no procedural history.

ANALYSIS

The purpose of this item is to establish a construction contract with JVA Engineering Contractor, Inc. for a road widening project in District 8, which is represented by Commissioner Levine Cava. The project location is SW 137 Avenue from US-1 to SW 200 Street, which is approximately 3.2 miles in length. The project scope encompasses a new two-lane roadway, including sidewalks, curb and gutters, irrigation, storm drainage system, signalization, pavement markings and signage, bicycle facilities and filling of the borrow pit at SW 240 Street within the right-of-way limits. The contract period is for three years with a contingency period of 110 days.

The contract has a value of \$13,176,587.88, which consist of the base contract amount of \$11,888,716.25, the contingency allowance of \$1,188,871.63, an off-duty law enforcement officer allowance of \$20,000, a bituminous material adjustment allowance of \$50,000, a permit allowance of \$20,000 and an FPL connection allowance of \$9,000.

The FY 2018-19 Adopted Budget and Multi-Year Capital Plan shows total expenditures of \$243,858,000 under this project number (No. 2000000540). The budget books indicates this is a countywide project with various project sites.

It is unclear from a review of the mayoral memorandum how payment will be distributed, e.g., lump sum or linked to milestones and deliverables. A copy of the proposed contract is not included in the agenda package for this item.

The project was advertised on November 29, 2018. On January 30, 2019, nine bids were received in response to the solicitation. The recommended contractor – JVA Engineering – submitted the lowest bid. JVA Engineering's bid amount is nine percent below the County's cost estimate. The project was bid on a unit price basis.

The small business measures assigned to the contract are a SBE/CONST of 8.47 percent, SBE-S of 1.53 percent, and a Community Workforce Program goal of 10 percent. The subcontractor listed in the item is Reyes Electric, Inc. Nonetheless, it is unclear from the agenda item whether Reyes Electric will be utilized to satisfy all of the measures.

Based on information pulled on Sunbiz.org, the official State of Florida Division of Corporations website, as of April 12, 2019, JVA Engineering is an active, Florida for-profit company located at 6600 NW 32 Avenue, Miami, Florida. As of April 12, 2019, the

**ICI Meeting: April 15, 2019
Research Notes**

company's principal, Jose M. Alvarez, holds a Certified General Contractor and Certified Underground Utility and Excavation Contractor licenses per information found on the website of the Florida Department of Business & Professional Regulation.

Pursuant to Resolution No. R-1181-18, the Transportation and Public Works Department must (1) consider the safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board. Information relating to the required safety record check for JVA Engineering is absent from the agenda item.

The mayoral memorandum indicates that JVA Engineering has been awarded 44 construction contracts. Based on information found in the Capital Improvements Information System (CIIS) on April 12, 2019, the firm has an evaluation count of 53 with an average evaluation score of 3.6.

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

Section 2-8.1(h) of the County Code requires that the award recommendation memorandum presented to the Board identify 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 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

Section 2-8.3 of the County Code (County Mayor's Recommendation) states that whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Mayor shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action. Such recommendation shall be in writing and shall be filed with the Clerk of the Board, with copies mailed to all participants in the competitive process, no later than 10 days prior to any Commission meeting at which such recommendation is scheduled to be presented. Such recommendation shall be accompanied by a memorandum from the County Mayor that clearly identifies any and all delegations of Board authority contained in the body of the proposed contract.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE

Section 10-34 of the County Code provides that for construction contracts in which a bidder may use a subcontractor which involve the expenditure of \$100,000 or more, such contracts shall require the entity contracting with the County to list all first tier subcontractors who will perform any part of the contract and all suppliers who will supply materials for the contract work.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE

ICI Meeting: April 15, 2019

Research Notes

Section 2-11.16 of the County Code governs payment to laborers under construction contracts.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIIICOR CH2AD ARTIINGE S2-11.16COCOCO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-11.16COCOCO)

Section 29-124 of the County Code relates to the Citizens' Independent Transportation Trust and provides that 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 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 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=PTIIICOR CH29TA ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRR)

Section 2-1701 of the County Code sets forth the Community Workforce Program.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIIICOR CH2AD ARTCXIICOWOPR S2-1701COWOPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR)

Ordinance No. 14-79, adopted September 3, 2014, requires that all agenda items related to planning, design and construction of County infrastructure include a statement that the impact of sea level rise has been considered.

<http://intra/gia/matter.asp?matter=141211&file=true&yearFolder=Y2014>

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 No. 3-57 establishes a policy for the use of standard construction general conditions by all County departments.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-57.pdf>

Resolution No. R-1203-10, adopted December 7, 2010, directed the County Mayor to standardize construction documents and practices across all County departments.

<http://intra/gia/matter.asp?matter=102577&file=true&yearFolder=Y2010>

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-187-12, adopted February 21, 2012, directs the County Mayor to include diligence information in memoranda recommending certain contract awards.

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

ICI Meeting: April 15, 2019
Research Notes

Resolution No. R-1181-18, adopted November 8, 2018, directs the County Mayor to: (1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board.

<http://intra/gia/matter.asp?matter=182536&file=true&yearFolder=Y2018>

**ICI Meeting: April 15, 2019
Research Notes**

**Item No. 3M
File No. 190708**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER NO. 1 BETWEEN MIAMI-DADE COUNTY AND JVA ENGINEERING CONTRACTOR, INC FOR THE PROJECT ENTITLED PEOPLE'S TRANSPORTATION PLAN ROADWAY IMPROVEMENTS TO NE 2 AVENUE FROM NE 69 STREET TO NE 84 STREET (PROJECT NO. 20150195), EXTENDING THE CONTRACT DURATION BY 268 NON-COMPENSABLE CALENDAR DAYS

ISSUE/REQUESTED ACTION

Whether the Board should authorize the first change order between the County and JVA Engineering Contractor, Inc. extending the contract duration of the project entitled *People's Transportation Plan Roadway Improvements to NE 2 Avenue from NE 69 Street to NE 84 Street* by 268 non-compensable calendar days.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item has no procedural history.

ANALYSIS

This purpose of this item is to authorize the extension of the contract between the County and JVA Engineering Corp. for a District 3 roadway project by 268 non-compensable calendar days. The project seeks to provide an acceptable level of mobility in response to the significant growth the NE 2 Avenue corridor and the adjacent areas have experienced over recent years. The project is being funded by the People's Transportation Plan funds as well as the Water Renewal and Replacement Fund.

The roadway improvements/water distribution extension enhancements included in this project, for which JVA is providing design and construction services, are:

- roadway reconstruction;
- new storm water system;
- sidewalks;
- curb and gutters;
- pavement makings;
- signage;
- signalization;
- decorative lighting;
- landscaping; and
- installation of a 12-inch water main and all appurtenances on NE 2 Avenue from NE 79 Street to NE 84 Street.

The Change Order does not increase the contract amount, but rather extends the contract time by 268 non-compensable calendar days to address several unforeseeable delays. The original contract duration was 510 days. This Change Order increases the contract duration by 53% to 778 days to compensate for the following:

- The contract was delayed by 144 non-compensable calendar days due to unforeseen delays with Florida Power and Light's (FPL) relocation of utilities in conflict with the project's scope of work. FPL was delayed in implementing the work as a direct result of their work in Florida and Puerto Rico due to Hurricanes Irma and Maria respectively.

ICI Meeting: April 15, 2019
Research Notes

- The contract was delayed by 12 non-compensable calendar days due to delays in obtaining necessary permits from the Florida Department of Transportation (FDOT). FDOT experienced delays in issuing permits as a result of impacts caused by Hurricane Irma.
- The contract was delayed by 60 non-compensable calendar days due to a delay of necessary License Agreement between the Florida East Coast Railway, LLC and the County under County Resolution R-508-18 which allowed FEC to schedule their necessary work with JVA to perform work in the FEC section.
- The contract was delayed by 11 non-compensable calendar days due to delays as a result of Hurricane Irma.
- The contract was delayed by 41 non-compensable calendar days due to construction related delays as a result of shop drawings revision.

JVA Engineering Contractor, Inc. has been awarded 20 County contracts totaling \$41,395,018.15. Pursuant to Resolution No. R-421-16, OCA conducted a Performance Record verification in the Capital Improvements Information System (CIIS) on April 12, 2019. There are 53 contractor performance evaluations in the CIIS database for JVA Engineering Contractor, Inc. with an overall performance rating of 3.6 out of a possible 4.0.

While JVA Engineering Contractor, Inc. has yet to reach the 85% small business goals threshold usually required before a change order can be considered in two of its assigned contract measures (SBE/CON and SBE/GS), Resolution No. R-525-17 excepts non-compensatory time extensions from this requirement.

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

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>

Administrative Order No. 3-39 establishes the County's policies and procedures for user departments for the construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

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

Resolution No. R-557-16, adopted June 21, 2016, approved a contract award to JVA Engineering Contractor, Inc. in the amount of \$10,303,400.00, for the design-build services for the project entitled "People's Transportation Plan (PTP) roadway improvements to NE 2 Avenue from NE 69 Street to NE 84 Street", and authored the use of Charter County Transportation Surtax funds for such purposes.

<http://intra/gia/matter.asp?matter=161214&file=true&yearFolder=Y2016>

Resolution No. R-421-16, adopted May 17, 2016, requires 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.

ICI Meeting: April 15, 2019
Research Notes

<http://intra/gia/matter.asp?matter=160124&file=true&yearFolder=Y2016>

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-508-18, adopted May 15, 2018, authorized the approval of a railroad crossing license agreement, between Miami-Dade County and Florida East Coast Railway Co. LLC, for the reconstruction of railroad crossing and traffic control devices at NE 2 Avenue in the vicinity of NE 73 street in the amount estimated at \$365,869.45.

<http://intra/gia/matter.asp?matter=180568&file=true&yearFolder=Y2018>

**ICI Meeting: April 15, 2019
Research Notes**

**Item No. 3P
File No. 190882**

Researcher: IL Reviewer: TD

RESOLUTION AWARDING CONTRACT NO. S-907 BETWEEN PCL CONSTRUCTION, INC. AND MIAMI-DADE COUNTY FOR CONSENT DECREE PROJECT 2.11, CONTRACT NO. S-907, FOR A PROJECT ENTITLED: CENTRAL DISTRICT WASTEWATER TREATMENT PLANT EFFLUENT PUMP STATION ELECTRICAL IMPROVEMENTS, WITH A TOTAL COMPENSATION AMOUNT OF \$21,865,770.00 AND A TOTAL CONTRACT TERM OF 550 DAYS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS OF SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CONTRACT NO. S-907 AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should ratify the award of a construction contract for Consent Decree Project No. 2.11 Central District Wastewater Treatment Plant Effluent Pump Station Electrical Improvements, Contract No. S-907 to PCL Construction Inc. in the amount of \$21,865,770.00.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Water and Sewer Department (WASD)

The proposed resolution has no procedural history.

ANALYSIS

The purpose of this item is to attain the Board's ratification for a construction contract award for Consent Decree Project No. 2.11 Central District Wastewater Treatment Plant Effluent Pump Station Electrical Improvements with PLC Construction Inc for the amount of \$21,865,770.00 for a 550 term of days.

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor to award contracts for funded projects and related goods and services, to reject bids and proposals received in connection with any competitive procurement, and to accelerate the approval of WASD's (1) Consent Decree projects and (2) projects identified in WASD Multi-Year Capital Plan's Capital Improvements Program without the need for prior Board approval, but subject to ratification by the Board.

The Miami-Dade Water and Sewer Department Consent Decree Work consists of all projects needed to comply with the Consent Decree approved on April 9, 2014, by the United States District Court for the Southern District of Florida. The Miami-Dade Water and Sewer Department Capital Improvement Program consist of only those projects approved by the Board as part of the Multi-Year Capital Plan. The Compliance date for Consent Decree project 2.11 is May 9, 2020.

The Fiscal Impact to the County for the implementation of this contract will be of 21,865,770.00 and impacts Commission District 7, Xavier L. Suarez. The funding sources for this project are stated as Future WASD Revenue Bonds, WASD Revenue Bonds Sold, and Wastewater Renewal Fund, Project No.964120 Wastewater Treatment Plants-Consent Decree Projects in the adopted 2018/2019 Budget book.

This project is one in a series of projects processed under Section 2-8.2.12 of the Code, which governs the Miami-Dade County Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance. Scope of services includes, but is not limited to, furnishing all materials, labor, and equipment necessary for the rehabilitation of the Primary Clarifiers, including new flat panel aluminum covers, skimmer and scum collection mechanisms, pinon drive and motor, odor control, primary sludge pump stations, electrical work, instrumentation, monitoring and control panels, process mechanical, air conditioning, exhaust

**ICI Meeting: April 15, 2019
Research Notes**

fans and duct work, construction of a new sodium hydroxide storage and fee facility, yard piping and cured-in-place pipelining of large diameter reinforced concrete pipe at the North District Wastewater Treatment plant.

On May 21, 2013, the Board of County Commissioners authorized the execution of a Consent Decree between Miami-Dade County, the United States of America, the State of Florida and the Florida Department of Environmental Protection, for improvements to the County's wastewater collection and treatment system. WASD determined that the Central District Waste Water Treatment Plant (CDWWTP) requires replacement and/or upgrade of pump motors and their associated drives and electrical power and control systems. Improvements to the facilities are required pursuant to the Consent decree from the U.S. Environmental Protection Agency (U.S. EPA), Department of Justice (DOJ) and the Florida Department of Environmental Protection (FDEP), Case No 1:12-cv-24400-FAM.

On July 17, 2018, in response to WASD's competitive solicitation for Project No. S-907, the department received four bids. The respondents were 1) Poole & Kent Company of Florida, 2) Kiewit Infrastructure South, Co., 3) PCL Construction Inc. and 4) Daniel O' Connell's Sons, Inc. PCL Construction Inc. was the lowest bid received.

The top three lowest firms were within 10% of each other and were claiming local preference in their bid submittal. Therefore, in accordance with Section 2-8.5 of the County Code, a best and final offer (BAFO) occurred on August 2, 2018. The project's Engineer of Record, Stantec, advised that PCL Construction Inc., was the lowest bidder and should be awarded the contract. Additionally, the Small Business Development Division of the Internal Services Department found PCL Construction Inc., to be in compliance with contract measures. Since PCL Construction Inc., provided the lowest bid, WASD recommended that it be awarded the project. See a summary of the bid proposals below.

Bid submittals (July 17, 2018)

Firm	Base Bid
PCL Construction	\$19,790,000.00
Kiewit Infrastructure South	\$20,115,002.00
Daniel O' Connell's Sons	\$20,131,000.00
Poole & Kent Company of Florida	\$20,150,000.00

BAFO bid submittals (August 2, 2018)

Firm	Base Bid
PCL Construction Inc.	\$19,129,000.00 (is 2.61% higher than the engineer of records base bid estimate)
Poole & Kent Company of Florida	\$19,140,000.00 (is 2.66% higher than the engineer of records base bid estimate)
Kiewit Infrastructure South	\$19,250,000.00 (is 3.25% higher than the engineer of records base bid estimate)

According to the Florida Department of State Division of Corporations website (Sunbiz.org), PCL Construction Inc., has an active status as a Florida Profit Corporation and first filed and registered on September 30, 2009. The principal address is registered as

**ICI Meeting: April 15, 2019
Research Notes**

1711 W. Greentree Drive, Suite 201 Tempe, AZ 85284. Its registered agent is NRAI Services Inc., 1200 S. Pine Island Road, Plantation, FL 33324.

PCL Construction Inc. has multiple accounts with the Miami-Dade Tax Collectors office with a local address of 1805 Ponce De Leon Blvd, Suite 201, Coral Gables, FL 33134 and the account has a current paid status. Lastly, PCL Construction Inc. possesses a General Contractor License, Underground Utility, and Excavation Contractor license, Certified Mechanical Contractor License and a Certified Pollutant Storage System Contractor License. All but one of the licenses for PCL Construction Inc. are current. The delinquent license number is license number CGC1505599.

PCL Construction Inc. list of sub-consultants as well as the firms that will satisfy the SBE measures:

Sub	Address	SBE Construction Measure 10.67%	SBE Goods and Services 2.52%
Interstate Construction, LLC.	2501 S.W. 160th Avenue Suite 400 Miramar, FL 33027	10.67	N/A
SCR mechanical LLC.	1600 Ponce De Leon Blvd – 10th Floor Coral Gables, FL 33134	N/A	.52
Sunshine State Air Conditioning, Inc.	4960 N.W. 165 ST. B-11 Miami, FL 33014	N/A	2.00

Pursuant to Resolution No. R-1181-18, WASD must (1) consider the safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board. Information relating to the required safety record check for PCL Construction Inc., is absent from the agenda item

OCA conducted a review of the following commodity codes: 15010 (Construction Materials), 91039 (Janitorial/ Custodial Services), 98852 (Landscaping)), 236220 (Commercial and Institutional Building Construction) 237990 (Other Heavy and Civil Engineering Construction), 238210 (Electrical Contractors and Other Wiring Installation Contractors) 238220 (Plumbing, Heating, and Air-Conditioning Contractors), 238320 (Painting and Wall Covering Contractors), 238910 (Site Preparation Contractors) and 238990 (All other specialty trade contractors) in the Business Management Workforce System on April 10, 2019. Approximately 1332 SBE Firms were identified under the various commodity codes.

OCA conducted a review of the Capital Improvement Information System on April 10, 2019, Pursuant to Resolution No. R-421-16 and found that PCL Construction, Inc. had no evaluations on the system at this time. According to the firm history report provided by SBD, PCL Construction Inc., was awarded its first contract with Miami-Dade County in December of 2018.

ADDITIONAL INFORMATION

Consent Decree entered into between the United States of America, the State of Florida Department of Environmental Protection and the State of Florida v. Miami-Dade County, Florida, Case No. 1:12-cv-24400-FAM
<https://www.epa.gov/sites/production/files/2013-08/documents/miami-dade-cd.pdf>

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Chapter 287.055 governs the acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services.

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

**ICI Meeting: April 15, 2019
Research Notes**

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 2-8.2.12(4)(d) and (e) of the County Code (WASD Consent Decree) provides for the acceleration of Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Program projects, establishes policies and procedures for the approval of contracts related to those projects, specifically the right to amend contracts and extend the time for completion of any contract for construction, materials or professional services, including waivers of liquidated damages and other compensable and/or non-compensable time extensions as well as to negotiate and settle claims, and issue settlement agreement(s) or change orders for additional work under contracts and amendments where: the change order or claim does not exceed ten percent (10%) of the base contract amount, and the contingency allowance shall be utilized to ensure minimal disruption in work flow and shall be documented on the appropriate contingency authorization draw. Change orders shall be submitted to replenish the contingency account in a timely manner; and the limitations provided in (4)(e)(i) above shall not apply to any change order or amendment related to emergency actions impacting remediation, public safety, health requirements or recovery from natural disaster.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR

Section 2-8.5 of the County Code Provides definitions, establishes a preference for local businesses and locally headquartered businesses, establishes exceptions, and allows for reciprocity agreements.

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

Section 2-10.4(7) of the County Code provides, Each contract for professional services shall contain a prohibition against contingent fees, as required by Chapter 287, Florida Statutes. For the breach or violation of this provision the County Commission may terminate the agreement without liability or, at its discretion, deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration.

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>

Ordinance No. 14-77, adopted September 3, 2014, created Section 2-8.2.12 of the Code of Miami-Dade County, and delegated to the County Mayor the authority to advertise, award, amend and negotiate contracts for goods and services, construction and professional services for the Miami-Dade Water and Sewer Department, to extend contract duration, to execute change orders and to settle claims without the need for prior Board approval.

<http://intra/gia/matter.asp?matter=141981&file=false&yearFolder=Y2014>

ICI Meeting: April 15, 2019
Research Notes

Administrative Order 3-39 establishes the standard procedures for user departments to implement, classify, track, monitor and report capital construction projects unless specifically exempted by State or federal law.

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

Implementation Order (I.O.) 8-8 (Sustainable Buildings Program), adopted on December 4, 2007, authorizing approval of Implementing Order 8-8: establishing guidelines to further the County's sustainable buildings program initiative, and authorizing the County Mayor or his designee to exercise any and all other rights conferred therein.

<http://www.miamidade.gov/govaction/matter.asp?matter=080263&file=true&fileAnalysis=false&yearFolder=Y2008>

Implementation Order (I.O.) 3-41, (SBE Program), establishes procedures related to the Miami-Dade County Small Business Enterprise Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-41.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>

Implementing Order (I.O.) 3-22, (Small Business Enterprise Construction Services Program): Except where Federal or State laws or regulations mandate to the contrary, this Implementing Order governs construction services (including design-build, alteration, installation, painting, maintaining or repairing a public improvement), funded in whole or in part by County funds for all Miami-Dade County departments and agencies.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO03-22.pdf>

Implementing Order (I.O.) 3-32 (Small Business Enterprise Architecture and Engineering Program) Except where federal or state laws or regulations mandate to the contrary, this Implementing Order applies to all project specific awards, and multiple project contracts as mandated in the CBE-A/E ordinance.

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

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

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

Resolution No. R-281-14, adopted March 18, 2014, approving Mayor's recommendations relating to proposed Consent Decree with federal and state environmental enforcement agencies and authorizing the Mayor and County Attorney to modify proposed Consent Decree and advise the Court accordingly.

<http://www.miamidade.gov/govaction/matter.asp?matter=140568&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-421-16, adopted May 17, 2016, requires attachment of all items recommending Design and/or Construction Contract Awards of \$1,000,000/00 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 contractors work.

<http://intra/gia/matter.asp?matter=160124&file=true&yearFolder=Y2016>

Resolution No. R-1181-18, adopted November 8, 2018, directs the County Mayor to: (1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board.

<http://intra/gia/matter.asp?matter=182536&file=true&yearFolder=Y2018>

