



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

Tourism & Ports (TAPS) Committee Meeting

April 15, 2019
9:30 A.M.
Commission Chambers

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Research Notes**

Item No. 3A

File No. 190833

Researcher: LE Reviewer: TD

RESOLUTION RETROACTIVELY APPROVING 20-YEAR MEMORANDUM OF AGREEMENT NO. 69435Z-18-L-00079 BETWEEN MIAMI-DADE COUNTY AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE AND OPERATION OF THE AIR TRAFFIC CONTROL TOWER AT MIAMI INTERNATIONAL AIRPORT, PURSUANT TO FLORIDA STATUTE SECTION 125.35(1)(B)(1); AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING TERMINATION; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE THE MEMORANDUM OF AGREEMENT TO THE COUNTY PROPERTY APPRAISER IN ACCORDANCE WITH RESOLUTION NO. R-791-14

ISSUE/REQUESTED ACTION

Whether the Board should retroactively approve a 20-year Memorandum of Agreement between Miami-Dade County and the U.S. Department of Transportation (USDOT) for the maintenance and operation of the Air Traffic Control Tower (ATCT) at Miami International Airport (MIA).

PROCEDURAL HISTORY

Prime Sponsor: Rebeca Sosa, District 6

Department/Requester: Aviation Department

This item has no procedural history.

ANALYSIS

The purpose of this item is to request the Board to retroactively approve a 20-year memorandum of agreement between Miami-Dade County and U.S. Department of Transportation (USDOT) for maintaining and operating the Air Traffic Control Tower (ATCT) at Miami International Airport (MIA).

The proposed item will allow the Federal Aviation Administration (FAA) to lease the land for the air traffic control facility. The FAA is responsible for paying all costs related to the utility consumption.

The memorandum of agreement between Miami-Dade County and USDOT will allow continued leasing of 155,081 square feet of land for operating the Air Traffic Control Tower (ATCT) at MIA. Of the 155,081 square feet of land that is being leased, 77,976 square feet is designated for vehicular parking, 58,567 square feet for landscaping and irrigation inside a fenced area, and 18,538 square feet for the ATCT building. The Memorandum of Agreement will not generate any revenue for the County.

Miami-Dade Aviation Department (MDAD) entered into a Lease Agreement No. DTFA06-98-L-17702 with FAA on August 24, 1998 for a 20-year term to lease land at MIA for FAA's ATCT. The lease agreement expired on September 30, 2018, but the FAA and the County agreed to honor the terms and conditions of the lease until the memorandum of agreement, No. 69435Z-18-L-00079, is approved by the Board.

The Memorandum of Agreement's term would be retroactive to October 1, 2018 and continue through September 30, 2038. MDAD will maintain any necessary water and sanitary sewer, steam, and high temperature lines to the ATCT, and the meters to the lines at no cost to the FAA.

In accordance with Resolution No. R-791-14, a copy of the agreement must be provided to the County Property Appraiser to monitor compliance and filing of the certificate.

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APPLICABLE LEGISLATION/POLICY

Florida Statute Section 125.35(1)(b)(1) states that the board of county commissioners may negotiate the lease of an airport or seaport facility.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/Sections/0125.35.html

Resolution No. R-791-14, adopted September 3, 2014, directs the Mayor or their designee to provide the County property appraiser a copy of all leases and operating agreements involving County-owned property.

<http://intra/gia/matter.asp?matter=141723&file=true&yearFolder=Y2014>

Resolution No. 130-06, adopted January 24, 2006, exempts governmental entities from the requirement that an agreement be fully executed prior to being brought before the Board.

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

FAA Order 5190.6b sets forth policies and procedures for the FAAs Airport Compliance Program.

https://www.faa.gov/airports/resources/publications/orders/compliance_5190_6/

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Item No. 3B

File No. 190731

Researcher: IL Reviewer: TD

RESOLUTION APPROVING AWARD OF THE PROFESSIONAL SERVICES AGREEMENT TO BERMELLO, AJAMIL & PARTNERS, INC. FOR DESIGN CRITERIA PROFESSIONAL SERVICES FOR THE MIAMI INTERNATIONAL AIRPORT EMPLOYEE PARKING GARAGE, PROJECT NO. A17-MDAD-01; IN AN AMOUNT NOT TO EXCEED \$2,922,287.50 FOR A TERM OF FIVE YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the award a Professional Services Agreement (PSA) to Bermello, Ajamil & Partners, Inc., in an amount not to exceed \$2,922,287.50 for a term of five years with two one-year options to extend for design criteria professional services for the airport employee parking garage under Project No. A17-MDAD-01.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works Department (DTPW)

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

ANALYSIS

The purpose of this item is for the Board to award a PSA for design criteria professional services. The firm's scope of work will consist of preparation of bidding documents incorporating schematic design, performance specifications and design criteria for the Project and enforcement of the design criteria.

The fiscal impact of this project is an amount not exceeding \$2,922,287.50 to be funded through Airport Revenue Bonds.

The request to advertise (RTA) was posted on April 6, 2018. Five proposals were received from the following firms: R.E. Chisholm Architects, Inc., Bermello, Ajamil & Partners, Inc., Perez & Perez Architects Planners, Inc., Mobio Architecture, Inc. and Acai Associates, Inc. on May 18, 2018.

The First Tier meeting was held on July 17, 2018. Below are the rankings provided by the competitive selection committee (CSC).

Firm	Qualitative Points	Final Rank
Bermello, Ajamil & Partners.	264	1
Perez & Perez Architects Planners Inc.	253	2
Mobio Architecture, Inc	237	3
R.E. Chisholm Architects, Inc. (Ranked higher due to local preference)	211	4
Acai Associates, Inc	217	5

The CSC results are based on its professional judgment and by majority vote elected to forego Second tier proceedings.

The small business measure applicable to the contract is an SBE A/E goal of 28 % (\$816,200) and SBE G/S goal .50 % (\$14,575).

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SBE/A&E firms authorized under the agreement are: Fraga Engineers, LLC. (SBE A/E 11% -\$320,650) BND Engineers, Inc. (SBE A/E 13% -\$378,950), Sol-Arch, Inc. (SBE A/E 2% -\$58,300), Radise International (SBE A/E 1.5% -\$43,725), and Hadonne Corp., (SBE G/S .50% - \$14,575).

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

Prime/Other	Code	Description	Amount of SBE firms identified
Prime	14.00	Water and Sanitary Sewer Systems – Water and Sanitary Sewage Treatment Plants	None
Prime	18.00	Architectural Construction Management	None
Other	3.01	Site Development and Parking Lot Design	50 SBE A/E firms were identified
Other	3.09	Highway Systems – Signing, Pavement Marking, and Channelization	46 SBE A/E firms were identified
Other	11.00	General Structural Engineering	None
Other	12.00	General Mechanical Engineering	None
Other	13.00	General Electrical Engineering	None
Other	16.00		None
Other	17.00	Engineering Construction Management	None
Other	22.00	Water and Sanitary Sewer Systems –Major Water an Sanitary Sewage Collection and Transmission	None

Bermello, Ajamil & Partners, Inc., was cross-referenced on Sunbiz.org, the office website of the Division of Corporations for the State of Florida. Bermello, Ajamil & Partners, Inc., has a principal address of 2601 South Bayshore Drive, Suite 1000, Miami, FL 33133. The Tax Collector's website was cross-referenced and an account was identified for this firm. Bermello, Ajamil & Partners, Inc., possesses several Architect Business licenses with the Department of Business and Professional Regulation and has an active status until February 28, 2021.

Pursuant to Resolution No. R-1181-18, DTPW 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 finding of contractor responsibility in award memorandum to the Board. Information relating to the required safety record check for Bermello, Ajamil & Partners, Inc., is absent from the agenda item

Pursuant to Resolution No. R-421-16, a PERFORMANCE RECORD verification conducted by OCA in the Capital Improvements Information System (CIIS) on April 10, 2019: There are 21 performance evaluations in the Capital Improvements Information Systems Database for Bermello, Ajamil & Partners, Inc., yielding an average evaluation rating of

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3.7 out of 4.0. The Firm history report on this firm shows that for the period from February 1, 2016, through February 28, 2019, this firm has received five contracts totaling an amount of \$13,265,647.13.

DEPARTMENTAL INPUT:

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

- Are there any professionals employed by DTPW 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

Section 287.055 of the Florida Statutes establishes the Consultants' Competitive Negotiation Act, governing the processes for 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=0200-0299/0287/0287.html

Section 2-10.4 of the County Code 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

Section 2-10.4.01 of the County Code 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

Section 2-8.1(h) of the County Code sets forth that 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.

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

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://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.

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

Resolution No. 17-1471, adopted by the Town Council of the Town of Miami Lakes, Florida, authorized the Town Manager to enter negotiations with Bermello, Ajamil & Partners, Inc. for the Award of Contract 2017-31 for general architectural & related services.

https://www.miamilakes-fl.gov/index.php?option=com_docman&view=download&alias=4319-resolution-17-1471&category_slug=2017-3&Itemid=272

Implementing Order No. 3-34 establishes procedures for the formation and performance of selection committees in the competitive procurement process, including competitive selection committees utilized in the acquisition of architectural and engineering professional services.

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

Implementing Order No. 8-8 establishes the policy to incorporate sustainable development building measures into the design, construction, renovation and maintenance of County-owned, County-financed, and County-operated buildings.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO8-8.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>

ADDITIONAL INFORMATION:

Bermello, Ajamil & Partners, Inc., has had several government contracts in the past. An example of one is Resolution No 17-1471 of the Town Council of the Town of Miami Lakes, Florida, for general architectural & related services.

https://www.miamilakes-fl.gov/index.php?option=com_docman&view=download&alias=4319-resolution-17-1471&category_slug=2017-3&Itemid=272

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Item No. 3C

File No. 190865

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-MDAD-07-17 TO DESIGNA ACCESS CORPORATION FOR THE PURCHASE OF PARKING ACCESS AND REVENUE CONTROL SYSTEM FOR THE MIAMI-DADE AVIATION DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$9,910,601.00 OVER THE INITIAL THREE-YEAR TERM AND FIVE-YEAR OPTION TO RENEW TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve award of Contract No. RFP No. MDAD-07-17, Parking Access and Revenue Control System, to DESIGNA Access Corporation in a cumulative amount of \$9,910,601 for an initial three-year term plus a five-year option to renew for the Aviation Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item's legislative history shows that it was placed on the Economic Development and Tourism Committee agenda on January 17, 2019 and was deferred. The item was next placed on the Tourism and Ports Committee agenda on February 13, 2019 where it was withdrawn.

ANALYSIS

The purpose of this item is for the Aviation Department to purchase a turnkey Parking Access and Revenue Control System (PARCS) for the parking facilities at Miami International Airport (MIA) in order to replace the existing legacy parking system which has exceeded its useful life. The recommended awardee is DESIGNA Access Corporation, an active foreign for-profit corporation with a principal address of 777 Oakmont Lane, Suite 2000, Westmont, Illinois.

Under the contract, DESIGNA Access is responsible for the design, manufacture, fabrication, furnishing, assembly, installation, testing, cut-over and inspection of an integrated PARCS at MIA's existing parking facilities and structures as well as provide for future expansion of parking services. The PARCS solution shall provide monitored ingress/egress control of all of the public parking facilities owned and operated by the Aviation Department. This includes Dolphin and Flamingo Garages, Park 1, Park 6, Park 8, the High Vehicle Lot, Valet Parking, Taxi Lot and the Employee Parking facilities. The PARCS shall be a state-of-the-art, fully online, real-time, open architecture system using single-slot technology at entry lanes, cashiered and automated exit lanes.

The contract has a cumulative value of \$9,910,601 for an initial term of three years plus one, five-year option to renew. Payment will be made based on the achievement of milestones per project phase. The phases are as follows:

1. Notice to Proceed
2. System Design Acceptance
3. Factory Acceptance Test
4. Hardware/Server Installation; (4A – SunPass Interface to FTE and LDAP)
5. Lane Test Acceptance
6. Parking Reservation System
7. Back Office Reporting Acceptance
8. Final Acceptance/Closeout

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The contract's initial term is valued at \$8,030,141, which consist of: (1) \$7,281,923 for payment milestones; (2) \$728,192.30 for the contingency allowance account; and (3) \$20,025.29 for the IG allowance account. The option to renew is valued at \$1,880,460, representing \$376,092 for each year of the five year option term.

The solicitation was advertised on October 19, 2017, and five proposals were received in response. None of the respondents were local firms. Of the proposals received, the price proposed by Skidata, Inc. was the lowest, and the price proposed by the recommended awardee, DESIGNA Access was the highest. The item's supplement (File No. 190867) explains that although the price for the system proposed by Skidata is lower than DESIGNA's proposed price, there are features and pricing components that are not included in Skidata's base proposal. Additionally, the proposal submitted by TIBA Parking Systems was deemed nonresponsive by the County Attorney's Office (CAO) on March 23, 2018 because the bid bond submitted by TIBA is in the name of another corporate entity (i.e., T.I.B.A. LLC). The CAO reasoned that TIBA is nonresponsive for failing to include a bid bond that secured its proposal.

Prior to this solicitation's advertisement, this contract was previously solicited and a recommendation to reject all proposals received for PARCS was adopted by the Board on October 3, 2017 pursuant to Resolution No. R-831-17. That solicitation was advertised on April 15, 2016, and on June 3, 2016, three proposals were received. The rejection was based on two of the three proposals being deemed nonresponsive by the CAO. Moreover, the sole responsive proposal was evaluated in a way deemed inconsistent with the principles governing competitive procurement (i.e., the Selection Committee's review of certain confidential technical material).

This award includes a SBE/Con goal of three percent and a Community Workforce goal of 10 percent. DESIGNA Access has proposed a 33 percent SBE/Con participation goal. Under the proposal, AUM Constructions, Inc. will satisfy 28 percent of the work, and PSA Constructors, Inc. will satisfy five percent of the work.

The Commodity Code for this solicitation is 55038 (Parking Meters and Area Control Equipment). A search for local certified small business vendors under this code was conducted in the Business Management Workforce System on April 11, 2019 and yielded no vendors.

APPLICABLE LEGISLATION/POLICY

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

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

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=PTIICOOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR)

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>

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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>

Resolution No. R-831-17, adopted October 3, 2017, approved the rejection of all proposals received in connection with the Request for Proposals for a Parking Access and Revenue Control System for Miami International Airport.

<http://intra/gia/matter.asp?matter=172053&file=true&yearFolder=Y2017>

Implementing Order 3-24 sets forth the County's policies and procedures relating to responsible wages and benefits for County construction contracts.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-24.pdf>

Implementing Order 3-37 sets forth the County's policies and procedures relating to the Community Workforce Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-37.pdf>

Implementing Order 3-34 sets forth the County's policies and procedures relating to the formation and performance of selection committees.

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

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>

Implementing Order 3-22 sets forth the County's policies and procedures for the Small Business Enterprise Construction Services Program.

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