



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

Tourism & Ports (TAPS) Committee Meeting

July 16, 2019
9:30 A.M.
Commission Chambers

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Commission Auditor
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Miami, FL 33128
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**TAPS Committee Meeting:
July 16, 2019
Research Notes**

**Item No. 2D
File No. 191794**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING A DEVELOPMENT LEASE AGREEMENT ("AGREEMENT") BETWEEN MIAMI-DADE COUNTY AND WMD TAMIAMI LLC ("WMD"), FOR LEASE OF APPROXIMATELY 34 ACRES AT MIAMI EXECUTIVE AIRPORT ("TMB") FOR A TERM OF THREE YEARS, WITH RENT TO THE COUNTY OF \$2,450,000.00 AGGREGATED ACROSS THE TERM OF THE LEASE, AND PROVIDING FOR AN INVESTMENT OF \$60,000,000.00 IN DEVELOPMENT BY WMD; APPROVING A SUBSEQUENT OCCUPANCY LEASE AGREEMENT ("LEASE") FOR A TERM OF 50 YEARS, AND FOR A PROJECTED ANNUAL RENT PAYMENT TO THE COUNTY OF \$2,800,000.00; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL RIGHTS CONFERRED THEREIN, INCLUDING TERMINATION, AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME; WAIVING THE PROVISIONS OF RESOLUTION NO. R-273-15 AS IT RELATES TO INSURANCE FOR SUB-TENANTS

ISSUE/REQUESTED ACTION

Whether the Board should (1) approve a lease agreement between Miami-Dade County and WMD Tamiami LLC (WMD), for a lease of approximately 34 acres at Miami Executive Airport (TMB) for a three year term and with a rent vale to the County of \$2,450,000, to be aggregated across the term of the lase and providing for an investment of \$60,000,000 in development by WMD; (2) approving a subsequent occupancy lease for a 50 year term and for a projected annual rent payment of \$2,800,000; and 3 authorizing the Mayor contract management and termination powers.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Joe A. Martinez, Commission District 11

Department/Requester: None

There is no procedural history for this item.

ANALYSIS

The purpose of this item is for the Board to approve two separate lease agreements simultaneously with WMD authorized pursuant to Section 125.35 and 125.012 of the Florida Statues due to the land associated with each agreement is part of TMB. Lease agreement 1 is a three year developmental lease agreement where WMD will finance, permit, design, and construct commercial and retail facilities within the premises in two phases. The first phase will be developed on the south side of S.W. 128 Street and second phase is to be developed on the north side of S.W. 128 Street. The second agreement is a fifty year lease occupancy agreement entitled: "Fifty Year Lease Agreement between the County and WMD as lessee for the premises at Miami-Executive Airport.

The fiscal impact of the 3-year development lease agreement will generate revenues to the County throughout the three-year period while the infrastructure is being constructed, as will the 50-year occupancy agreement throughout the fifty year occupancy period of the newly constructed commercial and retail facilities. WMD will be the county annual land rent of \$350,000 during the first year, \$700,000 during the second year, and \$1,400,000 during the third year. WMD will have to invest a total of \$60,000,000 to develop the approximate 34 acres. The 50-year occupancy agreement will yield a projected annual land rent of \$2,800,000, which will increase by 2.5 percent and the County is also slated to receive two percent of the amount of the gross revenues and the property will be subject to an appraisal review every 10 years.

**TAPS Committee Meeting:
July 16, 2019
Research Notes**

**Item No. 2D
File No. 191794**

Researcher: IL Reviewer: TD

Blessing Hands Outreach provides education, empowerment and support to women around their sexual health, domestic violence and substance abuse recovery.

Currently Blessing Hands Outreach Inc., has a principal address of 4720 NW 25th Avenue, Miami, FL 33142. The property they seek is County-owned and it is located at 5400 NW 22 Avenue, Miami, Room 712, in District 3, which is represented by Commissioner Edmonson, and is approximately 817 square feet. This lease is before the Board for approval as the property was circulated amongst County departments with no department indicating a need for it, thus rendering it surplus.

The fiscal impact on the county is a \$10.00 payment per year for a five year term. The property is currently owned by the County through the Internal Services Department (ISD). The market rent in this area ranges from \$16.00 to \$19.00 per square foot on an annual basis.

In 2007 an RFP was advertise pursuant to Resolution No. R-650-07 for a Public Private Investo Projects (PPIPs) to develop designated parcels of land at MIA and/or TMB. On June 5, 2007 MDAD advertised RFP No. MDAD-06-03 seeking proposals from qualified investors to finance, construct, renovate, manage and/or operate projects at both MIA and at TMB. Two firms responded and the competitive selection committee (CSC) used a Net Present Value (NPV) formula to calculate the NPV of the proposed development project.

Firm	Technical Points	Rank based on Technical	Price based on NPV	Points based on NPV	Adjusted Score	Overall Ranking
TA 137 th Avenue Associa tes	5,467	2	\$14,384,091	1,823	7,290	2
WMD Tamia mi	5,525	1	\$15,782,207	2,000	7,525	1

In March 2008, the CSC recommended to enter into negotiation with the highest-ranked proposer (WMD) was approved, and the first rounds of negotiations the following month. Various complex issues concerning land values, market values (rent), limitations on increases in land rent adjustments, additional rent payments for improvements after passage of the amortization period and transfer fees, if the lease interest is transferred or sold. Concurrently, the real estate economy collapsed along with the general economy nationwide and although the economy showed signs of improvement in 2012 bank loans to construct projects were again becoming available. Zoning challenges that took time to resolve and a Federal Aviation Administration (FAA) also took time reviewing the occupancy lease agreement and would not accept any lease greater than 50 years. This resulted in a renegotiation between WMD and MDAD making for a total 53 year term divided into two phases. After a lengthy review the FAA accepted the amended lease term.

**TAPS Committee Meeting:
July 16, 2019
Research Notes**

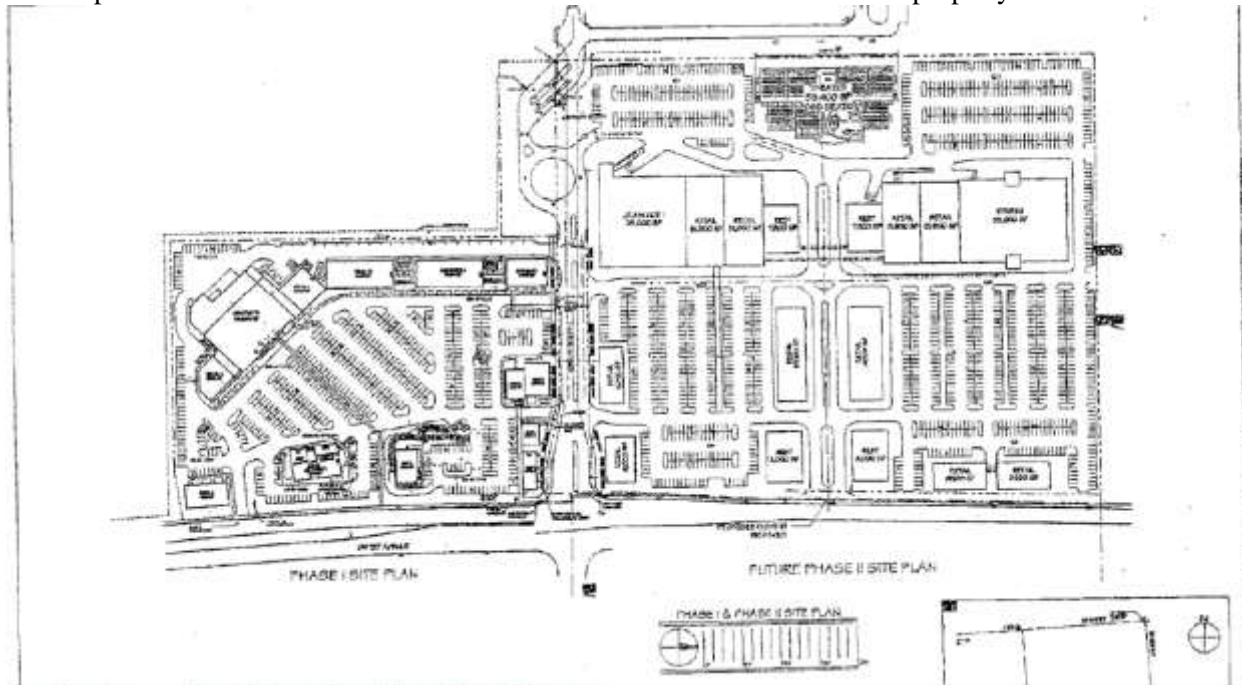
**Item No. 2D
File No. 191794**

Researcher: IL Reviewer: TD

WMD will be required to relocate existing airport structures at its own cost, install new fences and create traffic circulation patterns separating WMD's facilities from MDAD activities at TMB; install secondary access roadways to the north and south of the development areas for use by MDAD and emergency response vehicles; install a sidewalk along S.W. 137 Avenue that is compatible with the proposed community-friendly sidewalk surrounding TMB, and compliance with all FAA and MDAD requirements.

All improvements made on the premises by the tenant shall become part of the premises and shall be property of (an all depreciation deductions and like benefits associated therewith may be taken by) Lessee or its sub lessees, but such Improvements shall become the property of the County at the end of the Term or upon the earlier termination of this agreement. At the County's request, Lessee shall execute in favor of the County appropriate documentation that conveys its interest in the Improvements to the County free and clear of any liens or encumbrances within thirty (30) days after the end of the term or the date of any earlier termination of this agreement.

The map below illustrates Phase 1 and Phase 2 and shows the location of the property.



APPLICABLE LEGISLATION/POLICY

Section 125.012 of the Florida Statutes, Project facilities; general powers and duties - To pledge by resolution or contract the revenues arising from the operation of any project or projects owned and operated by the county to the payment of the cost of operation, maintenance, repair, improvement, extension, or enlargement of the project or projects from the operation of which such revenues are received and for the payment of principal and interest on bonds issued in connection with any such project or projects; and to combine for financing purposes any two or more projects constructed or acquired by the County.

**TAPS Committee Meeting:
July 16, 2019
Research Notes**

Item No. 2D
File No. 191794

Researcher: IL Reviewer: TD

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.012.html

Section 125.35 of the Florida Statutes, County authorized to sell real and personal property and to lease real property, The board of county commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine.

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

Florida Statutes Section 125.38 states that the Board of County Commissioners may if satisfied that such property is required for such use and is not needed for county purposes, may convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, as such board may fix, regardless of the actual value of such property. The fact of such application being made, the purpose for which such property is to be used, and the price or rent therefor shall be set out in a resolution duly adopted by such board. In case of a lease, the term of such lease shall be recited in the resolution. No advertisement shall be required.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.38&URL=0100-0199/0125/Sections/0125.38.html

Resolution No. R-650-07, adopted May 3, 2007, authorizes the Mayor to advertise a request for proposals relating to the availability of designated investment area parcels at both Miami International Airport and Kendall-Tamiami Executive Airport for Development of such parcels under terms to be negotiated between the County and the proposers offering the greater financial return to the Airport System.

<http://www.miamidade.gov/govaction/matter.asp?matter=071399&file=true&fileAnalysis=false&yearFolder=Y2007>

Resolution No. R-333-15, adopted April 21, 2015, established the County policy requiring disclosure of the market value of market rental in legislative items authorizing the conveyance or lease of County-owned property to promote disclosure and fiscal responsibility.

<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

Resolution No. R-380-17, adopted April 4, 2017, requires that the County Mayor or County Mayor's designee provide written notification to District Commissioners in which County-owned property lies no less than four weeks prior to (1) any issuance of a request for proposal or expression of interest regarding the sale, lease, or development of such property or (2) placing any item on the agenda of the Board or any committee of the Board requesting the approval, sale, lease, or surplus of County-owned property.

<http://intra/gia/matter.asp?matter=170414&file=true&yearFolder=Y2017>

Resolution No. R-461-13, adopted June 4, 2013, establishes County policy to require inclusion of a reverter or lease termination provision in conveyance documents when conveying County-owned property by sale or lease under Florida Statute section 125.38.

<http://intra/gia/matter.asp?matter=130909&file=true&yearFolder=Y2013>

**TAPS Committee Meeting:
July 16, 2019
Research Notes**

Item No. 2D

File No. 191794

Researcher: IL Reviewer: TD

Resolution No. R-791-14, adopted September 3, 2014, directing the Mayor or the Mayor's designee to provide the Miami-Dade County Property Appraiser a copy of all leases and operating agreements involving County-Owned property.

<http://www.miamidade.gov/govaction/matter.asp?matter=141723&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-256-13, adopted April 2, 2013, establishing County policy with respect to conveyances to not for profit corporations under Florida Statute Section 125.38, 1) to lease, rather than convey property, unless other compelling circumstances justify the conveyance of same, and 2) to include lease terms requiring a rental payment in lieu of paying taxes in the event that tax exempt status is achieved by the not-for-profit corporation, unless a hardship or other substantial reason exists for foregoing such payment.

<http://intra/gia/matter.asp?matter=130443&file=true&yearFolder=Y2013>

Administrative Order (A.O.) No 8-4 sets forth the County's processes and procedures for the sale, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification if applicable. Should a recommendation not be received from the Planning Advisory Board within the time period provided within this administrative order, the Planning Department Director will provide a recommendation on the proposal.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

**TAPS Committee Meeting:
July 16, 2019
Research Notes**

**Item No. 3B
File No. 191637**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING CONTRACT WEST CARGO FUEL TENDER FACILITY RELOCATION PROJECT AT MIAMI INTERNATIONAL AIRPORT, MDAD PROJECT NO. P256E, BETWEEN MIAMI-DADE COUNTY AND CHEROKEE ENTERPRISES, INC. IN THE AMOUNT OF \$18,569,192.38 AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, AND TO EXERCISE THE PROVISIONS THEREOF INCLUDING TERMINATION PROVISIONS

ISSUE/REQUESTED ACTION

Whether the Board should approve a contract award to Cherokee Enterprises, Inc., to relocate fuel tender facility at Miami International Airport Project No. P256E, in the amount of \$18,569,192.38 for the Miami-Dade Aviation Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Miami-Dade Aviation Department (MDAD)

There is no procedural history on this item.

ANALYSIS

The purpose of this item is to award a contract to Cherokee Enterprises, Inc., to provide all permits, labor, tools, materials, equipment and incidentals, to relocate the existing West Cargo Fuel Tender facility to accommodate the extension of the Taxiway R to accommodate larger aircraft. The new facility to be built will consist of nine bay canopied fuel facility that be used to load jet fuel into aircraft re-fueler trucks and to offload and dispense diesel.

The fiscal impact to the County is \$19,849,203 for a total contract period of 273 calendar-days. Additionally, there is an annualized operational cost between \$350,000 and \$400,000 and an annualized maintenance cost between \$50,000 and \$75,000.

Project P256 was advertised on February 19, 2019 under full and open competition. On April 10, 2019, MDAD received and opened two responsive bids which were forwarded to the Internal Services Department (ISD), Division of Small Business Development (SBD) for compliance review. On May 13, 2019 issued a compliance satisfaction for both vendors. TY Lin International (TY) is MDAD's engineer of record and was charged with evaluating the bid information on May 14, 2019. TY noted that Cherokee Enterprise, Inc. whose base bid is approximately 6.4 percent below the engineer's base estimate. A procedural issue arose in this procurement the bid documents submitted by the bidder contained a Buy American Certificate requiring bidders to list parts not made in America and if not using foreign made parts the bidder was instructed to write in the language "No Exceptions". Cherokee Enterprises, Inc. did not list part not American made nor did they write no exceptions on the Buy American Certificate. The County Attorney's office (CAO) was contacted to opine on this matter and the CAO advised that the absence of listing foreign parts implied that Cherokee Enterprise, Inc., will deliver American made parts. The legal opinion was attached to the item.

OCA conducted a review of the Capital Improvement Information System (CIIS) pursuant to R-421-16, on July 10, 2019 for Cherokee Enterprises, Inc., the firm has had 124 evaluations with an average evaluation of 3.3 out of 4.0.

Project No. P256E was assigned Small Business Enterprise (SBE) goals in the following manner: SBE-CON 14%, SBE G/S .6% and a Community Workforce Program goal of 10%, this project did not have an SBE A/E goal as it is a

**TAPS Committee Meeting:
July 16, 2019
Research Notes**

**Item No. 3B
File No. 191637**

Researcher: IL Reviewer: TD

construction project. The following firms will complete comply with the SBE goals for this contract as sub-contractors of Cherokee Enterprises, Inc.: Homestead Concrete & Drainage, Inc., will perform 2.50% and Ruben Electric Technology, Inc. will perform 11.50%. A & B Pipe and Supply, Inc. Global Distribution Industries to comply with .60% of the SBE G&S goal.

OCA performed a search for commodity codes 65800 (Pipe and Tubing); 65900 (Pipe and Tubing Fittings); 237310 (Highway, Street, and Bridge Construction); 238910 (Site Preparation Contractors); 238190 (Awning Installation); 236220 (Commercial and Institutional Building Construction); 238110 (Poured Concrete Foundation and Structure Contractors) and 237120 (Oil and Gas Pipeline and related Structures Construction) on the Business Management Workforce System's Certified Vendor Directory on July 10, 2019. Codes 65800 and 65900 yielded 14 SBE-Firms and codes 236220, 237120, 237310, 238110, 238190, and 238910 yielded 442 SBE-Firms.

OCA conducted a comprehensive review on the sites below on July 10, 2019.

Firm Name	Local/Not Local	Tax Collector	Sunbiz	West Law	Florida Department of Business & Professional Regulation	Bid Amount
Cherokee Enterprises, Inc.	Local	Multiple Accounts	Principal Address: 14474 Commerce Way, Miami Lakes, FL 33016 Active as of 1999	None	Licenses: Underground Utility and Excavation Contractor; Certified Building Contractor; and Certified Pollutant Storage System and Geological License. In good standing	\$18,569,192.38
Gonzalez & Sons Equipment, Inc.	Local	Multiple Accounts	Principal Address: 14450 NW 102 nd Avenue, Hialeah, FL 33018. Active as of 1990	None		\$19,118,266.58

**TAPS Committee Meeting:
July 16, 2019
Research Notes**

Item No. 3B
File No. 191637

Researcher: IL Reviewer: TD

MDAD has provided Form 300 OSHA logs of work-related injuries and illness pursuant to Resolution No. R-1181-18.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code of Miami-Dade County (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 \$250,000.00; (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 Implementing Order (I.O.) and approved by the Board.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

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

Resolution No. R-716-12, adopted September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

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

Resolution No. R-395-12, adopted May 1, 2012, Requires vendors added to open pool contracts to be subject to bi-annual ratification by the Board of County Commissioners.

<http://www.miamidade.gov/govaction/matter.asp?matter=120561&file=true&yearFolder=Y2012>

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

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

Resolution No. R-140-15, adopted February 3, 2015, authorizes replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the county.

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=182536&file=true&fileAnalysis=false&yearFolder=Y2018>

Implementing Order No. 8-8, set forth on December 14, 2007, established it to be the policy of Miami-Dade County 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>

Implementing Order No. 3-38 sets forth on March 18, 2016, 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 (ISD); the methods

**TAPS Committee Meeting:
July 16, 2019
Research Notes**

Item No. 3B

File No. 191637

Researcher: IL Reviewer: TD

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>

**TAPS Meeting: July 16, 2019
Research Notes**

Item No. 3C
File No. 191639

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND T.Y. LIN INTERNATIONAL FOR STORMWATER POLLUTION PREVENTION PLAN, CONTRACT NO. E17-MDAD-05, IN AN AMOUNT NOT TO EXCEED \$1,102,750.00 FOR A TERM OF SIX YEARS WITH TWO ONE YEAR OPTIONS TO EXTEND; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE EXTENSION AND TERMINATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreement (PSA), *Contract No. E17-MDAD-05*, with T.Y. Lin International for a Stormwater Pollution Prevention Plan in an amount of up to \$1,102,750 for a term of six years plus two, one-year options to extend for the Aviation Department.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Aviation

This item has no procedural history.

ANALYSIS

The purpose of this item is for the Aviation Department (MDAD) to establish a Stormwater Pollution Prevention Plan PSA with T.Y. Lin International. The value of the PSA is \$1,102,750 (i.e., base estimate of \$1,000,000, Inspector General Fee of \$2,750 and a contingency allowance of \$100,000) for a term of six years plus two, one-year options to extend. The project location encompasses Miami International Airport, Miami Opa-Locka Executive Airport, Miami Executive Airport, Miami Homestead General Aviation Airport and Dade-Collier Training and Transition Airport.

Under the PSA, the architect/engineer shall perform services associated with the industrial and construction stormwater discharges from MDAD facilities to the South Florida Water Management District and County canals. The scope of services for industrial activities includes the update of the Stormwater Pollution Prevention Plans, annual inspections to MDAD tenants participating in the program to ensure permit compliance, incorporate new tenants to the Stormwater Pollution Prevention Plan report, eliminate tenants no longer in business with MDAD and conduct inspections/audits to facilities to identify best management practices. For construction activities, the services will include the update of the Stormwater Pollution Prevention Plan Guidance Document for Projects Currently Under Design.

The PSA sets a phased approach to service delivery as follows:

- Phases 1A and B – Program Verification and Preparation of Schematic Design Documents;
- Phase 2 – Design Development;
- Phases 3A, B and C – Contract Documents;
- Phase 4 – Bidding and Award of Contract; and
- Phase 5 – Work Related Services

**TAPS Meeting: July 16, 2019
Research Notes**

**Item No. 3C
File No. 191639**

Researcher: PGE Reviewer: TD

The Notice to Professional Consultants was issued on November 20, 2017. Seven proposals were received on December 20, 2017. T.Y. Lin International, the recommended awardee, was the top-ranked firm. The PSA includes a 10 percent A/E goal and 0.75 percent G/S goal.

T.Y. Lin International is an active foreign for-profit corporation, per a July 15, 2019 search on Sunbiz.org, the official State of Florida, Division of Corporations website. The firm's principal address is 345 California Street, Suite 2300, San Francisco, California. Based on information found on the website of the Florida Department of Business and Professional Regulation on July 15, 2019, the firm's principal, Mariano Valle, is a licensed professional engineer.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System on July 15, 2019, finding that T.Y. Lin International has a total evaluation count of 6 with an average evaluation rating of a 4.0 out of a maximum score of 4.0.

ADDITIONAL INFORMATION

A deceased man's family is suing T.Y. Lin International Great Lakes Inc. and T.Y. Lin International for alleged negligence and for allegedly taking insufficient measures to prevent injuries. Edyta Tucharski, independent administrator of the estate of Konrad Tucharski, filed a complaint on August 8, 2017 in Cook County Circuit Court, alleging Tucharski sustained a serious skull injury when his head collided with a concrete sewer pipe due to the force of a sewer trench caving in on top of him after the defendants failed to warn their workers about not working outside of the protection of the trench shield, a device that protects workers from debris in case a trench caves in. The plaintiff seeks judgment against the defendants in an amount greater than \$50,000.

<https://cookcountyrecord.com/stories/511178843-t-y-lin-international-group-accused-of-negligence-in-fatal-sewer-accident>

APPLICABLE LEGISLATION/POLICY

Section 287.055 of the Florida Statutes sets forth 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 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

TAPS Meeting: July 16, 2019
Research Notes

Item No. 3C
File No. 191639

Researcher: PGE Reviewer: TD

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

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>

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-187-12, adopted by the Board on February 21, 2012, directed the County Mayor to include due diligence information in memoranda recommending certain contract awards.
<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution No. R-421-16, adopted by the Board on 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>

Ordinance No. 14-79, adopted by the Board on 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>

TAPS Meeting: July 16, 2019
Research Notes

Item No. 3D
File No. 191641

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND MILIAN, SWAIN AND ASSOCIATES, INC.; FOR STORMWATER SAMPLING AND MONITORING, CONTRACT NO. E17-MDAD-04 IN AN AMOUNT NOT TO EXCEED \$1,102,750.00 FOR A TERM OF SIX YEARS WITH TWO ONE YEAR OPTIONS TO EXTEND; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE EXTENSION AND TERMINATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreement (PSA), *Contract No. E17-MDAD-04*, with Milian, Swain and Associates, Inc. for a Stormwater Pollution Prevention Plan in an amount of up to \$1,102,750 for a term of six years plus two, one-year options to extend for the Aviation Department.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Aviation

This item has no procedural history.

ANALYSIS

The purpose of this item is for the Aviation Department (MDAD) to establish a Stormwater Sampling and Monitoring PSA with Milian, Swain and Associates, Inc. The value of the PSA is \$1,102,750 (i.e., base estimate of \$1,000,000, Inspector General Fee of \$2,750 and a contingency allowance of \$100,000) for a term of six years plus two, one-year options to extend. The project location encompasses Miami International Airport, Miami Opa-Locka Executive Airport, Miami Executive Airport, Miami Homestead General Aviation Airport and Dade-Collier Training and Transition Airport.

Under the PSA, the architect/engineer shall provide sampling and monitoring services for the stormwater system to fulfill the sampling and reporting requirements mandated by Florida Department of Environmental Protection, South Florida Water Management District (SFWMD) and the Regulatory and Economic Resources Department. The modification of the existing SFWMD permit is included the scope of services. Sampling services include sampling events such as monthly background, primary storm events in the wet and dry seasons and investigative work. Reporting services include conducting data analysis, laboratory coordination, preparing SFWMD annual report and any supportive tasks ancillary to the primary scope of services. The testing laboratory services will be provided by the County.

The PSA sets a phased approach to service delivery as follows:

- Phases 1A and B – Program Verification and Preparation of Schematic Design Documents;
- Phase 2 – Design Development;
- Phases 3A, B and C – Contract Documents;
- Phase 4 – Bidding and Award of Contract; and
- Phase 5 – Work Related Services

**TAPS Meeting: July 16, 2019
Research Notes**

**Item No. 3D
File No. 191641**

Researcher: PGE Reviewer: TD

The Notice to Professional Consultants was issued on November 20, 2017. Three proposals were received on December 20, 2017. Milian, Swain and Associates, Inc., the recommended awardee, was the top-ranked firm. The PSA includes a 10 percent A/E goal and 0.75 percent G/S goal.

Milian, Swain and Associates, Inc. is an active Florida for-profit corporation, per a July 15, 2019 search on Sunbiz.org, the official State of Florida, Division of Corporations website. The firm's principal address is 2025 SW 32 Avenue, Miami, Florida. Based on information found on the website of the Florida Department of Business and Professional Regulation on July 15, 2019, the firm's principal, Arsenio Milian, is a licensed professional engineer.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System on July 15, 2019, finding that Milian, Swain and Associates, Inc. has a total evaluation count of 33 with an average evaluation rating of a 3.6 out of a maximum score of 4.0.

APPLICABLE LEGISLATION/POLICY

Section 287.055 of the Florida Statutes sets forth 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 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

TAPS Meeting: July 16, 2019
Research Notes

Item No. 3D
File No. 191641

Researcher: PGE Reviewer: TD

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](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

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>

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-187-12, adopted by the Board on February 21, 2012, directed the County Mayor to include due diligence information in memoranda recommending certain contract awards.

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

Resolution No. R-421-16, adopted by the Board on 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>

Ordinance No. 14-79, adopted by the Board on 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>

TAPS Committee Meeting: July 16, 2019
Research Notes

Item No. 3E

File No. 191644

Researcher: MF Reviewer: TD

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND TETRA TECH, INC; FOR UTILITIES MASTER PLAN (WATER) FOR THE MIAMI-DADE AVIATION DEPARTMENT, CONTRACT NO. E17-MDAD-03 IN AN AMOUNT NOT TO EXCEED \$2,205,500 FOR A TERM OF SIX YEARS WITH TWO ONE YEAR OPTIONS TO EXTEND; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE EXTENSION AND TERMINATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a professional services agreement totaling \$2,205,000 for Utilities Master Plan (Water) for the Miami-Dade Aviation Department.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Miami-Dade Aviation Department (MDAD)

There is no procedural history for this item.

ANALYSIS

The purpose of this item is for the Board to authorize a professional services contract between the County and Tetra Tech, Inc. for Utilities Master Plan (water) for MDAD. According to the mayor's memo, Tetra Tech, Inc. will provide professional engineering services to collect and review as-built data, field verify as-built conditions, update the utility atlas, update existing modeling scenarios, reestablish future modeling scenarios, update the master plan, review and update MDAD design guidelines, and assist MDAD with environmental and permitting issues. The Utilities Master Plan work will encompass Miami International Airport, Opa-Locka Executive Airport, Miami Executive Airport, Miami Homestead General Aviation Airport, and Dade-Collier Training and Transition Airport.

The fiscal impact to the County is \$2,205,500, and the contract will have a term of six years and two one-year options to extend.

The County submitted a Request to Advertise (RTA) on October 10, 2017 and received two proposals. Subsequently, the Competitive Selection Committee evaluated the proposals and recommended Tetra Tech, Inc. and SRS Engineering, Inc. for negotiations; those negotiations concluded with Tetra Tech, Inc. being selected as the top-ranked firm on March 5, 2019. Per the mayor's memo, the selected firm has a minimum of five years of cumulative project experience, in developing and maintaining water master plans and associated computer modeling in facilities of similar size and complexity as MIA. The contract requires a 10% allocation for SBE A&E and 0.75% allocation for SBE G&S.

OCA reviewed the Capital Improvements Information System (CIIS) on July 12, 2019 and found seven contracts were previously awarded to Tetra Tech, Inc. totaling \$9,500,000. The CIIS system shows seven evaluations for the firm with an average rating of 4.0 out of 4.0. According to CIIS, Tetra Tech, Inc. is licensed for multiple services, including the following:

- Transportation Planning-Aviation and Airport Master Planning
- Highway Systems – Site Development and Parking Lot Design

TAPS Committee Meeting: July 16, 2019
Research Notes

Item No. 3E

File No. 191644

Researcher: MF Reviewer: TD

- Highway Systems – Major Highway Design
- Highway Systems – Bridge Design
- Port and Waterway Systems – Engineering Design

The table below summarizes OCA's due diligence review of Tetra Tech, Inc. on July 12, 2019.

Sunbiz.org	Tax Collector	Westlaw
Active; Established in 1988	Paid https://miamidade.county-taxes.com/public/tangible/parcels/40-253855/bills/1713095	No open cases

OCA performed a search for commodity codes 4.01 (Aviation Systems-Engineering Design); 6.01 (Water and Sewer Systems-Water Distribution and Sanitary Sewage Collection and Transmission); and 15.01 (Surveying and Mapping-Land Surveying) on the Business Management Workforce System on July 12, 2019. There were 81 local firms with at least one of the required technical certifications listed.

ADDITIONAL INFORMATION

OCA performed an Internet search pertaining to Tetra Tech, Inc. on July 12, 2019. According to the firm's website, Tetra Tech, Inc. has been ranked #1 in water expertise on the list of "Top 500 Design Firms" by the 2019 publication Engineering News-Record for the 16th year in a row. The firm has also won awards such as the Climate Change Business Journal Business Achievement Award for Consulting & Engineering Practice (2019) and the City of Houston Office of Business Opportunity Goods and Services Prime Contractor of the Year Award (2019).

<https://www.tetratech.com/en/articles/tetra-tech-is-no1-in-water-for-16-years>

APPLICABLE LEGISLATION/POLICY

Section 2-10.4 of the County Code sets forth the acquisition of professional architectural, engineering, landscape or land surveying mapping services.

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

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>

Ordinance 14-79, adopted September 23, 2014, sets forth the requirement 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.

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

TAPS Committee Meeting: July 16, 2019
Research Notes

Item No. 3F
File No. 191661

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND ROSS & BARUZZINI, INC.; FOR BAGGAGE HANDLING SYSTEMS SERVICES, CONTRACT NO. E16-MDAD-02C IN AN AMOUNT NOT TO EXCEED \$3,308,250.00 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 [SEE AGENDA ITEM NOS. 3G AND 3H]

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreement (PSA) between the County and Ross & Baruzzini, Inc. for baggage handling systems services for the Aviation Department in an amount not to exceed \$3,308,250 for a term of five years.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Aviation Department

The item has no procedural history.

ANALYSIS

The purpose of the PSA with Ross & Baruzzini is for the Aviation Department to acquire architectural and engineering professional services for design and evaluation of new and existing baggage handling systems at Miami International Airport (MIA)'s South, Central, and North Terminals. The scope of design and evaluation services includes evaluation of the replacement, repair, expansions, interconnections, and modifications of existing equipment, utilities, programming, and connections to existing systems. The contract value is \$3,308,250 for a five-year term. This is one of three identical award recommendations for the provision of the same services. The other awards, which are also on the TAPS agenda, are to Vic Thompson Company and JSM & Associates, LLC.

The total contract amount for the five-year term of \$3,308,250 consists of a base estimate of \$3,000,000, a contingency allowance of \$300,000 and \$8,250 in Inspector General fees. The Fiscal Year (FY) 2018-19 Adopted Budget and Multi-Year Capital Plan (Plan) applicable Project numbers are 2000000068 and 2000000095. The Plan describes Project # 2000000068 (MIA Reserve Maintenance Projects) as *various unusual and extraordinary projects, including, but not limited to maintenance, repairs, renewals, and/or replacement; replace IT equipment; fund miscellaneous environmental projects, paving rehabilitation, elevator modernization, Concourse H restroom renovations, roofing repairs, switch gear replacement at Concourse G, and fire main replacement at buildings 890, 891, and 896*. The funding sources are FDOT funds, Federal Aviation Administration, and Reserve Maintenance Fund. Total expenditures for this project are \$435,157,000.

The Plan describes Project #2000000095 (MIA South Terminal Improvements) as to *enhance MIA's south terminal baggage handling system; replace roof in Concourse H; renovate Concourse H to include conversion of gates H12, H14, and H15 from domestic only gates to international capable arrival gates; and modify gate H15 to accommodate A-380 aircraft to sustain airport growth and flexibility*. The funding sources are Aviation 2016 Commercial Paper, FDOT funds, Federal Aviation Administration, Future Financing, and Transportation Security Administration funds. Total expenditures for this project are \$406,424,000.

TAPS Committee Meeting: July 16, 2019
Research Notes

Item No. 3F

File No. 191661

Researcher: JFP Reviewer: TD

The Aviation Department prefers that the Prime consultants have a cumulative five years of experience within the last 20 years designing and modifying baggage systems at large hub United States airports or airports with similar baggage handling systems as those existing at MIA. The PSA includes a 20 percent (\$660,000) DBE-A/E goal. The DBE subconsultants are Gartek Engineering Corporation (10 percent - \$330,000), Jordim Engineering, LLC (2.5 percent - \$82,500), Digital Building Services, LLC (2.5 percent - \$82,500), and Grindstone Group, LLC (5 percent - \$165,000).

Four proposals were received in response to the solicitation. The respondents were Ross & Baruzzini, Inc., JSM & Associates, LLC, BNP Associates, Inc., and Vic Thompson Company. BNP Associates, Inc. and its team were eliminated from further consideration for the solicitation due to their non-compliance with the DBE Program provisions. Following the competitive selection process, Ross & Baruzzini was ranked third. Given that revisions to the Request to Advertise increased the amount of the project and amended the number of Agreements from two to three, Ross & Baruzzini is being recommended for award.

According to a July 15, 2019 search on sunbiz.org, the official State of Florida Division of Corporations website, Ross & Baruzzini is a foreign for-profit corporation with a principal address of 6 South Old Orchard, St. Louis, Missouri. The firm has a local address of 7200 NW 19 Street, Suite 305, confirmed by OCA on the Tax Collector's database. The company holds an Architect Business and Certificate of Authorization license types per information found on July 15, 2019 on the website of the Florida Department of Business & Professional Regulation.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System on July 15, 2019, finding that Ross & Baruzzini has six evaluations with an average evaluation rating of 3.4 out of a possible 4.0.

Ross & Baruzzini, Inc. has been awarded two Equitable Distribution Program agreements with the County in the past three years with a total value of \$400,000. At the July 10, 2019 BCC meeting, the Board approved a PSA between the County and Ross & Baruzzini, Inc. for general special systems engineering services for the Aviation Department in an amount not to exceed \$2,205,500 for a term of five years.

APPLICABLE LEGISLATION/POLICY

Section 287.055 of the Florida Statutes sets forth 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

TAPS Committee Meeting: July 16, 2019
Research Notes

Item No. 3F
File No. 191661

Researcher: JFP Reviewer: TD

Section 2-8.1 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](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](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

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>

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 sets forth the Sustainable Buildings Program, requiring the County 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>

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-421-16, adopted May 17, 2016, requires the County Mayor or the County Mayor's designee 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>

TAPS Committee Meeting: July 16, 2019
Research Notes

Item No. 3F

File No. 191661

Researcher: JFP Reviewer: TD

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>

TAPS Committee Meeting: July 16, 2019
Research Notes

Item No. 3G

File No. 191663

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND VIC THOMPSON COMPANY; FOR BAGGAGE HANDLING SYSTEMS SERVICES, CONTRACT NO. E16-MDAD-02B IN AN AMOUNT NOT TO EXCEED \$3,308,250.00 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 [SEE AGENDA ITEM NOS. 3F AND 3H]

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreement (PSA) between the County and Vic Thompson Company for baggage handling systems services for the Aviation Department in an amount not to exceed \$3,308,250 for a term of five years.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Aviation Department

The item has no procedural history.

ANALYSIS

The purpose of the PSA with Vic Thompson Company is for the Aviation Department to acquire architectural and engineering professional services for design and evaluation of new and existing baggage handling systems at Miami International Airport (MIA)'s South, Central, and North Terminals. The scope of design and evaluation services includes evaluation of the replacement, repair, expansions, interconnections, and modifications of existing equipment, utilities, programming, and connections to existing systems. The contract value is \$3,308,250 for a five-year term. This is one of three identical award recommendations for the provision of the same services. The other awards, which are also on the TAPS agenda, are to Ross & Baruzzini, Inc. and JSM & Associates, LLC.

The total contract amount for the five-year term of \$3,308,250 consists of a base estimate of \$3,000,000, a 10 percent contingency allowance of \$300,000 and \$8,250 in Inspector General fees. The Fiscal Year (FY) 2018-19 Adopted Budget and Multi-Year Capital Plan (Plan) applicable Project numbers are 2000000068 and 2000000095. The Plan describes Project # 2000000068 (MIA Reserve Maintenance Projects) as *various unusual and extraordinary projects, including, but not limited to maintenance, repairs, renewals, and/or replacement; replace IT equipment; fund miscellaneous environmental projects, paving rehabilitation, elevator modernization, Concourse H restroom renovations, roofing repairs, switch gear replacement at Concourse G, and fire main replacement at buildings 890, 891, and 896*. The funding sources are FDOT funds, Federal Aviation Administration, and Reserve Maintenance Fund. Total expenditures for this project are \$435,157,000.

The Plan describes Project #2000000095 (MIA South Terminal Improvements) as to *enhance MIA's south terminal baggage handling system; replace roof in Concourse H; renovate Concourse H to include conversion of gates H12, H14, and H15 from domestic only gates to international capable arrival gates; and modify gate H15 to accommodate A-380 aircraft to sustain airport growth and flexibility*. The funding sources are Aviation 2016 Commercial Paper, FDOT funds, Federal Aviation Administration, Future Financing, and Transportation Security Administration funds. Total expenditures for this project are \$406,424,000.

TAPS Committee Meeting: July 16, 2019
Research Notes

Item No. 3G

File No. 191663

Researcher: JFP Reviewer: TD

The Aviation Department prefers that the Prime consultants have a cumulative five years of experience within the last 20 years designing and modifying baggage systems at large hub United States airports or airports with similar baggage handling systems as those existing at MIA. The PSA includes a 20 percent (\$660,000) DBE-A/E goal, which was achieved by Vic Thompson Company at 40 percent at the time of award. Other subconsultants are Graef-USA, Inc., Gartek Engineering Corporation, Mobio Architecture, Inc., and Digital Building Services, LLC.

Four proposals were received in response to the solicitation. The respondents were Ross & Baruzzini, Inc., JSM & Associates, LLC, BNP Associates, Inc., and Vic Thompson Company. BNP Associates, Inc. and its team were eliminated from further consideration for the solicitation due to their non-compliance with the DBE Program provisions. Following the competitive selection process, Vic Thompson Company was ranked second.

According to a July 15, 2019 search on sunbiz.org, the official State of Florida Division of Corporations website, Vic Thompson Company is a foreign for-profit corporation with a principal address of 3751 New York Ave., Ste. 140, Arlington, TX. The firm does not have a local address. The company holds a Certificate of Authorization license type per information found on July 15, 2019 on the website of the Florida Department of Business & Professional Regulation.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System on July 15, 2019, finding that Vic Thompson Company does not have any evaluations as the firm has not been awarded any County contracts.

APPLICABLE LEGISLATION/POLICY

Section 287.055 of the Florida Statutes sets forth 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 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

TAPS Committee Meeting: July 16, 2019
Research Notes

Item No. 3G
File No. 191663

Researcher: JFP Reviewer: TD

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

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>

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

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<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>

TAPS Committee Meeting: July 16, 2019
Research Notes

Item No. 3H
File No. 191664

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND JSM & ASSOCIATES, LLC; FOR BAGGAGE HANDLING SYSTEMS SERVICES, CONTRACT NO. E16-MDAD-02A IN AN AMOUNT NOT TO EXCEED \$3,308,250.00 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 [SEE AGENDA ITEM NOS. 3F AND 3G]

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreement (PSA) between the County and JSM & Associates, LLC for baggage handling systems services for the Aviation Department in an amount not to exceed \$3,308,250 for a term of five years.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Aviation Department

The item has no procedural history.

ANALYSIS

The purpose of the PSA with JSM & Associates, LLC is for the Aviation Department to acquire architectural and engineering professional services for design and evaluation of new and existing baggage handling systems at Miami International Airport (MIA)'s South, Central, and North Terminals. The scope of design and evaluation services includes evaluation of the replacement, repair, expansions, interconnections, and modifications of existing equipment, utilities, programming, and connections to existing systems. The contract value is \$3,308,250 for a five-year term. This is one of three identical award recommendations for the provision of the same services. The other awards, which are also on the TAPS agenda, are to Ross & Baruzzini, Inc. and Vic Thompson Company.

The total contract amount for the five-year term of \$3,308,250 consists of a base estimate of \$3,000,000, a 10 percent contingency allowance of \$300,000 and \$8,250 in Inspector General fees. The Fiscal Year (FY) 2018-19 Adopted Budget and Multi-Year Capital Plan (Plan) applicable Project numbers are 2000000068 and 2000000095. The Plan describes Project # 2000000068 (MIA Reserve Maintenance Projects) as *various unusual and extraordinary projects, including, but not limited to maintenance, repairs, renewals, and/or replacement; replace IT equipment; fund miscellaneous environmental projects, paving rehabilitation, elevator modernization, Concourse H restroom renovations, roofing repairs, switch gear replacement at Concourse G, and fire main replacement at buildings 890, 891, and 896*. The funding sources are FDOT funds, Federal Aviation Administration, and Reserve Maintenance Fund. Total expenditures for this project are \$435,157,000.

The Plan describes Project #2000000095 (MIA South Terminal Improvements) as to *enhance MIA's south terminal baggage handling system; replace roof in Concourse H; renovate Concourse H to include conversion of gates H12, H14, and H15 from domestic only gates to international capable arrival gates; and modify gate H15 to accommodate A-380 aircraft to sustain airport growth and flexibility*. The funding sources are Aviation 2016 Commercial Paper, FDOT funds, Federal Aviation Administration, Future Financing, and Transportation Security Administration funds. Total expenditures for this project are \$406,424,000.

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The Aviation Department prefers that the Prime consultants have a cumulative five years of experience within the last 20 years designing and modifying baggage systems at large hub United States airports or airports with similar baggage handling systems as those existing at MIA. The PSA includes a 20 percent (\$660,000) DBE-A/E goal. The DBE subconsultants are Gurri-Matute PA (5 percent - \$165,000), SDM Consulting Engineers, Inc. (7.5 percent - \$247,500), and Louis J. Aguirre & Associates, PA (7.5 percent - \$247,500). Other subconsultants are Mobio Architecture, Inc., Avcon, Inc., Jordim Engineering, LLC, Digital Building Services, LLC, and Montgomery Consulting Group, Inc.

Four proposals were received in response to the solicitation. The respondents were Ross & Baruzzini, Inc., JSM & Associates, LLC, BNP Associates, Inc., and Vic Thompson Company. BNP Associates, Inc. and its team were eliminated from further consideration for the solicitation due to their non-compliance with the DBE Program provisions. Following the competitive selection process, JSM & Associates was ranked first.

According to a July 15, 2019 search on sunbiz.org, the official State of Florida Division of Corporations website, JSM & Associates LLC is a Florida Limited Liability Company with a principal address of 730 E 5th Avenue, Mount Dora, FL. The firm has a local address—9550 NW 12th Street, Suite 15, Doral, FL—which OCA verified on the Tax Collector's database. The firm holds a Certificate of Authorization license type per information found on July 15, 2019 on the website of the Florida Department of Business & Professional Regulation.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System on July 15, 2019, finding that JSM & Associates, LLC has one evaluation with a rating of 3.8 out of a possible 4.0.

APPLICABLE LEGISLATION/POLICY

Section 287.055 of the Florida Statutes sets forth 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.

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

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TAPS Committee Meeting: July 16, 2019
Research Notes

Item No. 3H
File No. 191664

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Section 2-8.1 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](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.

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