



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

Infrastructure and Capital Improvements (ICI)
Committee Meeting

September 10, 2019
2:00 P.M.
Commission Chambers

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**ICI Committee Meeting:
Sept. 10, 2019
Research Notes**

**Item No. 3A
File No. 192007**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01102 IN A TOTAL AMOUNT UP TO \$4,152,000.00 FOR THE PURCHASE OF CHEMICAL FEED AND DISINFECTION SYSTEMS, PARTS AND ACCESSORIES FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should authorize the establishment of Prequalification Pool No. RTQ-01102, for the purchase of chemical feed and disinfection systems, parts and accessories, in the amount up to \$4,152,000 for a term of five years for the Miami-Dade Water and Sewer Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

There is no procedural history on this item.

ANALYSIS

The proposed resolution is requesting Board authorization to establish a prequalification pool in the amount of \$4,152,000 for a five-year term, for the purchase of a chemical feed and disinfection systems, parts and accessories for the Miami-Dade Water and Sewer department. This replacement pool will allow the prequalified vendors to provide the chemical feed system essential to the County's untreated water supply. This type of chemical feed is vital to protecting the county's drinking water supply.

The fiscal impact to the County is \$4,152,000 for a five-year term; however, the proposed pool costs approximately 27% less, or \$309,600 less per year, than the current pool (RTQ-9042-519-5) valued at \$11,400,000 (inclusive of one-five-year option to renew) for a ten-year and three-month term, expiring March 31, 2020. Of the last \$571,800 allocation for the existing contract there is a balance of \$319,977.40 (\$100,000 for ISD and \$219,977.4 for WASD) as of September 5, 2019.

A Request to Qualify was issued under full and open competition. Seven (7) vendors responded to the solicitation. Five (5) vendors are being recommended for inclusion in the pool, of which four (4) are on the current contract. None of the firms are local vendors. Pursuant to Resolution R-477-18 the establishing of a pre-qualification pool requires that at-least 75% or more of the vendors should be local. The department did note that the pool is open to allow further additions to the pool.

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A search of the recommended firms' history, found the following:

Firm Name	Local/Not Local	Tax Collector	Sunbiz	West Law	DBPR
Azure Water Services, LLC dba Condor Technologies	Not Local	None on file	Active Established in 01/07/2019 Principal Address: 280 Callegari Drive, West Haven, CT 06516	No cases	GC license expires 08/31/2020
MKI Services, Inc.	Not Local	No account on file	Active Established In 11/12/1985 210 University Drive, Suite 500, Coral Springs, FL 33071	No cases	
Tencarva Machinery Company, LLC.	Not Local	No account on file	Active Established In 02/03/2015 Address: 1115 Pleasant Ridge Rd., Greensboro, NC 27409	No cases	None
Trinova, Inc.	Not Local		Active Established In 03/25/2013 Address: 2401 Drane Field Road, Lakeland, FL 33811	No cases	
TSC Jacobs Inc.,	Not Local	No account on file	Active Established in 02/28/2000 Address: 11021 Country Way Blvd, Tampa, FL 33626	No cases	GC license expired 08/31/2018 delinquent status

OCA performed a search for commodity codes 72055 (Proportioning Pumps: Chemical Feed, Metering) on the Business Management Workforce System's Certified Vendor Directory on September 5, 2019. Listed below are the local SBEs identified:

- Corcel Corp., Miami, FL SBE-G&S
- Donerite Pumps, Inc., Opa Locka, FL SBE-G&S
- Ready Components, Inc., Doral, FL SBE-G&S

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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](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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-718-17, adopted July 6, 2017, directs the Mayor to commence planning for re-procurement no later than 18 months PRIOR to the expiration of contracts and Lists of Prequalified Vendors for the purchase of goods and/or services; and directs the Mayor or their designee, on a quarterly basis to identify in writing to the Office of Commission Auditor those contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration.

<http://www.miamidade.gov/govaction/matter.asp?matter=171632&file=true&fileAnalysis=false&yearFolder=Y2017>

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

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

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

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

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Item No. 3E

File No. 192083

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT WITH RENAISSANCE PLANNING GROUP INC. FOR A COUNTY-WIDE MULTIMODAL/MOBILITY IMPACT FEE STUDY PROJECT NO. E17-RER-02 IN AN AMOUNT NOT TO EXCEED \$1,100,000.00 FOR A TERM OF 2 YEARS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT; AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreement (PSA), *Contract No. E17-RER-02*, with Renaissance Planning Group, Inc. for a Countywide Multimodal/Mobility Impact Fee Study in an amount of up to \$1,100,000 for a two-year term with one, one-year option-to-renew.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Regulatory and Economic Resources

The item has no procedural history.

ANALYSIS

The purpose of this item is to approve a PSA with Renaissance Planning Group, Inc. for the development of a study assessing the feasibility and practicality of, and potentially facilitate, the conversion of the existing Roadway Impact Fee program to a Multimodal Mobility Fee program. The study is the result of a directive (No. 152776) from Board Resolution R-54-16 for the Mayor to prepare a report outlining the need for a study to amend the County's Road Impact Fee Program.

The Administration found that a number of County and municipal governments in the State and throughout the nation, including Hillsborough County, FL; Jacksonville, FL; Sarasota County, FL; Orlando, FL; Portland, OR; Seattle, WA; and Boulder, CO, have moved in the direction of establishing mobility fees. While the existing Roadway Impact Fee program is centered on roadway construction, the Multimodal Mobility Fee program would give the County flexibility to spend the revenues on broader multimodal infrastructure that includes transit, bicycle lanes, sidewalks, trails and roadways, therefore recouping costs associated with new development's impact to the entire transportation system (excluding rail, interstates, and toll facilities). Thus, a mobility fee study was competitively solicited.

The value of the PSA is \$1,100,000, including a base estimate of \$1,000,000 and a contingency allowance of \$100,000, to be paid by the Roadway Impact Fee Program. The PSA is for a term of two years, and authorizes one, one-year option-to-renew. The PSA includes a 5 percent SBE-A/E goal.

The scope of tasks in completing the study include:

- Background review and data needs;
- Comparison to other large metropolitan areas;
- Multimodal mobility demand, supply, and cost analysis;
- Convert the existing roadway impact fee to a mobility fee;
- Evaluation of reduced mobility fees based on characteristics of special planning areas;
- Evaluation of multimodal/mobility fee benefit districts;

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- Multimodal/mobility fee study documentation, including three draft status reports summarizing the results of the tasks, as well as a final technical report within 30 days after the receipt of comments from County staff;
- Meetings and presentations, including monthly progress meetings and stakeholder/interest group meetings.

The solicitation was advertised on July 6, 2018. The Mayoral Memorandum is silent as to how many proposals were received (question posed to the department on September 9, 2019). Negotiations with firms concluded on May 8, 2019.

Renaissance Planning Group, Inc. is an active Florida profit corporation, per a September 9, 2019 search on Sunbiz.org, the official State of Florida, Division of Corporations website. The firm's principal address is 121 S. Orange Ave., Suite 1200, Orlando, FL 32801, with a local address of 5757 Blue Lagoon Drive, Suite 330, Miami, FL 33126 (as verified with the Tax Collector's Office). Based on information found on the website of the Florida Department of Business and Professional Regulation on September 9, 2019, the firm holds a Certificate of Authorization license that expires on February 28, 2021.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System (CIIS) on September 9, 2019, finding that Renaissance Planning Group, Inc. has no evaluations. OCA requested a firm history report from the department on September 9, 2019.

ADDITIONAL INFORMATION

Mobility Fee Definition

- A mobility fee is a one-time capital charge levied against new development.
- A mobility fee is designed to cover the portion of the capital costs of infrastructure capacity consumed by new development.
- The principle purpose of a mobility fee is to assist in funding the implementation of projects identified in capital improvement programs for the respective facility/service categories.
- A mobility fee replaces concurrency at site-plan review stage.

Mobility Fee vs. Tax

- A mobility fee is generally regarded as a regulatory function established as a condition for improving property and is not established for the primary purpose of generating revenue, as taxes are.
- Mobility fee expenditures must convey a proportional benefit to the fee payer. This is accomplished through the establishment of benefit districts, where fees collected in a benefit district are spent in the same benefit district.
- A mobility fee must be tied to a proportional need for new infrastructure capacity created by new development.

<https://www.hillsboroughcounty.org/library/hillsborough/media-center/documents/public-works/mobility-fees/mobility-fee-study-final.pdf>

Report Regarding Recommendations for Road Impact Fee Amendments and Transfer of Development Rights Programs to Encourage Transit-Oriented Developments - Directive No. 152776

<http://www.miamidade.gov/mayor/library/memos-and-reports/2017/08/08.02.17-Report-Re-Recommendation-for-Road-Impact-Fee-Amendments-and-Transfer-of-Development-Rights-Prog-to-Encourage-Transit-Oriented-Developments-Directive-No-152776.pdf>

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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 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>

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Resolution No. R-54-16 adopted January 20, 2016, directs the County Mayor to prepare a report to the Board making recommendations for amending the County's road impact fee program for the purpose of encouraging transit-oriented development in the County's rapid transit zone, urban centers, and other appropriate areas and of funding transit capital improvements to serve those areas, including the use of transferable development rights within those areas, and proposing further legislation to implement recommendations.

<http://intra/gia/matter.asp?matter=152776&file=true&yearFolder=Y2015>

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 (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>

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Item No. 3I
File No. 192114

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER NO. 2 BETWEEN MIAMI-DADE COUNTY AND ARCHER WESTERN CONSTRUCTION, LLC, FOR THE PROJECT ENTITLED TAMiami CANAL BRIDGE REPLACEMENT (PROJECT NO. 20140081, FM #416658-1) EXTENDING THE CONTRACT DURATION BY 279 NON-COMPESABLE CALENDAR DAYS

ISSUE/REQUESTED ACTION

Whether the Board should authorize a change order for an extension of time between the County and Archer Western Construction, LLC for the Tamiami Canal Bridge Replacement project to extend by 279 days.

PROCEDURAL HISTORY

Prime Sponsor: None

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

ANALYSIS

The proposed resolution requests Board approval to execute a change order between the County and Archer Western Construction, LLC for the Tamiami Canal Bridge replacement project and extend the existing contract by 279 days.

There is no new fiscal impact to the County. According to the Capital Improvements Information System, Archer Western Construction, LLC, was awarded \$35,053,422.13 for the existing contract for a total contract period of 730 days. The project is funded via the Building Better Communities General Obligation Bond Road Impact Fees and the Florida Department of Transportation funds. The proposed time extension of 279 days does not involve additional funding.

The contract extension will allow the contractor, Archer Western Construction, LLC, to oversee supervision, labor, required materials, tools, equipment and perform operations necessary for the following:

- Replace the swing bridge that spans the Tamiami Canal along NW South River Drive;
- Relocate the existing historic swing bridge at the C-5 canal, to west of NW 22 Avenue between the Miami Police Benevolent Association Park and Fern Isle Park;
- Provide a pedestrian and bicycle access between the two public facilities in the City of Miami;
- Widen and improve the approach roadways, dredging the Tamiami Canal; and
- Relocate an existing 24-inch water main.

The existing contract has a 73-day contingency time allotment, which has been depleted. The project is located in District 5, represented by Commissioner Eileen Higgins. DTPW provided a schedule of the needed 279-day extension of time and the work to be performed. Below is a summarized schedule of the work to be performed.

Calendar Days	Work to be Performed – Justification
73	Modify the Mechanically Stabilized Earth (MSE) wall to accommodate elevation differences between the bridge, the approaches & existing driveways.
7	Relocate motor disconnects to accommodate bridge alignment equipment.
30	Modify drainage due to multiple unforeseen conflicts found during installation.
14	Change the scope of work on NW 20 th Street from milling and resurfacing to construction to mitigate the existing roadway conditions.

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21	Modifications required to facilitate final field conditions of the bascule span.
60	Detail bridge to accommodate design modifications made to girders and the sidewalk at the transition into the bascule pier
14	Fabrication and installation of plates and brackets to close a gap between the girders and the sidewalk at the transition into the bascule pier.
60	Add pedestrian railing required to address drop-off conditions at various locations.
Total	279 Days

OCA performed due diligence on Archer Western Construction, LLC, on September 5, 2019; below are the findings:

According to CIIS, the company has not performed any prior work for Miami-Dade County. The company's website states the parent company, Walsh Group, was founded in 1898 and is the 13th largest contractor in the United States, operating out of 18 regional offices in North America. Archer Western's regional office is located in Tampa, Florida.
<http://www.walshgroup.com/>

Company	Sunbiz	Tax Collector	Westlaw
Archer Western Construction, LLC <i>Principal Address:</i> 929 West Adams St. Chicago, IL 60607	Active; Established 2010	Paid https://miamidade.county-taxes.com/public/business_tax/accounts/7222910	There is an open wrongful death and negligence case against Archer Western Construction, LLC, filed July 25, 2019 in the 11 th Judicial Circuit Court of Miami-Dade County, FL

ADDITIONAL INFORMATION

As noted in OCA's table of due diligence, Archer Western Construction, LLC, is a defendant in a wrongful death / negligence case involving the estate of the deceased, Osman Aldudin Montalvan. The complaint lists four defendants (including Walsh Co., which is Archer Western's parent company); the plaintiff's estate is seeking damages in excess of \$15,000. According to the complaint. Mr. Montalvan, a 33-year old construction worker originally from Honduras, worked at construction sites for the defendants or supervised by the defendants.

On February 4, 2018, Mr. Montalvan was working on I-95 between north and southbound express lanes, north of the Northwest 62nd Street exit in Miami, Florida. At approximately 3 a.m., Mr. Montalvan and a co-worker were removing drainage pipes in a trench adjacent to and below a concrete highway barrier wall. During the course of this work, the complaint states the soil beneath the barrier wall collapsed causing a 121-foot section of the barrier wall to fall on top of Mr. Montalvan and his co-worker, resulting in both workers to be crushed and killed. The lawsuit alleges that the defendants did not inspect the excavation site for safety issues prior to the accident, and that neither Archer nor Walsh Co. inspected the trench or the barrier wall for any shoring issues prior to the accident. The complaint also alleges that neither Mr. Montalvan nor his co-worker received training for hazards associated with trenching and excavations.

The lawsuit states that as a result of this accident, the Occupational Safety and Health Administration (OSHA) found three serious violations, which led to the accident. As such, OSHA proposed a fine of \$33,259. OSHA cited Archer with the following:

- The employer did not instruct each employee to recognize and avoid unsafe conditions and regulations applicable to the environment to eliminate hazards;

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- Where the stability of adjoining buildings, walls, or other structures was endangered by excavation operations, support systems such as shoring, bracing or underpinning was not provided to ensure stability of the structures;
- An inspection of the excavations, the adjacent areas and protective systems was not conducted by the competent person prior to the start of the work as needed.

DEPARTMENTAL INPUT

OCA requested the following information from DTPW on September 9, 2019.

- Per the mayor's memo, the extension of time for the company is necessary to make modifications to the MSE wall to accommodate elevation differences. Please further clarify the reasons for the elevation differences that were found now and not previously during the due diligence phase of the project.
- Indicate whether the company has notified the County of any OSHA violations in the past 10 years. If so, provide details about the type of violation and the amount fined by OSHA.
- Can the company confirm that this additional proposed extension of time will be the last one for this project or are there anticipated extensions in the future?

APPLICABLE LEGISLATION/POLICY

Resolution No. R-337-11, adopted May 3, 2011, authorizes the execution of a Memorandum of Agreement among Miami-Dade County, the Florida Department of Transportation and the City of Miami and establishes the understanding of the parties relative to the relocation of the existing Tamiami Canal/NW South River Drive Swing Bridge, as part of a permit condition for a future project to construct a new single lead bascule at the present site.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2011/110060min.pdf>

Resolution No. R-29-13, adopted January 23, 2013, approves the execution of a local agency program agreement between Miami-Dade County and the Florida Department of Transportation to provide the County with funding up to \$16,000,000 for the NW South River Drive Bridge over the Tamiami Canal from NW 19 Street to NW 32 Avenue.

<http://www.miamidade.gov/govaction/matter.asp?matter=122315&file=true&fileAnalysis=false&yearFolder=Y2012>

Section 2-8.5 of the Miami-Dade County Code, Local Business and Locally Headquartered Business Preference. Provides procedure to provide preference to local business in country contracts.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO

Code of Federal Regulations 49 C.F.R. 26.13, requires that each financial assistance agreement an entity signs with a Department of Transportation operation administration (or primary recipient) must include the following assurance: the recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE.

<https://www.law.cornell.edu/cfr/text/49/26.13>